ELINO RIVERA, DOMINADOR CLAUREN, SOLEDAD CLAUREN DE RIVERA, TEOFILA RIVERA AND CECILIA RIVERA, PETITIONERS, VS. HEIRS OF ROMUALDO VILLANUEVA REPRESENTED BY MELCHOR VILLANUEVA, A...

G.R. NO. 141501. July 21, 2006

Ponente: CORONA, J.

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CORONA, J.:

This petition for review on certiorari[1] from a decision[2] and a resolution[3] of the Court of Appeals (CA) in CA-G.R. CV No. 51449 touches upon questions of filiation, presumptions of co-equal acquisition and res judicata.

Petitioners are allegedly the half-brothers (Elino and Dominador), the half-sister-in-law (Soledad), and the children of a half-brother (Teofila and Cecilia) of the deceased Pacita Gonzales (hereinafter Gonzales). Respondents Catalino, Lucia, Purificacion and Melchor, all surnamed Villanueva, and Arnaldo V. Avendano are allegedly the siblings, full and half-blood of Romualdo Villanueva (hereinafter Villanueva).[4] They are denominated as the heirs of Villanueva and are represented by Melchor. They were allowed to substitute for Villanueva upon his death.[5] The remaining respondents, Angelina Villanueva (hereinafter respondent Angelina) and husband Victoriano de Luna, are allegedly the daughter and the son-in-law, respectively, of the late Villanueva.

From 1927 until her death in 1980, Gonzales cohabited with Villanueva without the benefit of marriage because the latter was married to one Amanda Musngi who died on April 20, 1963.[6] In the course of their cohabitation, they acquired several properties including the properties contested in this case. The disputed properties are:

> (a)
>
> Lot No. 266-B-1, with an area of 1,787 square meters, more or less, and covered by Transfer Certificate of Title No. NT-21446 [in the names of Villanueva and Gonzales], together with the residential house erected thereon and other improvements;
>
> (b)
>
> Lot No. 266-B-3 [included in the coverage of transfer Certificate of Title No. NT-21446], with an area of 5,353 square meters, more or less, situated at Poblacion, Talavera, Nueva Ecija;
>
> (c)
>
> [Lot 801-A covered by] Transfer Certificate of Title No. NT-12201 [in the names of Villanueva and Gonzales], with [an] area of 15.400 hectares, more or less, situated at Llanera, Nueva Ecija;
>
> (d)

> [Lot 3-A covered by] Transfer Certificate of Title No. NT-51899 [in the names of Villanueva and Gonzales], with an area of 4.0019 hectares, more or less, situated at Calipahan, Talavera, Nueva Ecija;
>
> (e)
>
> [Lot No. 838 covered by] Transfer Certificate of Title No. NT-17193 [in the names of Villanueva, Gonzales and one Soledad Alarcon vda. de Rivera], with an area of 3.8718 hectares, more or less, situated at Talavera, Nueva Ecija;
>
> (f)
>
> [Lot 884-B covered by] Transfer Certificate of Title No. NT-26670 [in the name of Gonzales], with an area of 3.5972 hectares, more or less, situated at Talavera, Nueva Ecija;
>
> (g)
>
> Subdivision lots situated at Talavera, Nueva Ecija, covered by Transfer Certificates of Title Nos. 106813 to 106931, inclusive, although the land covered by TCT No. NT-106827 ... was already sold to one Pastor Barlaan;
>
> (h)
>
> Shares of stocks, tractor, jewelries and other chattels, with an approximate value of at least P100,000; and
>
> (i)
>
> Savings deposit with the [Philippine] National Bank, in the amount of P118,722.61.[7]

Gonzales died on July 3, 1980 without leaving a will.

On August 8, 1980, Villanueva and respondent Angelina executed a deed of extrajudicial partition with sale,[8] that is, an extrajudicial settlement of Gonzales' estate comprising a number of the aforementioned properties. In this document, Villanueva, for the amount of P30,000, conveyed his interests in the estate to Angelina.

Petitioners (Gonzales' half-brothers, etc.) filed a case for partition of Gonzales' estate and annulment of titles and damages, with the Regional Trial Court (RTC) of Santo Domingo, Nueva Ecija, Branch 37. It was docketed as Civil Case No. SD-857 (SD-857). In dismissing the complaint, the RTC made two findings: (1) Gonzales was never married to Villanueva and (2) respondent Angelina was her illegitimate child by Villanueva and therefore her sole heir, to the exclusion of petitioners.[9]

Not satisfied with the trial court's decision, petitioners appealed to the CA which affirmed it. Hence, this petition.

Petitioners contend that the RTC and CA erred in finding that respondent Angelina was Gonzales' illegitimate daughter despite the RTC's ruling in another case, Special Proceedings No. SD-144 (SD-144), entitled In the Matter of the Intestate Estate of the late Pacita C. Gonzales, Epifanio C. Rivera, petitioner, v. Romualdo Villanueva, oppositor, in which the trial court appointed Epifanio Rivera as administrator of Gonzales' estate.[10]

They argue that the trial court's decision in SD-144, to the effect that respondent Angelina was neither the adopted nor the illegitimate daughter of Gonzales, should have operated as res judicata on the matter of respondent Angelina's status.

The first issue here is whether or not the findings regarding respondent Angelina's filiation in SD-144 are conclusive on SD-857 and therefore res judicata. The second is the determination of her real status in relation to Gonzales. Finally, there is the question of whether or not the real properties acquired by Villanueva and Gonzales were equally owned by them.

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We resolve the first issue in the negative. Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." It sets forth the rule that an existing final judgment or decree rendered on the merits and without fraud or collusion by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit.[11]

For res judicata to apply, the following elements must be present:

> (1) the judgment sought to bar the new action must be final;
>
> (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties;
>
> (3) the disposition of the case must be a judgment on the merits and
>
> (4) there, must be as between the first and second action, identity of parties, subject matter and causes of action.[12]

A number of factors militate against the existence of res judicata. First, the parties in the two cases are different. Epifanio C. Rivera, who incidentally is not a party in this petition, filed SD-144 seeking letters of administration over his dead sister's estate. Villanueva was his lone opponent. On the other hand, although both Villanueva and respondent Angelina were parties in SD-857, Epifanio Rivera was not. Petitioners never alleged that Epifanio represented their interests, and vice versa.

Furthermore, in SD-144, the trial court never actually acquired jurisdiction over respondent Angelina's person. She was not even a party there, given that Villanueva did not represent her interest when he opposed Epifanio Rivera's petition.

Finally and most significantly, there was no identity of cause of action between the two suits. By their very nature, they were entirely distinct from each other. SD-144 was a special proceeding while SD-857 was an ordinary civil case. The former was concerned with the issuance of letters of administration in favor of Epifanio Rivera while the latter was for partition and annulment of titles, and damages.

Clearly, then, there was no res judicata. Nevertheless, this still begged the question of whether or not it was proven, as the CA held, that respondent Angelina was the illegitimate daughter of the decedent Gonzales. On this issue, we find merit in the petition.

Both the trial court and the CA ruled that respondent Angelina was the illegitimate daughter of the decedent, based solely on her birth certificate. According to the assailed decision, "the birth certificate clearly discloses that Pacita Gonzales was the mother of Angelina Villanueva while municipal treasurer Romualdo Villanueva was denominated therein as her father."[13] The CA found this to be adequate proof that respondent Angelina was Gonzales' illegitimate child.

However, a closer examination of the birth certificate[14] reveals that respondent Angelina was listed as "adopted" by both Villanueva and Gonzales.

As a general rule, the Supreme Court is not a trier of facts.[15] However, one of the exceptions to this rule is when the judgment of the CA is based on a misapprehension of facts.[16] We believe this to be just such an instance.

In Benitez-Badua v. Court of Appeals,[17] Marissa Benitez-Badua, in attempting to prove that she was the sole heir of the late Vicente Benitez, submitted a certificate of live birth, a baptismal certificate, income tax returns and an information sheet for membership in the Government Service Insurance System of the decedent naming her as

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his daughter, and her school records. She also testified that she had been reared and continuously treated as Vicente's daughter.

By testimonial evidence alone, to the effect that Benitez-Badua's alleged parents had been unable to beget children, the siblings of Benitez-Badua's supposed father were able to rebut all of the documentary evidence indicating her filiation. One fact that was counted against Benitez-Badua was that her supposed mother Isabel Chipongian, unable to bear any children even after ten years of marriage, all of a sudden conceived and gave birth to her at the age of 36.

Of great significance to this controversy was the following pronouncement:

> But definitely, the mere registration of a child in his or her birth certificate as the child of the supposed parents is not a valid adoption, does not confer upon the child the status of an
> adopted child and the legal rights of such child, and even amounts to simulation of the child's birth or falsification of his or her birth certificate, which is a public document. (emphasis ours)[18]

Furthermore, it is well-settled that a record of birth is merely a prima facie evidence of the facts contained therein.[19] It is not conclusive evidence of the truthfulness of the statements made there by the interested parties.[20] Following the logic of Benitez, respondent Angelina and her co-defendants in SD-857 should have adduced evidence of her adoption, in view of the contents of her birth certificate. The records, however, are bereft of any such evidence.
There are several parallels between this case and Benitez-Badua that are simply too compelling to ignore. First, both Benitez-Badua and respondent Angelina submitted birth certificates as evidence of filiation. Second, both claimed to be children of parents relatively advanced in age. Third, both claimed to have been born after their alleged parents had lived together childless for several years.

There are, however, also crucial differences between Benitez-Badua and this case which ineluctably support the conclusion that respondent Angelina was not Gonzales' daughter, whether illegitimate or adopted. Gonzales, unlike Benitez-Badua's alleged mother Chipongian, was not only 36 years old but 44 years old, and on the verge of menopause[21] at the time of the alleged birth. Unlike Chipongian who had been married to Vicente Benitez for only 10 years, Gonzales had been living childless with Villanueva for 20 years. Under the circumstances, we hold that it was not sufficiently established that respondent Angelina was Gonzales' biological daughter, nor even her adopted daughter. Thus, she cannot inherit from Gonzales. Since she could not have validly participated in Gonzales' estate, the extrajudicial partition which she executed with Villanueva on August 8, 1980 was invalid.

Finally, we come to the question of whether or not the properties acquired by Gonzales and Villanueva during their cohabitation were equally owned by them. According to the trial court in SD-857,[22] Gonzales and Villanueva lived together without the benefit of marriage and therefore their property relations were governed by Article 144 of the Civil Code:

> Art. 144. When a man and a woman live together as husband and wife, but they are not married, or their marriage is void from the beginning, the property acquired by either or both of them through their work or industry or their wages and salaries shall be governed by the rules on co-ownership.

However, the contending parties agreed that the relationship of Villanueva and Gonzales was adulterous, at least until the death of Amanda Musngi, Villanueva's legal wife, on April 20, 1963. In their appeal brief, petitioners made the following admission:

> From 1927 until her death, Pacita [Gonzales] lived together with defendant Romualdo Villanueva ("Romualdo") as husband and wife without the benefit of marriage. Earlier, or sometime in 1913 or 1914, Romualdo was married to Amanda Musngi (or "Amanda"). Amanda died on April 20, 1963.[23] (emphasis

supplied)

Respondent Angelina, in her memorandum in SD-857, actually agreed with petitioners on the nature of Villanueva's relationship with Gonzales:[24]

> While Romualdo Villanueva claimed that he and Pacita C. Gonzales lived as husband and wife and that they were married, it turned out that he was not legally married to the latter, for then, his marriage in the year 1927, was still subsisting with one Amanda Musngi. (emphasis supplied)

Because the cohabitation of Villanueva and Gonzales from 1927 to 1963 was adulterous, their property relations during those 36 years were not governed by Article 144 of the Civil Code which applies only if the couple living together is not in any way incapacitated from getting married.[25] According to the doctrine laid down by Juaniza v. Jose,[26] no co-ownership exists between parties to an adulterous relationship. In Agapay v. Palang,[27] we expounded on this doctrine by declaring that in such a relationship, it is necessary for each of the partners to prove his or her actual contribution to the acquisition of property in order to be able to lay claim to any portion of it. Presumptions of co-ownership and equal contribution do not apply.

In Agapay, Miguel Palang and his paramour Erlinda Agapay bought a parcel of riceland in Pangasinan which they registered in their names. However, because Agapay failed to prove that she contributed money to the purchase price of the riceland, she could not rightfully claim co-ownership over the same.

Here, the records show only four properties acquired by Villanueva and Gonzales between 1927 and 1963 which they registered in both their names.[28] Following Agapay, these can only be apportioned according to the actual contributions of each. Unfortunately, the records are devoid of any evidence that Gonzales contributed anything to the acquisition of these properties. Petitioners merely asserted that she acquired these properties through her own industry[29] without a shred of evidence to support the allegation. On the other hand, it was clearly demonstrated that Villanueva was the municipal treasurer of Talavera for many years and therefore the lone breadwinner. In accordance with Agapay, none of these four parcels of land should accrue to petitioners.

There is only one parcel of land, covered by Transfer Certificate of Title (TCT) No. NT-26670,[30] registered solely in Gonzales' name, which was acquired between 1927 and 1963.[31] This fact of registration created a conclusiveness of title in favor of the person in whose name it was registered.[32] In SD-857, although Villanueva sought to prove that he alone had purchased the properties and that only he could have done so during the period of cohabitation (since he was the sole breadwinner), he never actually challenged the validity of the registration in her name. Thus the efficacy of the title in Gonzales' name remained unrebutted. As Gonzales' sole property, this should accrue entirely to her heirs.

The only property acquired after Musngi's death in 1963 and registered in the names of both Villanueva and Gonzales was Lot 3-A covered by TCT No. NT-51899.[33] This was governed by the rules on co-ownership pursuant to Article 144 of the Civil Code. Half of it should pertain to Gonzales' heirs and the other half, to Villanueva.

The rest of the properties registered solely in Gonzales' name were also acquired after the death of Amanda Musngi in 1963. The records show that the subdivision lots situated in Talavera, Nueva Ecija covered by TCTs Nos. 106813 to 106931 were acquired in 1971.[34] These properties were governed by co-ownership under Article 144 of the Civil Code. Again, half should accrue to Gonzales' heirs and the other half, to Villanueva.

Significantly, the trial court in SD-857 did not establish the exact relationship between petitioners and Gonzales, a relationship defendants therein (now respondents) vigorously denied. In view of this, there is a need to remand the case to the court of origin for the proper determination and identification of Gonzales' heirs.

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WHEREFORE, the petition is hereby GRANTED. The decision and resolution of the Court of Appeals in CA-G.R. CV No. 51449 are reversed and set aside, and a new one entered ANNULLING the deed of extrajudicial partition with sale and REMANDING the case to the court of origin for the determination and identification of Pacita Gonzales' heirs and the corresponding partition of her estate.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

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[*] They are Catalino Villanueva, Lucia Villanueva, Purificacion Villanueva, Arnaldo V. Avendano and Melchor Villanueva.

[1] Under Rule 45 of the Rules of Court.

[2] Dated March 31, 1999. It was penned by Associate Justice Portia Aliño-Hormachuelos and concurred in by Associate Justices Buenaventura J. Guerrero (retired) and Teodoro F. Regino (retired) of the Twelfth Division of the Court of Appeals; rollo, pp. 38-47.

[3] Dated December 22, 1999 (affirming the March 31, 1999 CA Decision) and penned by Associate Justice Portia Aliño-Hormachuelos and concurred in by Associate Justices Buenaventura J. Guerrero and Teodoro F. Regino of the Former Twelfth Division of the Court of Appeals; rollo, pp. 48-49.

[4] The exact relationship to Romualdo Villanueva of each specific person is not stated in the records. They are merely alleged to be "the brothers of the full blood and of half blood and nephews and nieces of the late Romualdo Villanueva...;" records, RTC, pp. 76-77.

[5] Id., RTC, p. 366.

[6] Rollo, pp. 39-40.

[7] Court of Appeals Decision; rollo, pp. 40-41.

[8] Pagbabahaging Labas sa Hukuman na may Bilihang Lubusan.

[9] RTC decision dated June 23, 1993, penned by Judge Senen R. Saguyod; RTC records, pp. 364-369.

[10] Rollo, pp. 94-101. An original of the decision in SD-144 was one of the pieces of evidence presented by petitioners in SD-857.

[11]Oropeza Marketing Corporation v. Allied Banking Corp., 441 Phil. 551 (2002); PNB v. Barreto, et al., 52 Phil. 818 (1929).

[12] Oropeza Marketing Corp., supra.; Macahilig v. Heirs of Magalit, 398 Phil. 802 (2000); Nery v. Leyson, 393 Phil. 644 (2000); Siapian v. Court of Appeals, 383 Phil. 753 (2000); De Knecht v. Court of Appeals, 352 Phil. 833 (1998).

[13] Rollo, p. 46.

[14] Records, Exhibits for the Defendants, Exhibit "1."

[15]Twin Towers Condominium Corp. v. Court of Appeals, 446 Phil. 280 (2003); Fuentes v. Court of Appeals, 335 Phil. 1163 (1997); Reyes v. Court of Appeals, 328 Phil. 238 (1996); Vda. De Alcantara v. Court of Appeals, 322 Phil. 490 (1996).

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[16] Sps. Francisco v. Court of Appeals, 449 Phil. 632 (2003).

[17] G.R. No. 105625, 24 January 1994, 229 SCRA 468.

[18] Supra at 476.

[19] Article 410, Civil Code.

[20Dupilas v. Cabacungan, 36 Phil. 254 (1917).

[21] Sanders, Stephanie Ann, "Menopause," Microsoft Encarta Encyclopedia 2003, 2002.

[22]Records, RTC, p. 367.

[23]Brief for Plaintiffs-Appellants, CA records, pp. 43-55.

[24]Records, RTC, p. 358.

[25] Juaniza v. Jose, G.R. Nos. L-50127-28, 30 March 1979, 89 SCRA 306.

[26] Id.

[27]342 Phil. 302 (1997).

[28] These are (1) Lot Nos. 266-B-1 and (2) 266-B-3 both covered by TCT No. NT-21446, (3) Lot 801-A covered by TCT No. 12201 and (4) Lot No. 838 covered by TCT No. NT-17193 (See footnote 7 [a], [b], [c] and [e]); records, Exhibits for the Plaintiffs, Exhibits "J," "K" and "N."

[29] Rollo, p. 33.

[30]See footnote 7 (f); 3.5972 hectares located in Talavera, Nueva Ecija.

[31] Records, Exhibits for the Plaintiffs, Exhibit "M."

[32]De la Cruz v. De la Cruz, 215 Phil. 593 (1984).

[33]See footnote 7 (d).

[34]Records, Exhibits for the Plaintiffs, Exhibits "O" to "O-112." See also footnote 7 (g).

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