

TEOFISTA BABIERA, PETITIONER, VS. PRESENTACION B. CATOTAL, RESPONDENT.

G.R. No. 138493. June 15, 2000

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-138493/>

PANGANIBAN, J.:

A birth certificate may be ordered cancelled upon adequate proof that it is fictitious. Thus, void is a certificate which shows that the mother was already fifty-four years old at the time of the child's birth and which was signed neither by the civil registrar nor by the supposed mother. Because her inheritance rights are adversely affected, the legitimate child of such mother is a proper party in the proceedings for the cancellation of the said certificate.

Statement of the Case

Submitted for this Court's consideration is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court, seeking reversal of the March 18, 1999 Decision[2] of the Court of Appeals[3] (CA) in CA-GR CV No. 56031. Affirming the Regional Trial Court of Lanao del Norte in Special Proceedings No. 3046, the CA ruled as follows:

"IN VIEW HEREOF, the appealed decision is hereby AFFIRMED. Accordingly, the instant appeal is DISMISSED for lack of merit. Costs against the defendant-appellant, TEOFISTA BABIERA, a.k.a. Teofista Guinto."[4]

The dispositive portion of the affirmed RTC Decision reads:

"WHEREFORE, in view of the foregoing findings and pronouncements of the Court, judgment is hereby rendered, to wit[:]

- 1) Declaring the Certificate of Birth of respondent Teofista Guinto as null and void 'ab initio';
- 2) Ordering the respondent Local Civil Registrar of Iligan City to cancel from the registry of live birth of Iligan City BIRTH CERTIFICATE recorded as Registry No. 16035;

Furnish copies of this decision to the Local Civil Registrar of Iligan City, the City Prosecutor, counsel for private respondent Atty. Tomas Cabili and to counsel for petitioner.

SO ORDERED."

The Facts

The undisputed facts are summarized by the Court of Appeals in this wise:

"Presentacion B. Catotal (hereafter referred to as PRESENTACION) filed with the Regional Trial Court of Lanao del Norte, Branch II, Iligan City, a petition for the cancellation of the entry of birth of Teofista Babiera (hereafter referred to as TEOFISTA) in the Civil Registry of Iligan City. The case was docketed as Special Proceedings No. 3046.

"From the petition filed, PRESENTACION asserted 'that she is the only surviving child of the late spouses

Eugenio Babiera and Hermogena Cariñosa, who died on May 26, 1996 and July 6, 1990 respectively; that on September 20, 1996 a baby girl was delivered by 'hilot' in the house of spouses Eugenio and Hermogena Babiera and without the knowledge of said spouses, Flora Guinto, the mother of the child and a housemaid of spouses Eugenio and Hermogena Babiera, caused the registration/recording of the facts of birth of her child, by simulating that she was the child of the spouses Eugenio, then 65 years old and Hermogena, then 54 years old, and made Hermogena Babiera appear as the mother by forging her signature x x x; that petitioner, then 15 years old, saw with her own eyes and personally witnessed Flora Guinto give birth to Teofista Guinto, in their house, assisted by 'hilot'; that the birth certificate x x x of Teofista Guinto is void ab initio, as it was totally a simulated birth, signature of informant forged, and it contained false entries, to wit: a) The child is made to appear as the legitimate child of the late spouses Eugenio Babiera and Hermogena Cariñosa, when she is not; b) The signature of Hermogena Cariñosa, the mother, is falsified/forged. She was not the informant; c) The family name BABIERA is false and unlawful and her correct family name is GUINTO, her mother being single; d) Her real mother was Flora Guinto and her status, an illegitimate child; The natural father, the carpenter, did not sign it; that the respondent Teofista Barbiera's birth certificate is void ab initio, and it is patently a simulation of birth, since it is clinically and medically impossible for the supposed parents to bear a child in 1956 because: a) Hermogena Cariñosa Babiera, was already 54 years old; b) Hermogena's last child birth was in the year 1941, the year petitioner was born; c) Eugenio was already 65 years old, that the void and simulated birth certificate of Teofista Guinto would affect the hereditary rights of petitioner who inherited the estate of cancelled and declared void and theretofore she prays that after publication, notice and hearing, judgment [be] render[ed] declaring x x x the certificate of birth of respondent Teofista Guinto as declared void, invalid and ineffective and ordering the respondent local civil registrar of Iligan to cancel from the registry of live birth of Iligan City BIRTH CERTIFICATE recorded as Registry No. 16035.

"Finding the petition to be sufficient in form and substance, the trial court issued an order directing the publication of the petition and the date of hearing thereof 'in a newspaper, the Local Civil Registrar of Iligan City, the office of the City Prosecutor of Iligan City and TEOFISTA.

"TEOFISTA filed a motion to dismiss on the grounds that 'the petition states no cause of action, it being an attack on the legitimacy of the respondent as the child of the spouses Eugenio Babiera and Hermogena Cariñosa Babiera; that plaintiff has no legal capacity to file the instant petition pursuant to Article 171 of the Family Code; and finally that the instant petition is barred by prescription in accordance with Article 170 of the Family Code.' The trial court denied the motion to dismiss.

"Subsequently, 'Attys. Padilla, Ulindang and Padilla appeared and filed an answer/opposition in behalf of private respondent Teofista Babiera, [who] was later on substituted by Atty. Cabili as counsel for private respondent.'

"In the answer filed, TEOFISTA averred 'that she was always known as Teofista Babiera and not Teofista Guinto; that plaintiff is not the only surviving child of the late spouses Eugenio Babiera and Hermogena C. Babiera, for the truth of the matter [is that] plaintiff Presentacion B. V. Catotal and [defendant] Teofista Babiera are sisters of the full-blood. Her Certificate of Birth, signed by her mother Hermogena Babiera, x x x Certificate of Baptism, x x x Student's Report Card x x x all incorporated in her answer, are eloquent testimonies of her filiation. By way of special and affirmative defenses, defendant/respondent contended that the petition states no cause of action, it being an attack on the legitimacy of the respondent as the child of the spouses Eugenio Babiera and Hermogena Cariñoza Babiera; that plaintiff has no legal capacity to file the instant petition pursuant to Article 171 of the Family Code; and finally that the instant petition is barred by prescription in accordance with Article 170 of the Family Code.'" [5]

Ruling of the Court of Appeals

The Court of Appeals held that the evidence adduced during trial proved that petitioner was not the biological child of Hermogena Babiera. It also ruled that no evidence was presented to show that Hermogena became

pregnant in 1959. It further observed that she was already 54 years old at the time, and that her last pregnancy had occurred way back in 1941. The CA noted that the supposed birth took place at home, notwithstanding the advanced age of Hermogena and its concomitant medical complications. Moreover, petitioner's Birth Certificate was not signed by the local civil registrar, and the signature therein, which was purported to be that of Hermogena, was different from her other signatures.

The CA also deemed inapplicable Articles 170 and 171 of the Family Code, which stated that only the father could impugn the child's legitimacy, and that the same was not subject to a collateral attack. It held that said provisions contemplated a situation wherein the husband or his heirs asserted that the child of the wife was not his. In this case, the action involved the cancellation of the child's Birth Certificate for being void ab initio on the ground that the child did not belong to either the father or the mother.

Hence, this appeal.[6]

Issues

Petitioner presents the following assignment of errors:

- "1) Respondent (plaintiff in the lower court a quo) does not have the legal capacity to file the special proceeding of appeal under CA GR No. CV-56031 subject matter of this review on certiorari;
- 2) The special proceeding on appeal under CA GR No. CV-56031 is improper and is barred by [the] statute of limitation (prescription); [and]
- 3) The Honorable Court of Appeals, the fifteenth division utterly failed to hold, that the ancient public record of petitioner's birth is superior to the self-serving oral testimony of respondent." [7]

The Court's Ruling

The Petition is not meritorious.

First Issue:

Subject of the Present Action

Petitioner contends that respondent has no standing to sue, because Article 171[8] of the Family Code states that the child's filiation can be impugned only by the father or, in special circumstances, his heirs. She adds that the legitimacy of a child is not subject to a collateral attack.

This argument is incorrect. Respondent has the requisite standing to initiate the present action. Section 2, Rule 3 of the Rules of Court, provides that a real party in interest is one "who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit." [9] The interest of respondent in the civil status of petitioner stems from an action for partition which the latter filed against the former. [10] The case concerned the properties inherited by respondent from her parents.

Moreover, Article 171 of the Family Code is not applicable to the present case. A close reading of this provision shows that it applies to instances in which the father impugns the legitimacy of his wife's child. The provision, however, presupposes that the child was the undisputed offspring of the mother. The present case alleges and shows that Hermogena did not give birth to petitioner. In other words, the prayer herein is not to declare that petitioner is an illegitimate child of Hermogena, but to establish that the former is not the latter's child at all. Verily, the present action does not impugn petitioner's filiation to Spouses Eugenio and Hermogena Babiera, because there is no blood relation to impugn in the first place.

In *Benitez-Badua v. Court of Appeals*, [11] the Court ruled thus:

"Petitioner's insistence on the applicability of Articles 164, 166, 170 and 171 of the Family Code to the case at

bench cannot be sustained. These articles provide:

x x x x x x x x

"A careful reading of the above articles will show that they do not contemplate a situation, like in the instant case, where a child is alleged not to be the child of nature or biological child of a certain couple. Rather, these articles govern a situation where a husband (or his heirs) denies as his own a child of his wife. Thus, under Article 166, it is the husband who can impugn the legitimacy of said child by proving: (1) it was physically impossible for him to have sexual intercourse, with his wife within the first 120 days of the 300 days which immediately preceded the birth of the child; (2) that for biological or other scientific reasons, the child could not have been his child; (3) that in case of children conceived through artificial insemination, the written authorization or ratification by either parent was obtained through mistake, fraud, violence, intimidation or undue influence. Articles 170 and 171 reinforce this reading as they speak of the prescriptive period within which the husband or any of his heirs should file the action impugning the legitimacy of said child. Doubtless then, the appellate court did not err when it refused to apply these articles to the case at bench. For the case at bench is not one where the heirs of the late Vicente are contending that petitioner is not his child by Isabel. Rather, their clear submission is that petitioner was not born to Vicente and Isabel. Our ruling in *Cabatbat-Lim vs. Intermediate Appellate Court*, 166 SCRA 451, 457 cited in the impugned decision is apropos, viz:

"Petitioners' recourse to Article 263 of the New Civil Code [now Art. 170 of the Family Code] is not well-taken. This legal provision refers to an action to impugn legitimacy. It is inapplicable to this case because this is not an action to impugn the legitimacy of a child, but an action of the private respondents to claim their inheritance as legal heirs of their childless deceased aunt. They do not claim that petitioner Violeta Cabatbat Lim is an illegitimate child of the deceased, but that she is not the decedent's child at all. Being neither [a] legally adopted child, nor an acknowledged natural child, nor a child by legal fiction of Esperanza Cabatbat, Violeta is not a legal heir of the deceased." [12] (Emphasis supplied.)

Second Issue:

Prescription

Petitioner next contends that the action to contest her status as a child of the late Hermogena Babiera has already prescribed. She cites Article 170 of the Family Code which provides the prescriptive period for such action:

"Art. 170. The action to impugn the legitimacy of the child shall be brought within one year from the knowledge of the birth or its recording in the civil register, if the husband or, in a proper case, any of his heirs, should reside in the city or municipality where the birth took place or was recorded.

"If the husband or, in his default, all of his heirs do not reside at the place of birth as defined in the first paragraph or where it was recorded, the period shall be two years if they should reside in the Philippines; and three years if abroad. If the birth of the child has been concealed from or was unknown to the husband or his heirs, the period shall be counted from the discovery or knowledge of the birth of the child or of the fact of registration of said birth, whichever is earlier."

This argument is bereft of merit. The present action involves the cancellation of petitioner's Birth Certificate; it does not impugn her legitimacy. Thus, the prescriptive period set forth in Article 170 of the Family Code does not apply. Verily, the action to nullify the Birth Certificate does not prescribe, because it was allegedly void ab initio.[13]

Third Issue:

Presumption in Favor of the Birth Certificate

Lastly, petitioner argues that the evidence presented, especially Hermogena's testimony that petitioner was not her real child, cannot overcome the presumption of regularity in the issuance of the Birth Certificate.

While it is true that an official document such as petitioner's Birth Certificate enjoys the presumption of

regularity, the specific facts attendant in the case at bar, as well as the totality of the evidence presented during trial, sufficiently negate such presumption. First, there were already irregularities regarding the Birth Certificate itself. It was not signed by the local civil registrar.[14] More important, the Court of Appeals observed that the mother's signature therein was different from her signatures in other documents presented during the trial.

Second, the circumstances surrounding the birth of petitioner show that Hermogena is not the former's real mother. For one, there is no evidence of Hermogena's pregnancy, such as medical records and doctor's prescriptions, other than the Birth Certificate itself. In fact, no witness was presented to attest to the pregnancy of Hermogena during that time. Moreover, at the time of her supposed birth, Hermogena was already 54 years old. Even if it were possible for her to have given birth at such a late age, it was highly suspicious that she did so in her own home, when her advanced age necessitated proper medical care normally available only in a hospital.

The most significant piece of evidence, however, is the deposition of Hermogena Babiera which states that she did not give birth to petitioner, and that the latter was not hers nor her husband Eugenio's. The deposition reads in part:

"q. Who are your children?

a. Presentation and Florentino Babiera.

q. Now, this Teofista Babiera claims that she is your legitimate child with your husband Eugenio Babiera, what can you say about that?

a. She is not our child.

x x x x x x x x

q. Do you recall where she was born?

a. In our house because her mother was our house helper.

q. Could you recall for how long if ever this Teofista Babiera lived with you in your residence?

a. Maybe in 1978 but she [would] always go ou[t] from time to time.

q. Now, during this time, do you recall if you ever assert[ed] her as your daughter with your husband?

a. No, sir."[15]

Relying merely on the assumption of validity of the Birth Certificate, petitioner has presented no other evidence other than the said document to show that she is really Hermogena's child. Neither has she provided any reason why her supposed mother would make a deposition stating that the former was not the latter's child at all.

All in all, we find no reason to reverse or modify the factual finding of the trial and the appellate courts that petitioner was not the child of respondent's parents.

WHEREFORE, the Petition is hereby DENIED and the assailed Decision AFFIRMED. Costs against petitioner.

SO ORDERED.

Melo, (Chairman), Purisima, and Gonzaga-Reyes, JJ., concur.

Vitug, J., abroad on official business.

[1] Rollo, pp. 9-16.

[2] Rollo, pp. 22-29.

[3] Fifteenth Division.

[4] CA Decision, p. 10; rollo, p. 29. The Decision was written by J. Demetrio G. Demetria, with the concurrence of JJ Ramon A. Bercelona (Division chairman) and Presbiterio J. Velasco Jr. (member)

[5] CA Decision, pp. 2-4; rollo, pp. 22-24.

[6] The case was deemed submitted for resolution on December 24, 1999, upon receipt by this Court of Petitioner's Memorandum, which was signed by Atty. Pablito C. Pielago Sr. Respondent's Memorandum, signed by Atty. Dulcesimo Tampus, had been received earlier.

[7] Petition, p. 3; rollo, p. 11.

[8] Art. 171. The heirs of the husband may impugn the filiation of the child within the period prescribed in the preceding article only in the following cases:

- (1) If the husband should die before the expiration of the period fixed for bringing his action;
- (2) If he should die after the filing of the complaint without having desisted therefrom; or
- (3) If the child was born after the death of the husband.

[9] It appears that respondent invoked Rule 108 in the present action. Although the said Rule allows only the correction of typographical or clerical errors and not material or substantial ones (see *Leonor v. CA*, 256 SCRA 69, April 2, 1996), the propriety of the present remedy was not raised as an issue. Hence, the Court finds no reason to pass upon it. It should be observed, however, that the trial court ordered the publication of the Petition and the date of hearing in a newspaper of general publication and caused the service of copies thereof to the Office of the Solicitor General, the Iligan City local civil registrar and the Office of the Iligan City Prosecutor.

[10] Civil Case No. 2389.

[11] 229 SCRA 468, January 24, 1994.

[12] *Ibid.*, pp. 472-474, per Puno, J.

[13] See *Santos v. Aranzanso*, 116 SCRA 1, August 21, 1982.

[14] The civil registrar was G.L. Caluen.

[15] CA Decision, pp. 9-10; rollo, pp. 28-29. The same was taken from Special Proceedings No. 1794, entitled "In the matter of the Perpetuation of the Testimony of Hermogena C. Babiera, Presentacion B. Catotal, Petitioner."

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.