

**ANA JOYCE S. REYES, PETITIONER, VS. HON. CESAR M. SOTERO,
PRESIDING JUDGE, RTC OF PANIQUI, TARLAC, BRANCH 67, ATTY.
PAULINO SAGUYOD, THE CLERK OF COURT OF BRANCH 67 OF THE
RTC A...**

G.R. NO. 167405. February 16, 2006

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This petition for review seeks to modify the Decision of the Court of Appeals dated May 14, 2004 in CA-G.R. SP No. 74047 as well as the Resolution dated May 14, 2005 denying the motion for reconsideration. In the assailed judgment, the Court of Appeals annulled and set aside the September 18, 2002 and November 12, 2002 Resolutions of the Regional Trial Court (RTC) of Paniqui, Tarlac, Branch 67 in Spec. Proc. No. 204 but refrained from dismissing the petition for letters of administration and settlement of estate on the ground that petitioner must first prove that she was legally adopted by the decedent, Elena Lising.

On September 15, 1998, respondent Corazon L. Chichioco filed a petition for the issuance of letters of administration and settlement of estate of the late Elena Lising before the RTC of Paniqui, Tarlac, where it was docketed as Spec. Proc. No. 204 and raffled to Branch 67. Chichioco claimed that she was the niece and heir of Lising who died intestate on July 31, 1998. Named as co-heirs of Chichioco were Rosario L. Zalzos, Florante Zalzos, Erlinda Lising, Manuel Lising, Evelyn Lising, Josephine Lising, Alfredo Lising and respondents Ernesto Lising and Erlinda Espacio.

According to Chichioco, the deceased left real properties located in the municipalities of Ramos and Paniqui, Tarlac, as well as assorted pieces of jewelry and money which were allegedly in the possession of petitioner Ana Joyce S. Reyes, a grandniece of the deceased. Chichioco prayed that she be appointed administrator of the estate, upon payment of a bond, pending settlement and distribution of Lising's properties to the legal heirs.[1]

On November 6, 1998, petitioner Reyes filed an Opposition[2] to the petition, claiming that she was an adopted child of Lising and the latter's husband, Serafin Delos Santos, who died on November 30, 1970. She asserted that the petition should be dismissed and that the appointment of an administrator was unnecessary, since she was the only heir of Lising who passed away without leaving any debts. She further asserted that Chichioco is unfit to serve as administrator of Lising's estate because of her "antagonistic interests" against the decedent. Chichioco and her alleged co-heirs have questioned the decedent's title to a piece of real property which forms a large part of the estate.

On November 11, 1998, petitioner filed a Supplement to the Opposition[3] attaching thereto the Certification[4] issued by the Municipal Civil Registrar of Paniqui, Tarlac stating that on page 76, Book No. 01 of the Register of Court Decrees, Reyes was adopted by Elena Lising and Serafin Delos Santos pursuant to a decision rendered in Spec. Proc. No. 1410 by Judge Julian Lustre of the Court of First Instance (CFI) of Tarlac, Branch 3, promulgated on December 21, 1968 and duly registered with the Office of the Civil Registrar on January 29, 1969.

Petitioner also submitted a Certification[5] issued by the Clerk of Court of the RTC-Tarlac City, stating that a judgment was rendered in Spec. Proc. No. 1410 on December 21, 1968 decreeing petitioner's adoption by Elena Lising and Serafin Delos Santos. She also presented a copy of Judicial Form No. 43[6] indicating that the adoption decree was on file in the General Docket of the RTC-Tarlac City, wherein the dispositive portion of the adoption decree was recorded as follows:

In view of the foregoing, the court finds this petition a proper case for adoption and therefore grants the same. Consequently, the Court declares that henceforth, the child Ana Joyce C. Zalzos is freed from all legal obligations of obedience and maintenance with respect to her natural parents Orlando Zalzos and May C. Castro, and is to all legal intents and purposes the child of the petitioners Serafin delos Santos and Elena Lising.[7]

Petitioner likewise submitted a Decree of Final Distribution[8] issued by the Philippine Veterans Affairs Office (PVAO) showing that, upon the death of Serafin Delos Santos, death benefits were paid to his widow, Elena Lising, and his "daughter", Ana Joyce Delos Santos, in accordance with pertinent provisions of law.

On April 5, 1999, the RTC ordered respondents to submit documentary evidence to prove the jurisdictional facts of the case and to comment on petitioner's opposition.[9] Only Rosario L. Zalsos appears to have filed a Comment/Reply to Oppositor's Opposition,[10] after which the RTC ordered the parties to submit memoranda thereon.[11] On July 22, 1999, the case was deemed submitted for resolution.[12]

Meanwhile, on June 30, 1999, Chichioco and her alleged co-heirs filed before the Court of Appeals a petition for annulment of the adoption decree docketed as SP No. 53457.[13] They claimed that no proceedings for the adoption of petitioner took place in 1968 since the Provincial Prosecutor of Tarlac and the Office of the Solicitor General (OSG) had no records of the adoption case. Petitioner's natural mother supposedly connived with the court personnel to make it appear that petitioner was adopted by the Delos Santos spouses and that the CFI's order for initial hearing was published in a weekly newspaper which was not authorized to publish court orders in special proceedings.

Upon motion of Chichioco, the RTC ordered on October 4, 1999, the suspension of hearings in Spec. Proc. No. 204 pending the outcome of SP No. 53457.[14] Subsequently, however, the Court of Appeals dismissed[15] SP No. 53457 for failure to comply with the third paragraph of Section 4, Rule 47 of the Rules of Court.[16] The said dismissal became final and executory on March 8, 2000.[17]

Thereafter, on August 22, 2000, petitioner filed a motion before the RTC praying that the opposition to Spec. Proc. No. 204 be finally resolved and that the petition be dismissed.[18] This was followed by an Urgent Ex Parte Motion[19] filed by petitioner on October 17, 2000 praying for the immediate resolution of her opposition.

On November 16, 2000, respondents filed a Comment[20] to the opposition stating that reasonable doubts have been cast on petitioner's claim that she was legally adopted due allegedly to certain "badges of fraud." Respondents also informed the RTC that they have filed a criminal complaint against petitioner before the Office of the Provincial Prosecutor, Tarlac City, for alleged falsification of the adoption decree and Judicial Form No. 43, docketed as I.S. No. 00-1016.

Subsequently, the RTC issued a Resolution[21] dated December 12, 2000 deferring resolution of petitioner's opposition to Spec. Proc. No. 204, pending the outcome of the criminal case filed against the latter. In the meantime, the parties were enjoined from dissipating or disposing any or all of the properties included in the estate of Elena Lising without order from this Court.

On December 13, 2000, Chichioco filed an Urgent Motion to Appoint Special Administrator[22] before the RTC

on the ground that there was yet no true determination and appraisal of the decedent's universal estate. It was prayed therein that the Branch Clerk of Court, Atty. Paulino Saguyod, be appointed special administrator as he was "an experienced and able person in the management of properties" and is "honest, impartial, competent and acceptable to the majority of the interested parties."

In the meantime, the Provincial Prosecutor found probable cause to charge petitioner with falsification of public documents per resolution dated January 5, 2001.[23] Petitioner thus appealed the said finding to the Office of the Regional State Prosecutor.

On August 8, 2001, the RTC granted respondents' motion for the appointment of a special administrator and appointed its branch clerk of court, Atty. Saguyod.[24] Petitioner moved for reconsideration on the grounds that the branch clerk of court was disqualified from taking on the task of special administrator, and that Atty. Saguyod was appointed without being required to file a bond. Petitioner also reiterated that the petition should be dismissed because she is the sole heir of the decedent.[25] However, the RTC denied petitioner's motion for reconsideration on November 5, 2001.[26]

On January 14, 2002, the Office of the Regional State Prosecutor reversed the findings of the Provincial Prosecutor and dismissed the criminal complaint against petitioner.[27] Undaunted, Chichioco filed a petition for review before the Department of Justice (DOJ).

Simultaneously, Chichioco and the other alleged co-heirs filed a motion before the RTC to enjoin petitioner from conducting business in a property belonging to the estate. Respondent Chichioco alleged that petitioner converted the basement of Lising's residence into a billiard hall without authority of the special administrator.[28]

Acting on said motion, the RTC issued a resolution on September 18, 2002, the dispositive part of which reads:

WHEREFORE, the Oppositor Ana Joyce Reyes is hereby enjoined from conducting business activity in any of the properties left by the decedent. The Special Administrator is also empowered to take control and possession of the listed personal and real properties of the decedent and those that may be found to be owned or registered in the name of the same.

SO ORDERED.[29]

Petitioner filed a motion for reconsideration of the above resolution which was denied by the RTC on November 12, 2002. On even date, the DOJ also issued a resolution dismissing respondent Chichioco's petition for review in the criminal case.[30]

Subsequently, petitioner filed a special civil action for certiorari before the Court of Appeals, docketed as CA-G.R. SP No. 74047,[31] assailing the September 18, 2002 and November 12, 2002 resolutions of the RTC. Petitioner alleged that said resolutions were issued with grave abuse of discretion amounting to lack or in excess of jurisdiction since as sole heir, she had the right to possess and use the decedent's property, title over which automatically passed on to her upon the latter's death. Moreover, the special administrator, Atty. Saguyod, had yet to file a bond and submit an inventory of the decedent's estate.

Additionally, petitioner insisted that Spec. Proc. No. 204 should be dismissed since the dismissal by the Court of Appeals of SP No. 53457 constituted res judicata as to the former. There was likewise no valid challenge to her adoption and she consequently remains to be the sole heir of the decedent. Thus, she stressed that there was no need for the appointment of an administrator or for the settlement proceedings.

In due course, the Court of Appeals rendered judgment[32] nullifying the resolutions of the trial court. It held that the presiding judge, Judge Cesar M. Sotero, gravely abused his discretion in appointing his branch clerk of court

as special administrator. Citing *Balanay, Jr. v. Martinez*,^[33] the appellate court reasoned that such act could engender a suspicion that Judge Sotero and his clerk are in cahoots in milking the decedent's estate. Moreover, Atty. Saguyod failed to comply with the requirements of a bond and inventory and could not therefore take control and possession of any of the decedent's properties.

However, the appellate court refused to dismiss Spec. Proc. No. 204 since the dismissal of SP No. 53457 was not a judgment on the merits and did not operate as *res judicata* to the former. It was also incumbent upon petitioner to prove before the trial court that she was indeed adopted by the Delos Santos spouses since, according to the appellate court, "imputations of irregularities permeating the adoption decree render its authenticity under a cloud of doubt."

Petitioner's motion for reconsideration having been denied on March 15, 2005,^[34] hence this petition on the following assigned errors:

- THE HONORABLE COURT ERRED IN HOLDING THAT PETITIONER HAD TO PROVE THE VALIDITY OF HER ADOPTION DUE TO IMPUTATIONS OF IRREGULARITIES IN VIEW OF SECTION 47 OF RULE 39.^[35]
- THE HONORABLE COURT ERRED IN HOLDING THAT THE DISMISSAL IN SP NO. 53457 WAS NOT A DISMISSAL ON THE MERITS.^[36]

The petition is meritorious.

On the first assigned error, we agree with petitioner that she need not prove her legal adoption by any evidence other than those which she had already presented before the trial court. To recall, petitioner submitted a certification from the local civil registrar's office that the adoption decree was registered therein and also a copy of Judicial Form No. 43 and a certification issued by the clerk of court that the decree was on file in the General Docket of the RTC-Tarlac City. Both certifications were issued under the seal of the issuing offices and were signed by the proper officers. These are thus presumed to have been regularly issued as part of the official duties that said public officers perform.^[37]

It should be borne in mind that an adoption decree is a public document^[38] required by law to be entered into the public records, the official repository of which, as well as all other judicial pronouncements affecting the status of individuals, is the local civil registrar's office as well as the court which rendered the judgment.

Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated.^[39] As such, the certifications issued by the local civil registrar and the clerk of court regarding details of petitioner's adoption which are entered in the records kept under their official custody, are *prima facie* evidence of the facts contained therein. These certifications suffice as proof of the fact of petitioner's adoption by the Delos Santos spouses until contradicted or overcome by sufficient evidence. Mere "imputations of irregularities" will not cast a "cloud of doubt" on the adoption decree since the certifications and its contents are presumed valid until proof to the contrary is offered.

In this regard, it must be pointed out that such contrary proof can be presented only in a separate action brought principally for the purpose of nullifying the adoption decree. The latter cannot be assailed collaterally in a proceeding for the settlement of a decedent's estate, as categorically held in *Santos v. Aranzanso*.^[40] Accordingly, respondents cannot assail in these proceedings the validity of the adoption decree in order to defeat petitioner's claim that she is the sole heir of the decedent. Absent a categorical pronouncement in an appropriate proceeding that the decree of adoption is void, the certifications regarding the matter, as well as the facts stated therein, should be deemed legitimate, genuine and real. Petitioner's status as an adopted child of the decedent

remains un rebutted and no serious challenge has been brought against her standing as such. Therefore, for as long as petitioner's adoption is considered valid, respondents cannot claim any interest in the decedent's estate. For this reason, we agree with petitioner that Spec. Proc. No. 204 should be dismissed.

As succinctly held in *Santos v. Aranzanso*:^[41]

From all the foregoing it follows that respondents -x x x and those who, like them x x x, claim an interest in the estate x x x as alleged first cousins, cannot intervene, as such, in the settlement proceedings, in view of the fact that in the order of intestate succession adopted children exclude first cousins (Articles 979 and 1003, New Civil Code). The same holds true as long as the adoption must be - as in the instant case - considered valid. (Emphasis added)

Petitioner, whose adoption is presumed to be valid, would necessarily exclude respondents from inheriting from the decedent since they are mere collateral relatives of the latter. To allow the proceedings below to continue would serve no salutary purpose but to delay the resolution of the instant case. After all, the dismissal of Spec. Proc. No. 204 is the logical consequence of our pronouncement relative to the presumed validity of petitioner's adoption.

Moreover, it must be stressed that all the evidence pertinent to the resolution of the petitioner's opposition, which is actually a motion to dismiss the petition for letters of administration and settlement of the estate, is a matter of record in the instant case. The same has in fact been submitted for resolution before the RTC more than six years ago and is so far the only pending incident before the RTC. The parties have likewise amply ventilated their positions on the matter through their respective pleadings filed before the lower courts. No useful purpose will thus be served if we let the RTC resolve the matter, only for its ruling to be elevated again to the Court of Appeals and subsequently to this Court. The remand of the case to the lower court for further reception of evidence is not necessary where the Court is in a position to resolve the dispute based on the evidence before it.^[42] This is in keeping with the avowed purpose of the rules of procedure which is to secure for the parties a just, speedy and inexpensive determination of every action or proceeding.^[43] Hence, since the grounds for the dismissal of Spec. Proc. No. 204 are extant in the records and there is no cogent reason to remand the case to the RTC, Spec. Proc. No. 204 should be dismissed.

Based on the foregoing, the Court sees no need to discuss petitioner's second assigned error.

WHEREFORE, the instant petition is GRANTED. Special Proceedings No. 204 pending before the Regional Trial Court of Tarlac City, Branch 67 is DISMISSED.
SO ORDERED.

Panganiban, C.J., (Chairman), Austria-Martinez and Chico-Nazario, JJ., concur.
Callejo, Sr., J., on leave.

[1] Rollo, pp. 69-74.

[2] Id. at 75-79.

[3] Id. at 81-84.

[4] Id. at 85.

[5] Records, p. 35.

[6] Rollo, p. 207.

[7] Id.

[8] Id. at 86-87.

[9] Records, p. 98.

[10] Id. at 128-132.

[11] Id. at 147.

[12] Id. at 148.

[13] Rollo, pp. 88-97.

[14] Id. at 98.

[15] Id. at 99.

[16] The third paragraph of Section 4, Rule 47 of the Rules of Court states that:

The petitioner shall also submit together with the petition affidavits of witnesses or documents supporting the cause of action or defense and a sworn certification that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same, and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

[17] Rollo, p. 100.

[18] Records, pp. 198-203.

[19] Id. at 253-256.

[20] Id. at 236-243.

[21] Id. at 264.

[22] Id. at 261-263.

[23] Rollo, pp. 232-234.

[24] Id. at 106-107.

[25] Id. at 108-111.

[26] Id. at 108-112.

[27] Id. at 101-105.

[28] Id. at 114-116.

[29] Id. at 65.

[30] Id. at 128-129.

[31] Id. at 47-64.

[32] Id. at 36-43. Penned by Associate Justice Edgardo P. Cruz and concurred in by Associate Justices Delilah Vidallon-Magtolis and Noel G. Tijam.

[33] G.R. No. L-39247, June 27, 1975, 64 SCRA 452.

[34] Rollo, p. 46.

[35] Id. at 20.

[36] Id. at 25.

[37] RULES OF COURT, Rule 131, Sec. 2(m).

[38] Id., Rule 132, Sec. 19(a).

[39] Id., id., Section 23.

[40] 123 Phil. 160 (1966); In this case, the respondents opposed the petition for letters of administration filed by the surviving spouse and adopted children of the decedent on the ground that the adoption was void ab initio for want of written consent of the adopted children's natural parents. Respondents also alleged that the adopted children were not abandoned by their natural parents and could therefore not be adopted by the decedent and her spouse. The Court, through Mr. Justice Bengzon, held that the adoption decree could not be attacked collaterally in the settlement proceedings and was thus considered valid for the purpose.

[41] Id. at 171-172.

[42] See Roman Catholic Archbishop of Manila v. Court of Appeals, G.R. Nos. 77425 & 77450, June 19, 1991, 198 SCRA 300, 311.

[43] See China Banking Corporation v. Court of Appeals, 333 Phil. 158, 165 (1996).

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