

RAYMOND PE LIM, PETITIONER, VS. COURT OF APPEALS, JOANNA ROSE C. PE LIM, MINOR REPRESENTED BY HER NATURAL MOTHER AND GUARDIAN, MARIBEL CRUZ Y TAYAG, RESPONDENTS.

G.R. No. 112229. March 18, 1997

Ponente: ROMERO, J.

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ROMERO, J.:

All too often, immature men who allow their emotions to hold sway over their rational minds come to grief when their passions cool off, but not before inflicting irreparable psychic and spiritual damage on their victims and the fruits of their wanton acts. As they sow the proverbial "wild oats," they are heedless of the dire consequences they heap on their heads. When the inevitable confrontation explodes and they are helpless to extricate themselves from the messy situation arising from their wrongdoing, eventually they invoke the help of the courts as their final arbiter.

Before us is one of those cases where a man woos a maid, succeeds in seducing and impregnating her, only to disclaim the paternity of the child when made to account for his misdeeds.

DNA,[1] being a relatively new science, it has not as yet been accorded official recognition by our courts. Paternity will still have to be resolved by such conventional evidence as the relevant incriminating acts, verbal and written, by the putative father.

This petition for review on certiorari sprang from a complaint filed by Maribel Cruz for child support on behalf of her daughter, private respondent Joanna Rose C. Pe Lim, against petitioner Raymond Pe Lim who, Maribel claims, is Joanna's father.

Maribel's story unfolds, thus:

Maribel was sixteen years old in 1978 and a part-time student. She also worked as a receptionist at Tonight's Club and Resthouse along Roxas Blvd., Manila. She met petitioner during her first night on the job. Petitioner wooed her and Maribel reciprocated his love. They soon lived together, with petitioner paying the rentals in a succession of apartments in Cubao, Quezon City, Tambo, Parañaque and Makati, Metro Manila. Maribel left for Japan in July 1981, already pregnant, and returned to Manila in October of the same year.

The couple never married because petitioner claimed that he was not financially stable. On January 17, 1982, Maribel gave birth to their daughter at the Cardinal Santos Memorial Hospital. The bills for Maribel's three-day confinement at the hospital were paid for by Raymond and he also caused the registration of the name Joanna Rose C. Pe Lim on the child's birth certificate. After Joanna Rose's birth, the love affair between Maribel and petitioner continued.

Towards the latter part of 1983, Maribel noted that petitioner's feelings toward her started to wane. He subsequently abandoned her and Joanna Rose. Maribel tried to support herself by accepting various jobs and with occasional help from relatives, but it was never enough. She asked petitioner for support but, despite promises to do so, it was never given. Maribel then filed a complaint against petitioner before the Regional

Trial Court of Manila for support.

Petitioner, on the other hand, has a different version: He claims that in 1978, he went to Tonight's Club and Resthouse along Roxas Boulevard, Manila to relax after a hard day's work. There he met Maribel, a pretty and aggressive hospitality girl. Raymond observed that while she had a pleasing personality, she seemed to be quite experienced because she started to kiss him on the cheeks and neck, whispering to him that they could go anywhere and rest. Raymond declined to take Maribel up on her offer saying that he only wanted someone to talk to. They became friends after that first meeting, and while he often saw her, there was no intimacy between them. He did admit giving Maribel sizeable tips because she confided in him that she needed money.

Raymond alleged that he was not Maribel's only customer at the club. In 1980, she left for Japan to work as an entertainer. In 1981, she returned to Manila pregnant, and appealed to Raymond for help because she claimed that she could not face her relatives in her condition. Raymond got her an apartment and paid its rentals until she gave birth to a baby girl on January 17, 1982. Raymond admits paying the hospital bills but claims that Maribel was supposed to pay him back for it. When she failed to do so, Raymond stopped seeing her.

Raymond denies being the father of Maribel's child, claiming that they were only friends and nothing more.

The trial court rendered a decision on June 10, 1971, the dispositive portion of which states:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant ordering herein defendant, Raymond Pe Lim to give support to his natural daughter, minor Joanna Rose Pe Lim in the amount of Ten Thousand Pesos (P10,000.00). Philippine Currency, per month for the support, maintenance, education and well-being of said child, the same to be paid on or before the 5th day of each month and monthly thereafter starting June, 1991, until the said minor Joanna Rose Pe Lim, shall have reached the age of majority.

The defendant is further ordered to pay the plaintiff the sum of Seven Thousand Five Hundred (P7,500.00) Pesos, Philippine Currency, for attorney's fees and other litigation expenses.

No costs.

SO ORDERED."

Petitioner then elevated his case to the Court of Appeals which affirmed the trial court's findings.

Petitioner now argues before the Court that there is no clear and convincing evidence on record to show that there was actual cohabitation between him and Maribel. In fact, petitioner infers that Maribel became pregnant only when she went to Japan. In short, he denies that he is the father of Joanna Rose. He further questions the awarded support of P10,000.00 per month, saying that the same is beyond his means, considering that he has a family to support.

We find no merit in this petition.

In *Alberto v. Court of Appeals*,^[2] we said:

"When a putative father manifests openly through words and deeds his recognition of a child, the courts can do no less than confirm said acknowledgment. As the immortal bard Shakespeare perspicaciously said: 'Let your own discretion be your tutor; suit the action to the word, the word to the action.'"

The evidence in the instant case shows that petitioner considered himself to be the father of Joanna Rose as shown by the hand-written letter he wrote to Maribel:

"Hi Love,

I wrote you this letter because I would like to erase from your mind the thought of why I can not ever [sic] you

marriage right now is because I have no longer love or care for both Joanna & you.

Last night when we talked things over, I was in a stage wherein everything was happening so fast that I was running out of time & works (sic) to make you understand me through this letter I would like to explain my side in a more detailed way and I hope you could understand.

You know love, the main root of the problem of why marriage is impossible for us right now is not what my parents or my family circle will say about you, but the financial side of it. Okay, let say I did marry you right now disregarding my financial stability. Sooner or later they will come to know of it and I am sure that they will not consent it. I have no alternative but to leave them & to stick it up with you. This is where the financial side comes in. I can't allow myself walking away from my family making them think that I can stand on my own two feet but the truth of the matter is not and seeing both of you suffer for only one stupid mistake which is I was not yet financially ready to face the consequence.

My plan is that if you could only stick it out with me until I am ready to face whatever consequence that might occur during our life or relation as husband and wife. You have already tried it before, why can't you stress it a little longer. In return, I promise to be a loving & caring husband & father to both of you.

Love, I really don't want you to be taken away from me by anyone, whether he be single or married. This is the reason why I am still trying to convince you. But if you really have decided things up and really determined to push through with it. I guess I just have to respect your decision. Just remember I wish you the best of luck and take extra-care of yourself & Joanna.

Remember, if the time comes when things get rough for you and you have no one to turn to, don't hesitate to call on me. I am very much willing to be at your side to help you. I love you very much! Miso

Love,

Raymond" (Underscoring supplied by Raymond himself)

From the tenor of the letter and the statements petitioner made therein it is clear that, contrary to his vehement assertion that he and Maribel were just friends, they were actually lovers.

In an earlier letter, this time sent to Maribel while she was in Japan, petitioner lovingly told her to take care of herself because of her "situation," obviously referring to the state of pregnancy of Maribel:

"Aug. 11, 1981

Hi Love,

Do you know how glad I was to receive a letter from you yesterday? At least now I'm a little bit at ease to know that everything is fine with you.

Love, in your letter you seem so much concern (sic) about my situation once here. I really appreciate it, but please don't give too much thought about it because I'm physically o.k. here. The important thing is that don't think too much and have a lot of rest during your spare time especially in the situation you're in now. If you are feeling homesick just go out with your friends and try to enjoy yourself to the fullest while you are there

Love, you said in your letter that you regret very much your going there & wishes (sic) that you have not left anymore. I understand your feelings to what had happened after you told me about it in the telephone.

xxx xxx xxx

Love, I miss you so much that I always re-read those letters you had send me very often. At night I always think of you and the times we're together before going to sleep.

xxx xxx xxx" (Underscoring supplied)

It was only after petitioner separated from Maribel that he started to deny paternity of Joanna Rose. Until he got married to another woman, he did not object to being identified as Joanna Rose's father as disclosed in the Certificate of Live Birth. The evidence on record reveals that he even got a copy of the said Certificate when Joanna Rose started schooling, as shown by a receipt in his name from the San Juan Municipal Office. His belated denial cannot outweigh the totality of the cogent evidence which establishes beyond reasonable doubt that petitioner is indeed the father of Joanna Rose.[3]

Under Article 175 of the Family Code, illegitimate filiation may be established in the same way and on the same evidence as legitimate children.

Article 172 of the Family Code states:

"The filiation of legitimate children is established by any of the following:

'(1) The record of birth appearing in the civil register or a final judgment; or

'(2) An admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned.'

"In the absence of the foregoing evidence, the legitimate filiation shall be proved by:

'(1) The open and continuous possession of the status of a legitimate child; or

'(2) Any other means allowed by the Rules of Court and special laws. (265a, 266a, 267a)."

This article adopts the rule in Article 283 of the Civil Code that filiation may be proven by "any evidence or proof that the defendant is his father." [4]

Petitioner has never controverted the evidence on record. His love letters to Maribel vowing to be a good father to Joanna Rose; pictures of himself on various occasions cuddling Joanna Rose and the Certificate of Live Birth say it all. Accordingly, his suit must fail.

WHEREFORE, the petition is DISMISSED and the decision of the Court of Appeals is hereby AFFIRMED. Costs against petitioner.
SO ORDERED.

Regalado, (Chairman), Puno, and Torres, Jr., JJ., concur.

Mendoza, J., no part, took part in decision in the Court of Appeals.

[1] Deoxyribonucleic acid is any of various nucleic acids . . . found in cell nuclei and genes and are associated with the transmissions of genetic information (Webster's Third New International Dictionary).

[2] 232 SCRA 747 (1994)

[3] Alano v. Court of Appeals, 230 SCRA 257 (1994).

[4] Rodriquez v. Court of Appeals, 245 SCRA 151 (1995).

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