WILLIAM GO KIM HUY, PETITIONER, VS. SANTIAGO GO KIM HUY, BONIFACIO GO KIM & SONS, SANTIAGO GO KIM & SONS, CO., TOMAS TAN GO, JOSE TAN GO, ROBERTO TAN GO, BASILIA TAN GO, AND LEO...

G.R. No. 137674. September 20, 2001

Ponente: BUENA, J.

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BUENA, J.:

Bonifacio Go Kim died on February 26, 1974. William Go Kim Huy, herein petitioner, claims hereditary rights over the mass of property, rights and assets belonging to his estate.

Heard by six (6) Regional Trial Court judges of Quezon City, this two (2) decade-old controversy started on June 18, 1980[1] when petitioner filed a complaint[2] against Santiago Go Kim Huy, the latter's children, Bonifacio Go Kim & Sons, and Santiago Go Kim & Sons, Company, to declare the properties and businesses held by them as part of the estate of Bonifacio Go Kim, and compel them to render an accounting.

On May 1, 1933 petitioner came to Manila at the age of six (6)[3] using the name Gaw Piak. Upon arrival, he stayed with Bonifacio Go Kim until he left sometime in 1946 to study in Shanghai, China. He returned in 1949 and pursued college education in Far Eastern University. Prior to his arrival, Bonifacio Go Kim was already engaged in selling bakery supplies and grocery items. According to him, respondent Santiago Go Kim Tian came to Manila in 1923 at the age of 11. Both he and respondent Santiago helped in the business. In 1947, "Bonifacio Go Kim & Son" partnership was formed.[4] The partnership name was later amended to "Bonifacio Go Kim & Sons" to conform to the registered business name.[5] All those years, the business prospered resulting into accumulation of several properties. He testified that Bonifacio Go Kim, being an alien, was disqualified to own real properties. Hence respondent Santiago, who became a naturalized Filipino citizen on September 24, 1957, was entrusted with the properties purchased by his father. Several properties accumulated were transferred under the partnership name and others were named under certain persons who acted as "dummies."

When petitioner left his job at the bakery in 1956, he worked in a stock brokerage business. Subsequently, he organized his own import business and later on put up a manufacturing firm for plastic containers. On April 20, 1964, the trial court granted his petition for change of name from Gaw Piak to Go Kim Huy or William Go. His naturalization came in September 1978. He explained that when he entered the Philippines, he used the name Gaw Piak as appearing in the landing certificate. Such landing certificate was bought by his father in the open market for his easy access to Manila. He came to the Philippines with his mother Chua Yiak and respondent Santiago's wife. Both he and respondent's wife used different names. He testified that he is known by his name Go Kim Huy or William Go. He added that his schooling, sustenance and everyday needs were shouldered by the decedent. He asserts that he was forced to file the case in court because respondent Santiago refused to give him his just share in the estate of his father.

Respondent Santiago avers that he is the only son of Bonifacio Go Kim. He maintains that petitioner has lived and

worked with them and was treated as a family member because petitioner's real father was a close friend of the decedent. His real parents were Gaw Gee and Ng Kee as appearing in his landing certificate. He denied any relation with petitioner and declares that the grant of petition for change of name from Gaw Piak to William Go Kim Huy did not make petitioner a member of the family of Bonifacio Go Kim.[6] Respondents declare that petitioner has received a part of the assets of the decedent[7] and that whatever claims he has, if any, against the estate of the decedent were fully settled by respondent Santiago and acknowledged by petitioner after the death of Bonifacio Go Kim.[8]

While the case before the trial court was pending, respondent's counsel[9] filed a letter-complaint[10] dated May 23, 1983 with the Ministry of Justice [Department of Justice] attacking the certification dated May 27, 1974, issued by the Commission on Immigration [Bureau of Immigration and Deportation, hereinafter referred to as BID] stating that the records filed in the said office showed that the late Bonifacio Go Kim registered petitioner as one of his children.[11]

In connection with the filing of the instant case, petitioner caused the issuance of notice of lis pendens on the Transfer Certificates of Title mentioned in the complaint.[12] Consequent to such issuance, annotations were made by the Register of Deeds of Manila, Quezon City and Caloocan. Respondents opposed the annotation and moved to cancel the lis pendens.[13] On June 2, 1986, the Regional Trial Court of Quezon City issued an Order canceling the annotation on the titles.[14] On April 15, 1988, the Court of Appeals[15] rendered its decision reversing the lower court Order.

In the interim, the BID issued a resolution, dated May 15, 1985, canceling its earlier certification and declared that petitioner is not a son of spouses Bonifacio Go Kim and Chua Yiak and accordingly ordered the correction of immigration records of both petitioner and the late Bonifacio Go Kim.[16] Petitioner appealed the foregoing resolution with the Ministry of Justice [Department of Justice]. He argued that while the BID is authorized to make an inquiry or investigation, the resolution ordering the correction of its records affected petitioner's status, paternity and filiation that has remained undisturbed in the public records for more than 33 years, since Bonifacio Go Kim, during his lifetime, acknowledged petitioner as his son by registering him as one of his children.[17] In a letter dated February 24, 1987,[18] the undersecretary of justice[19] rendered his opinion, thus -

> "While it is to be conceded that the correction of entries in the immigration records of William Go Kim Huy might affect his status, paternity and filiation, matters which are sub judice in Civil Case No. 30154 of the CFI of Quezon City, the said corrections will not be binding upon the court. The court will have to base its findings and decision on the evidence to be presented before it.
>
> "This Ministry is thus making its position clear that while it upholds the authority of the CID to correct entries in its records pertaining to the personal circumstance of William Go Kim Huy, it does not in any manner pass judgment on the validity or correctness of the CID's findings and conclusions on the status of the above-named person."

Petitioner went to this Court via a special civil action for certiorari in G.R. No. 78887 assailing the opinion rendered by the Ministry of Justice. On August 22, 1988, this Court dismissed the petition after finding that the petition failed to "sufficiently show that public respondent had committed grave abuse of discretion in rendering the questioned judgment."[20]

Respondents filed a series of Motion to Dismiss. Before they were acted upon, the records of this case were among those totally lost in the fire that gutted the Quezon City Hall Building on June 11, 1988.[21]

On May 15, 1990,[22] petitioner filed a petition for reconstitution of records.

Acting on the pending motion to dismiss, the trial court, on February 26, 1993, issued a resolution[23] denying the

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motion and ruled that all the elements of a cause of action are present in the case.[24]

On February 16, 1996, the trial court[25] dismissed the complaint for insufficiency of evidence and ordered petitioner to indemnify respondent in the sum of two hundred thousand pesos (P200,000.00) as moral damages, to wit:

> "WHEREFORE, in view of the foregoing, the Plaintiff's case is DISMISSED for insufficiency of evidence. The Plaintiff is ordered to indemnify the Defendants in the sum of Two Hundred Thousand Pesos (P200,000.00) as moral damages. All other counterclaims are hereby denied.
>
> "SO ORDERED."[26]

On November 12, 1998, the Court of Appeals rendered its decision[27] affirming the trial court's findings, thus -

> "WHEREFORE, premises considered, the decision appealed from is hereby AFFIRMED in toto.
>
> "SO ORDERED."

Petitioner now comes to us seeking nullification of the CA decision contending that it erred: (1) in not finding that petitioner is the son of the late Bonifacio Go Kim because he allegedly failed to adduce evidence to prove his filiation; (2) when it completely ignored and gave weight or credence to the certifications cancelled by the CID ignoring in the process the unchallenged sworn declarations recognizing the legitimate filiation of petitioner; (3) in not holding that Bonifacio Go Kim had a son by the name of Go Kim Huy; (4) in not holding that Bonifacio Go Kim's son, Go Kim Huy, is actually the petitioner; (5) in not holding that Bonifacio Go Kim owned properties that must be divided/partitioned by his heirs, which include herein petitioner; and, (6) in not holding respondents liable to petitioner for damages.[28]

Petitioner claims that he is a legitimate son of the decedent and, as such, is entitled to acquire his share as a legitimate heir. We concede that from the time of death of Bonifacio Go Kim in 1974, his heirs acquired a definite right to the inheritance.[29] By provision of will or operation of law, his heirs are called to succeed.[30] Nevertheless, the burden of proof is on petitioner to establish his affirmative allegation that Bonifacio Go Kim is his father.[31] Under our legal system, filiation is established by any of the following: (1) the record of birth appearing in the civil register or a final judgment; (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 the open and continuous possession of the status of a legitimate child or any other means allowed by the Rules of Court and special laws.[32] Prior to the effectivity of the Family Code of the Philippines in 1988, the operative law to prove filiation were Articles 265 to 268 of the Civil Code of the Philippines, thus-

> "Article 265. The filiation of legitimate children is proved by the record of birth appearing in the Civil Register, or by an authentic document or final judgment.
>
> "Article 266. In the absence of the titles indicated in the preceding article, the filiation shall be proved by the continuous possession of status of a legitimate child.
>
> "Article 267. In the absence of a record of birth, authentic document, final judgment or possession of status, legitimate filiation may be proved by any other means allowed by the Rules of Court and special laws."

The Court of Appeals ruled that petitioner failed to produce his official record or birth certificate, a judicial decree or an instrument handwritten by the decedent to prove his filiation. The provisions of the Family Code were relied upon by the Court of Appeals in dismissing petitioner's appeal. When the case was filed, the applicable law was the pertinent provisions of the Civil Code and not the provisions of the Family Code.

In resolving the issues presented, we must take into account that this is the second time that we will decide the issues respecting this case. As early as 1988, this Court upheld the authority of the BID to correct its own records. Now, petitioner once more insists that we disregard the actions taken by the BID and consider the documents previously cancelled by the said office to support his claim that he is a legitimate son of Bonifacio Go Kim. The documents petitioner wants us to give weight and credence refer to Exhibits "B", "EEE", "FFF", "K" and "M". Exhibit "B" is the application for alien registration of the late Bonifacio Go Kim dated July 17, 1950 stating therein that he has two children- petitioner and respondent Santiago.[33] Exhibit "EEE" refers to the Alien Certificate of Registration of Gaw Piak registering Go Kim Huy as his other name, accomplished on December 3, 1945.[34] Exhibit "FFF" is the Landing Certificate of Residence of Chua Yiak indicating May 4, 1933 as date of entry.[35] Exhibit "K" is the borrower's receipt from the BID Records Section showing that the records of Chua Yiak with the said office were borrowed[36] and Exhibit "M" refers to the Landing Certificate of Residence of Gaw Piak issued in 1933.[37] The foregoing exhibits have been cancelled by the BID by virtue of Exhibit "I," which is the BID resolution ordering the correction of records of petitioner and decedent.

Filiation is a serious matter that must be resolved according to the requirements of the law. Exhibit "I" was considered both by the trial court and the Court of Appeals in deciding the issue of filiation that defeats petitioner's imputation of relation with the decedent and the respondents. Petitioner posits that we disregard Exhibit "I". What petitioner wants us to do is to disturb our pronouncement on August 22, 1988 where we upheld the authority of BID to correct its own records which effectively upheld Exhibit "I". We have repeatedly emphasized in a plethora of cases that judgments which had already attained finality cannot again be subject of review, otherwise, there will be no end to litigation. The documents petitioner wants us to reconsider were already cancelled by the BID, which cancellation has been affirmed by this Court thirteen (13) years ago. Once a judgment or an order of a court has become final, the issues raised therein should be laid to rest.[38] Petitioner cannot now demand that we calibrate anew the documents previously cancelled and give it weight and credence, and worst, reverse our earlier pronouncement, which has long become final and executory since 1988. In fact, petitioner's alleged filiation was merely dependent upon the certification issued by the BID in 1974 and he has failed to show by convincing evidence, other than the certification issued by the BID which was later on cancelled, that indeed he was related to the decedent. Petitioner failed to raise any substantial issue that demands consideration. In the voluminous records presented, it all boils down to a reconsideration of the BID findings which cannot now be disturbed.

Petitioner even claims share in the properties which appeared to be under the name of other persons in the Certificate of Title. It must be stressed that where a property subject of controversy is duly registered under the Torrens System, the presumptive conclusiveness of such title should be given weight, and in the absence of strong and compelling evidence to the contrary, the holder thereof should be considered as the owner of the property in controversy until his title is nullified or modified in an appropriate ordinary action.[39]

With respect to the moral damages however, we delete the P200,000.00 award. The delay and protracted litigation was not solely imputable to petitioner. Besides, there is no clear testimony on the anguish or anxiety suffered by respondents. The grant of moral damages is expressly allowed by law in instances where proofs of the mental anguish, serious anxiety, and moral shock were shown.[40]

ACCORDINGLY, in line with the foregoing disquisition, the petition is hereby DENIED. The questioned decision of the appellate court promulgated on November 12, 1998[41] and its resolution promulgated on February 19, 1999[42] denying petitioner's motion for reconsideration are hereby AFFIRMED, subject to the modification that the award of moral damages is deleted.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

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[1] Records, Volume I, pp. 60-78.

[2] Complaint subsequently amended to conform to Article 222 of the Civil Code; ibid, pp. 203-221.

[3] In his landing certificate the age reflected was 7. Petitioner's date of birth is June 10, 1927. He arrived in Manila in May 1933.

[4] Records, Volume IV, pp. 1654 to 1657- Articles of Partnership of Bonifacio Go Kim & Son

[5] Records, Exhibit "JJJ", volume V, p. 2005; volume IV, p. 1659 - Certificate of Registration of Business Name with the Bureau of Commerce stating "Bonifacio Go Kim & Sons" as business name; records, volume IV, p. 1672 - Articles of Partnership of "Bonifacio Go Kim & Sons"; records, Volume III, p. 1255- certification issued by the Bureau of Internal Revenue dated February 19, 1949 that "Bonifacio Go Kim & Sons" was registered with the said office.

[6] Rollo, p. 122.

[7] Records, Volume I, p. 181.

[8] Ibid., p. 182.

[9] Atty. K.V. Faylona.

[10] Records, volume II, pp. 754 -755.

[11] Records, volume III, p. 1246

The full-text of the certification is quoted as follows-

> "C E R T I F I C A T I O N
>
> "This is to certify that according to the records on file in this Office, particularly to the Application for Alien Registration (ACR) No. A-69716 issued at Manila on July 17, 1950 of one Go Kim alias Bonifacio Go Kim, male, married, born in Amoy, Fukien, China, on May 5, 1888, it appears that the following are his registered children:
>
> "NAMES
>
> Date and Place of Birth
>
> 1. Go Kim Tiam
>
> May 1, 1912 - Chingkiang, China
>
> 2. Go Kim Huy
>
> June 10, 1927 - Chingkiang China

"This certificate is issued upon the request of William Go Kim Huy for presentation to the Land Registration Commission and other pertinent government Offices in connection with the transfer of real properties from the father to his children, and issuance hereof is duly authorized by Mr. Danilo N. Arcadio, Administrative Officer, this Commission.

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"Manila, May 27, 1974.

"FOR THE COMMISSIONER:
REGINO M. DEL ROSARIO(Sgd.)
Chief, Records Section"

[12] Amended Complaint; Records, Volume I, pp. 220-221

The properties included in the complaint are-

> "WHEREFORE, plaintiff respectfully prays that judgment be rendered declaring that the following properties are held by the following defendants in trust for the heirs of the late Bonifacio Go Kim, namely, defendants Santiago Go Kim Tiam and plaintiff William Go Kim Huy, and that said defendants should render an accounting of the income of said properties and businesses, to wit:
> "The wholesale business of `Siu Sin Hang' - now held by defendants Bonifacio Go Kim & Sons, Santiago Go Kim Tiam, Tomas Tan Go, Jose Tan Go, Roberto Tan Go, Basilio Tan Go and Leoncio Tan Go.
>
> "The retail business of `Siu Sin Hang' - held by defendant Bonifacio Go Kim & Sons from 1948 to 1957 and now by defendants Santiago Go Kim and Co., Basilio Tan Go, Jose Tan Go and Tomas Tan Go.
>
> "The land and building on 6[th] Avenue corner A Del Mundo and F. Roxas Streets, Grace Park, Caloocan City - which defendant Santiago Go Kim Tiam holds through the Torrens Title No. 22104 is issued in the name of the late Bonifacio `Go Kim'.
>
> "The land and building on Nos. 917 to 917-A Aurora Boulevard, corner Albany Street, Cubao Quezon city - held by defendant Santiago Go Kim Tiam.
>
> "The land and building located on 2[nd] Avenue, corner Teodoro Street, Grace Park, Caloocan City - held by defendants Bonifacio Go Kim & Sons, Santiago Go Kim Tiam, Tomas Tan Go, Jose Tan Go, Roberto Tan Go, Basilio Tan Go and Leoncio Tan Go.
>
> "The land and building at 810 Asuncion Street, Binondo, Manila-held by defendants Bonifacio Go Kim & Sons, Santiago Go Kim Tiam, Tomas Tan Go, Jose Tan Go, Roberto Tan Go, Basilio Tan Go and Leoncio Tan Go.
>
> "The land and building Nos. 931-943 Sto. Cristo, corner Zaragoza, Tondo, Manila - held by defendants Bonifacio Go Kim & Sons, Santiago Go Kim Tiam Tomas Tan Go, Jose Tan Go, Roberto Tan Go, Basilio Tan Go and Leoncio Tan Go.
>
> "The 25% interest of the late Bonifacio Go Kim in Magellan Realty Co. owning and operating the land and building at No. 628 Quezon Boulevard, Quiapo, Manila - held by defendant Basilio Tan Go.

"and ordering defendants jointly and severally to pay the plaintiff such damages, moral, exemplary or corrective and attorney's fees and expenses of litigation in such sums as the Court may assess, plus costs.

"He prays for such other remedy as the Court may deem just and equitable in the premises."

[13] Ibid., p. 315.

[14] Ibid., pp. 349-365.

[15] Eight Division, per Justice Ricardo L. Pronove Jr., Justice Floreliana Castro- Bartolome, Justice Bonifacio A. Cacdac Jr. as members; Ibid., pp. 8-12.

[16] The dispositive portion of the CID Resolution dated May 15, 1985, per Legal Officer II Restituto L. Opis, approved by CID Commissioner Edmundo M. Reyes- [Records, Volume I, p. 333; Volume II, pp. 678-690; pp.

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739-751; pp. 873-885]

> "WHEREFORE, the undersigned hereby submits the above findings and based thereon, finds and recommends the following:
>
> "1. Respondent William Go Kim Huy or Go Kim Huy is not a son of the late spouses, Go Kim @ Bonifacio Go Kim and Chua Yiak;
>
> "2. Recommends the recall and cancellation of the certification issued by the Record Section of this Commission, dated May 27, 1974, stating that Go Kim Huy is a son of Go Kim @ Bonifacio Go Kim;
>
> "3. Recommends the correction, to make them speak the real fact, of the immigration records of Go Kim @ Bonifacio Go Kim and the immigration records of respondent(formerly named Gaw Piak, now officially named William Go Kim Huy `alias Go Kim Huy') which project that respondent is a son of said Go Kim @ Bonifacio Go Kim."

[17] Records, volume III, pp. 1145 -1163.

[18] Ibid., pp. 1274 - 1276.

[19] Per Undersecretary of Justice Emilio De La Paz, Jr.

[20] Records, volume II, p. 1000; volume III, p. 1100.

[21] Records, volume III, p. 1391.

[22] Records, volume I, pp. 49-59.

[23] Per Judge Delilah Vidallon Magtolis, now Court of Appeals Justice.

[24] Records, volume III, pp. 1391- 1395.

[25] Per Judge Tirso D. C. Velasco.

[26] Records, volume V, p. 2146.

[27] Per Court of Appeals Associate Justice Bernardo P. Abesamis; Rollo, p. 90.

[28] Rollo, p. 167.

[29] Article 777 Civil Code of the Philippines.

[30] Article 782 Civil Code of the Philippines.

[31] see Constantino vs. Mendez, 209 SCRA 18, 24 [1992].

[32] Article 172, Family Code of the Philippines. Source: Article 265-267 of the Civil Code of the Philippines

[33] Records, volume III, pp. 1247-1248.

[34] Records, Volume V, p. 1993.

[35] Ibid., p. 1997.

[36] Records, Volume III, p. 1269.

[37] Records, Volume III, p. 1272.

[38] Salandanan vs. CA, 290 SCRA 671 [1998].

[39] see Rufina Luy Lim vs. CA et al, 323 SCRA 102 [2000].

[40] see Marquez vs. CA, 300 SCRA 653 [1998].

[41] Rollo, pp. 79-90.

[42] Rollo, pp. 21-22.

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