

**BENIGNO MANUEL, LIBERATO MANUEL, LORENZO MANUEL,
PLACIDA MANUEL, MADRONA MANUEL, ESPERANZA MANUEL,
AGAPITA MANUEL, BASILISA MANUEL, EMILIA MANUEL AND
NUMERIANA MANUEL, PETITIONE...**

G.R. No. 117246. August 21, 1995

Ponente: VITUG, J.

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VITUG, J.:

The property involved in this petition for review on certiorari is the inheritance left by an illegitimate child who died intestate without any surviving descendant or ascendant.

Petitioners, the legitimate children of spouses Antonio Manuel and Beatriz Guiling, initiated this suit. During his marriage with Beatriz, Antonio had an extra-marital affair with one Ursula Bautista. From this relationship, Juan Manuel was born. Several years passed before Antonio Manuel, his wife Beatriz, and his mistress Ursula finally crossed the bar on, respectively, 06 August 1960, 05 February 1981, and 04 November 1976.

Juan Manuel, the illegitimate son of Antonio, married Esperanza Gamba. In consideration of the marriage, a donation propter nuptias over a parcel of land, with an area of 2,700 square meters, covered by Original Certificate of Title ("OCT") No. P-20594 was executed in favor of Juan Manuel by Laurenciana Manuel. Two other parcels of land, covered by OCT P-19902 and Transfer Certificate of Title ("TCT") No. 41134, were later bought by Juan and registered in his name. The couple were not blessed with a child of their own. Their desire to have one impelled the spouses to take private respondent Modesta Manuel-Baltazar into their fold and so raised her as their own "daughter."

On 03 June 1980, Juan Manuel executed in favor of Estanislaoa Manuel a Deed of Sale Con Pacto de Retro (with a 10-year period of redemption) over a one-half (1/2) portion of his land covered by TCT No. 41134. Juan Manuel died intestate on 21 February 1990. Two years later, or on 04 February 1992, Esperanza Gamba also passed away.

On 05 March 1992, a month after the death of Esperanza, Modesta executed an Affidavit of Self-Adjudication claiming for herself the three parcels of land covered by OCT P-20594, OCT P-19902 and TCT No. 41134 (all still in the name of Juan Manuel). Following the registration of the document of adjudication with the Office of the Register of Deeds, the three titles (OCT P-20594, OCT P-19902 and TCT No. 41134) in the name of Juan Manuel were canceled and new titles, TCT No. 184223, TCT No. 184224 and TCT No. 184225, were issued in the name of Modesta Manuel-Baltazar. On 19 October 1992, Modesta executed in favor of her co-respondent Estanislaoa Manuel a Deed of Renunciation and Quitclaim over the unredeemed one-half (1/2) portion of the land (now covered by TCT No. 184225) that was sold to the latter by Juan Manuel under the 1980 Deed of Sale Con Pacto de Retro. These acts of Modesta apparently did not sit well with petitioners. In a complaint filed before the Regional Trial Court of Lingayen, Pangasinan, the petitioners sought the declaration of nullity of the aforesaid instruments.

The case, there being no material dispute on the facts, was submitted to the court a quo for summary judgment.

The trial court, in its now assailed 15th August 1994 decision, dismissed the complaint holding that petitioners, not being heirs ab intestato of their illegitimate brother Juan Manuel, were not the real parties-in-interest to institute the suit. Petitioners were also ordered to jointly and severally (solidarily) pay (a) respondent Modesta Manuel-Baltazar the sum of P5,000.00 for moral damages, P5,000.00 for exemplary damages, P5,000.00 for attorney's fees and P500.00 for litigation expenses and (b) Estanislao Manuel the sum of P5,000.00 for moral damages, P5,000.00 for exemplary damages and P500.00 for attorney's fees.

Petitioners' motion for reconsideration was denied by the trial court.

The petition before us raises the following contentions: That -

"1. THE LOWER COURT (HAS) FAILED TO CONSIDER THE LAST PARAGRAPH OF ARTICLE 994 OF THE NEW CIVIL CODE, AS THE CONTROLLING LAW APPLICABLE BY VIRTUE OF THE ADMITTED FACTS, AND NOT ARTICLE 992 OF THE SAME CODE.

"2 THE LOWER COURT, IN NOT ANNULLING ALL THE ACTS OF, AND VOIDING ALL DOCUMENTS EXECUTED BY, RESPONDENT MODESTA BALTAZAR, WHO ARROGATED UNTO HERSELF THE RIGHTS OF AN HEIR TO THE ESTATE OF DECEDENT JUAN MANUEL, (HAS) VIRTUALLY GRANTED SAID RESPONDENT THE STATUS OF AN HEIR MANIFESTLY CONTRARY TO LAW, MORALS AND PUBLIC POLICY.

"3. TO ENFORCE ONE'S RIGHT WHEN THEY ARE VIOLATED IS NEVER A LEGAL WRONG."[1]

Petitioners argue that they are the legal heirs over one-half of Juan's intestate estate (while the other half would pertain to Juan's surviving spouse) under the provision of the last paragraph of Article 994 of the Civil Code, providing thusly:

"Art. 994. In default of the father or mother, an illegitimate child shall be succeeded by his or her surviving spouse, who shall be entitled to the entire estate.

"If the widow or widower should survive with brothers and sisters, nephews and nieces, she or he shall inherit one-half of the estate, and the latter the other half." (Italics supplied.)

Respondents, in turn, submit that Article 994 should be read in conjunction with Article 992 of the Civil Code, which reads:

"Art. 992. An illegitimate child has no right to inherit ab intestato from the legitimate children and relatives of his father or mother; nor shall such children or relative inherit in the same manner from the illegitimate child." (Italics supplied.)

Article 992, a basic postulate, enunciates what is so commonly referred to in the rules on succession as the "principle of absolute separation between the legitimate family and the illegitimate family." The doctrine rejects succession ab intestato in the collateral line between legitimate relatives, on the one hand, and illegitimate relatives, on other hand, although it does not totally disavow such succession in the direct line. Since the rule is predicated on the presumed will of the decedent, it has no application, however, on testamentary dispositions.

This "barrier" between the members of the legitimate and illegitimate family in intestacy is explained by a noted civilist.[2] His thesis:

"What is meant by the law when it speaks of brothers and sisters, nephews and nieces, as legal or intestate heirs of an illegitimate child? It must be noted that under Art. 992 of the Code, there is a barrier dividing members of the illegitimate family from members of the legitimate family. It is clear that by virtue of this barrier, the legitimate

brothers and sisters as well as the children, whether legitimate or illegitimate, of such brothers and sisters, cannot inherit from the illegitimate child. Consequently, when the law speaks of 'brothers and sisters, nephews and nieces' as legal heirs of an illegitimate child, it refers to illegitimate brothers and sisters as well as to the children, whether legitimate or illegitimate, of such brothers and sisters." (Italics supplied)

The Court, too, has had occasions to explain this "iron curtain," firstly, in the early case of *Grey v. Fabie*[3] and, then, in the relatively recent cases of *Diaz v. Intermediate Appellate Court*[4] and *De la Puerta v. Court of Appeals*. [5] In *Diaz*, we have said:

"Article 992 of the New Civil Code x x x prohibits absolutely a succession ab intestato between the illegitimate child and the legitimate children and relatives of the father or mother of said legitimate child. They may have a natural tie of blood, but this is not recognized by law for the purposes of Article 992. Between the legitimate family and the illegitimate family there is presumed to be an intervening antagonism and incompatibility. The illegitimate child is disgracefully looked down upon by the legitimate family; the legitimate family is, in turn, hated by the illegitimate child; the latter considers the privileged condition of the former, and the resources of which it is thereby deprived; the former, in turn, sees in the illegitimate child nothing but the product of sin, palpable evidence of a blemish broken in life; the law does no more than recognize this truth, by avoiding further grounds of resentment."

The rule in Article 992 has consistently been applied by the Court in several other cases. Thus, it has ruled that where the illegitimate child had half-brothers who were legitimate, the latter had no right to the former's inheritance; [6] that the legitimate collateral relatives of the mother cannot succeed from her illegitimate child; [7] that a natural child cannot represent his natural father in the succession to the estate of the legitimate grandparent; [8] that the natural daughter cannot succeed to the estate of her deceased uncle who is a legitimate brother of her natural father; [9] and that an illegitimate child has no right to inherit ab intestato from the legitimate children and relatives of his father. [10] Indeed, the law on succession is animated by a uniform general intent, and thus no part should be rendered inoperative [11] by, but must always be construed in relation to, any other part as to produce a harmonious whole. [12]

In passing, we might, in easy graphic presentation, collate the order of preference and concurrence in intestacy expressed in Article 978 through Article 1014, inclusive, of the Civil Code; viz:

Order of Preference

Order of Concurrence

(a)

Legitimate Children and Descendants

(a)

Legitimate Children and Descendants, Illegitimate Children and Descendants, and Surviving Spouse

(b)

Legitimate Parents and Ascendants

(b)

Legitimate Parents and Ascendants, Illegitimate Children and Descendants, and Surviving Spouse

(c)

Illegitimate Children and Descendants (in the absence of ICDs and LPAs, the Illegitimate Parents)

(c)

Illegitimate Children and Descendants and Surviving Spouse

(d)

Surviving Spouse

(d)

Surviving Spouse and Illegitimate Parents

(e)

Brothers and Sisters/Nephews and Nieces

(e)

Brothers and Sisters/Nephews and Nieces and Surviving Spouse

(f)

Other Collateral Relatives (within the fifth civil degree)

(f)

Alone

(g)

State

(g)

Alone

In her answer to the complaint, Modesta candidly admitted that she herself is not an intestate heir of Juan Manuel. She is right. A ward (ampon), without the benefit of formal (judicial) adoption, is neither a compulsory nor a legal heir.[13]

We must hold, nevertheless, that the complaint of petitioners seeking the nullity of the Affidavit of Self-Adjudication executed by Modesta, the three (3) TCT's issued to her favor, as well as the Deed of Renunciation and Quitclaim in favor of Estanislao Manuel, was properly dismissed by the trial court. Petitioners, not being the real "parties-in-interest"[14] in the case, had neither the standing nor the cause of action to initiate the complaint.

The Court, however, sees no sufficient reason to sustain the award of amounts for moral and exemplary damages, attorney's fees and litigation expenses. An adverse result of a suit in law does not mean that its advocacy is necessarily so wrongful as to justify an assessment of damages against the actor.[15]

WHEREFORE, the appealed decision of the Regional Trial Court of Pangasinan (Branch 37) is **AFFIRMED**, except insofar as it has awarded moral and exemplary damages, as well as attorney's fees and litigation expenses, in favor of private respondents, which portion is hereby **DELETED**. No special pronouncement on costs.

SO ORDERED.

Feliciano, Acting Chief Justice, (Chairman), Romero, and Melo, JJ., concur.

[1] Rollo, pp. 7-8.

[2] Desiderio Jurado, Comments and Jurisprudence on Succession, 8th ed., 1991, pp. 423--424.

[3] 40 O.G. (First S) No. 3, p. 196 citing 7 Manresa 110.

[4] 150 SCRA 645.

[5] 181 SCRA 861.

[6] Corpus v. Corpus, 85 SCRA 567.

[7] Cacho v. Udan, 13 SCRA 693.

[8] Llorente v. Rodriguez, 10 Phil. 585; Allarde v. Abaya, 57 Phil. 909.

[9] Anuran v. Aquino and Ortiz, 38 Phil. 29.

[10] Leonardo v. Court of Appeals, 120 SCRA 890.

[11] Javellana v. Tayo, 6 SCRA 1042.

[12] Sotto v. Sotto, 43 Phil. 688; Araneta v. Concepcion, 99 Phil. 709.

[13] Lim vs. Intermediate Appellate Court, G.R. No. 69679, 18 October 1988.

[14] A real-party-in-interest plaintiff is one who has a legal right while a real-party-in-interest defendant is one who has a correlative obligations whose acts or omission violates the legal right of the former (Gan Hock v. Court of Appeals, 197 SCRA 223 [1991]). Necessarily, a party in interest in a civil case is the party who stands to be benefited or injured by the judgment of the suit or the party entitled to avail of the suit. (Salonga v. Warner, Barnes & Co., Ltd., 88 Phil 125; Lanzar v. Guerrero, 29 SCRA 107).

[15] Rubio v. Court of Appeals, 141 SCRA 488; Tiu v. Court of Appeals, 228 SCRA 51.

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