

ROSALINA P. ECETA, PETITIONER, VS. MA. THERESA VELL LAGURA ECETA, RESPONDENT.

G.R. No. 157037. May 20, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

This petition for review on certiorari assails the Decision[1] of the Court of Appeals in CA- G.R. CV No. 50449 which affirmed with modification the trial court's ruling that respondent Maria Theresa Vell Lagura Eceta is entitled to one-eight (1/8) portion of the disputed property.

The antecedent facts are as follows:

Petitioner Rosalina P. Vda. De Eceta was married to Isaac Eceta sometime in 1926. During the subsistence of their marriage, they begot a son, Vicente. The couple acquired several properties, among which is the disputed property located at Stanford, Cubao, Quezon City covered by Transfer Certificate of Title No. 61036. Isaac died in 1967 leaving behind Rosalina and Vicente as his compulsory heirs.

In 1977, Vicente died. During his lifetime, however, he sired Maria Theresa, an illegitimate daughter. Thus at the time of his death, his compulsory heirs were his mother, Rosalina, and illegitimate child, Maria Theresa.

In 1991, Maria Theresa filed a case before the Regional Trial Court of Quezon City, Branch 218, for "Partition and Accounting with Damages"[2] against Rosalina alleging that by virtue of her father's death, she became Rosalina's co-heir and co- owner of the Cubao property. The case was docketed as Civil Case No. Q-91-8922.

In her answer, Rosalina alleged that the property is paraphernal in nature and thus belonged to her exclusively.

During the pre-trial conference, the parties entered into a stipulation of facts wherein they both admitted their relationship to one another, i.e., that Rosalina is Maria Theresa's grandmother.[3]

After trial on the merits, the court a quo rendered judgment, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

a)

Theresa Eceta and Rosalina Eceta are the only surviving co-heirs and co-owners over the parcel of land and improvements thereon subject of this case;

b)

Maria Theresa Eceta is entitled to one fourth share of said property;

c)

Rosalina Eceta is ordered to account for the value corresponding to the one-fourth undivided share of Theresa Eceta in the monthly rentals of the property with interest and must commence from the filing of this case;

d)

Parties are ordered within fifteen days from receipt of this decision to amicably agree upon a written partition and to submit the same for approval, parties shall appoint a commissioner to effect said partition of the property between the parties;

e) The counterclaim by defendant Rosalina is hereby dismissed.[4]

Rosalina appealed the decision to the Court of Appeals, which affirmed with modification the trial court's ruling, thus:

WHEREFORE, premises considered, the appealed Decision is hereby AFFIRMED subject to the MODIFICATION that the one-fourth (1/4) share erroneously decreed to Appellee is hereby REDUCED to one-eight (1/8) undivided share of the entire disputed property, covered by TCT No. 61036, in accordance with law.

Her motion for reconsideration having been denied, Rosalina is now before us by way of petition for review wherein she submits the following issues:

a.

Whether the certified xerox copy from a xerox copy of the certificate of live birth (Exhibit A) is competent evidence to prove the alleged filiation of the respondent as an "illegitimate daughter" of her alleged father Vicente Eceta.

b

Whether the admission made by petitioner that respondent is her granddaughter is enough to prove respondent's filiation with Vicente Eceta, the only son of petitioner.

c

Whether the action for recognition has already prescribed.

The petition has no merit.

We note Rosalina's attempt to mislead the Court by representing that this case is one for compulsory recognition, partition and accounting with damages. [5] Notably, what was filed and tried before the trial court and the Court of Appeals is one for partition and accounting with damages only. The filiation, or compulsory recognition by Vicente Eceta of Maria Theresa, was never put in issue. In fact, both parties have already agreed and admitted, as duly noted in the trial court's pre-trial order,[6] that Maria Theresa is Rosalina's granddaughter.

Notwithstanding, Maria Theresa successfully established her filiation with Vicente by presenting a duly authenticated birth certificate.[7] Vicente himself signed Maria Theresa's birth certificate thereby acknowledging that she is his daughter. By this act alone, Vicente is deemed to have acknowledged his paternity over Maria Theresa, thus:

The filiation of illegitimate children, like legitimate children, is established b (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 thereof, 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. The due recognition of an illegitimate child in a record of birth, a will, a statement before a court of record, or in any authentic writing is, in itself, a consummated act of acknowledgement of the child, and no further court action is required. In fact, any authentic writing is treated

not just a ground for compulsory recognition; it is in itself a voluntary recognition that does not require a separate action for judicial approval.[8]

In view of the foregoing, we find no necessity to discuss the other issues submitted.

WHEREFORE, the petition for review on certiorari is DENIED. The decision of the Court of Appeals in CA-G.R. CV No. 50449, which affirmed with modification the decision of the Regional Trial Court of Quezon City, Branch 218 in Civil Case No. Q-91-8922, is AFFIRMED in toto.

SO ORDERED.

Panganiban, Carpio, and Azcuna, JJ., concur. Davide, Jr., C.J., on official leave.

[1] Penned by Associate Justice Candido V. Rivera and concurred in by Associate Justices Godardo A. Jacinto and Mariano C. Del Castillo.

[2] RTC Records, pp. 1-4.

[3] Pre-trial Order, RTC Records, p. 64.

[4] Penned by Judge Hilario L. Laqui.

[5] Rollo, pp. 12-20.

[6] RTC Records, p. 64.

[7] CA Records, pp. 190-191.

[8] De Jesus v. Estate of Decedent Juan Gamboa Dizon, G.R. No. 142877, 2 October 2001, 366 SCRA 499, 503. Eceta vs Eceta :157037 : May 20, 2004 : J. Ynares-Santiago : First Division : Decision

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