

**SPS. EDGARDO AND NATIVIDAD FIDEL, PETITIONERS, VS.
HONORABLE COURT OF APPEALS, HEIRS OF THE LATE PRIMITIVO
ESPINELI, NAMELY, JOSEFINA, PATRICIO AND LEONARDO, ALL
SURNAMED ESPINE...**

G.R. No. 168263. July 21, 2008

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-168263/>

QUISUMBING, J.:

This petition for review seeks to reverse the Decision[1] dated November 22, 2004 and the Resolution[2] dated May 27, 2005 of the Court of Appeals in CA-G.R. CV No. 71996. The appellate court had affirmed with modification the Decision[3] dated February 20, 2001 of the Regional Trial Court (RTC), Branch 15, Naic, Cavite in Civil Case No. NC-652-95, annulling the sale in favor of the petitioners Edgardo and Natividad Fidel of a 150-square meter parcel of unregistered land located at San Miguel Street, Indang, Cavite and owned by the late Vicente Espineli.

The facts, culled from the records, are as follows:

On February 21, 1995, respondents filed a Complaint[4] for Annulment of Sale, Tax Declaration, Reconveyance with Damages against the petitioners Edgardo and Natividad Fidel and Guadalupe Espineli-Cruz before the RTC, Branch 15, Naic, Cavite. In their complaint, respondents alleged that they are compulsory heirs of Primitivo Espineli, the only child of Vicente and his first wife, Juliana Asas. Respondents further alleged that they discovered that the abovementioned parcel of land owned by the late Vicente was sold on October 7, 1994 to the petitioners despite the fact that Vicente died intestate on June 4, 1941. They argue that the sale is void and simulated because Vicente's signature appearing on the deed of sale is a forgery.

In her Answer,[5] Guadalupe, the only surviving child of Vicente and his second wife, Pacencia Romea, denied any knowledge of the deed of sale allegedly signed by Vicente. She, however, admitted selling the property but by virtue of another deed of sale signed by her as heir of Vicente and in representation of her nephews and nieces who are children of her deceased siblings, all children of Vicente and Pacencia. She further denied knowledge of Vicente's alleged first marriage with Juliana Asas. She argues that the heirs of Primitivo must first establish their filiation from Vicente, prior to instituting the complaint for annulment of sale. Guadalupe further stresses that the petitioners Fidel have been able to register the sale of the property and to obtain Tax Declaration No. 16304[6] in their name.

On February 20, 2001, the RTC ruled in respondents' favor. The dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendants as follows:

- Ordering the annulment of the sale in favor of the defendants spouses Edgardo and Natividad Fidel of the property in litigation;

- Ordering the Regis[ter] of Deeds and/or the Provincial Assessor of Cavite to cancel the registration and/or Tax Declaration No. 16304, Series of 1995;
- Ordering the defendants spouses Edgardo and Natividad Fidel to cause the reconveyance of the property to Vicente Espineli and/or his heirs for disposition subject to the laws of intestacy;
- Ordering the defendants jointly and severally, to pay the plaintiffs the amount of P50,000.00 as moral damages and P30,000.00 as exemplary damages;
- Ordering the defendants jointly and severally, to reimburse the plaintiffs their expenses for litigation in the amount of P50,000.00 as attorney's fees;
- And to pay costs of suit.

SO ORDERED.[7]

On November 22, 2004, the Court of Appeals affirmed with modification the RTC Decision as follows:

Accordingly, the subject property should be reconveyed to the Estate of the late Vicente Espineli but the proper proceedings should be instituted to determine the latter's heirs, and if appropriate, to partition the subject property.

WHEREFORE, premises considered, the assailed DECISION is hereby AFFIRMED subject to the foregoing MODIFICATION. No costs.

SO ORDERED.[8]

Thus, the instant petition by the spouses Edgardo and Natividad Fidel, alleging that the appellate court:

I.

... ERRED IN UPHOLDING THE DECISION OF THE TRIAL COURT, CONSIDERING THAT PRIVATE RESPONDENTS HAVE NO LEGAL PERSONALITY TO INSTITUTE THE ACTION. PRIVATE RESPONDENTS MUST FIRST ESTABLISH THE SAME IN PROPER ACTION TO PROVE THEIR FILIATION. LACK OF SUCH DETERMINATION ON THE ISSUE OF FILIATION ON SEPARATE AND INDEPENDENT ACTION, PRIVATE RESPONDENTS HAVE NO LEGAL PERSONALITY TO INSTITUTE THE ACTION FOR ANNULMENT OF SALE, CONVEYANCE AND DAMAGES.

II.

... LIKewise COMMITTED ERROR IN RECOGNIZING AND/OR ADMITTING THE BAPTISMAL CERTIFICATE OF PRIMITIVO ESPINELI AS PROOF OF FILIATION THAT [VICENTE ESPINELI IS HIS FATHER].

III.

... ERRED IN AWARDING DAMAGES AND ATTORNEY'S FEES, CONSIDERING THAT PRIVATE RESPONDENTS MUST FIRST INSTITUTE A SEPARATE ACTION TO PROVE THEIR FILIATION.[9]

Respondents for their part raise the following issues:

I.

WHETHER OR NOT PRIVATE RESPONDENTS ARE SUFFICIENTLY CLOTHED WITH LEGAL PERSONALITY TO FILE THE PRESENT ACTION FOR ANNULMENT OF SALE, RECONVEYANCE WITH DAMAGES WITHOUT PREJUDICE TO INSTITUTING A SEPARATE ACTION TO ESTABLISH FILIATION AND HEIRSHIP IN A SEPARATE [PROCEEDING].

II.

ASSUMING PETITIONERS HAVE PERSONALITY TO RAISE THE ISSUE OF FILIATION, WHETHER OR NOT THE BAPTISMAL CERTIFICATE OF PRIMITIVO ESPINELI IS VALID AND COMPETENT EVIDENCE OF HIS FILIATION AS CHILD OF VICENTE ESPINELI.

III.

WHETHER OR NOT THE SALE OF SUBJECT PROPERTY BY GUADALUPE TO PETITIONERS FIDEL IS VALID UNDER THE PRINCIPLE OF BUYER IN GOOD FAITH.

IV.

WHETHER OR NOT THE AWARD OF DAMAGES AND ATTORNEY'S FEES TO PRIVATE RESPONDENTS HAS NO BASIS SINCE A [SEPARATE] ACTION TO PROVE THEIR FILIATION SHOULD FIRST BE FILED.[10]

Briefly stated, the issues for our resolution are: (1) Do respondents have the legal personality to file the complaint for annulment of title? (2) Is the baptismal certificate of Primitivo valid and competent evidence to prove his filiation by Vicente? (3) Are petitioners buyers in good faith? and (4) Is the award of attorney's fees and damages to respondents proper?

At the outset, we entertain no doubt that the first deed of sale, allegedly signed by Vicente, is void because his signature therein is a patent forgery. Records show he died in 1941, but the deed of sale was allegedly signed on October 7, 1994. Article 1409 of the Civil Code of the Philippines states:

Art. 1409. The following contracts are inexistent and void from the beginning:

- (1) Those whose cause, object or purpose is contrary to law, morals, good customs, public order, or public policy;
- (2) Those which are absolutely simulated or fictitious;
- (3) Those whose cause or object did not exist at the time of the transaction;
- (4) Those whose object is outside the commerce of men;
- (5) Those which contemplate an impossible service;
- (6) Those where the intention of the parties relative to the principal object of the contract cannot be ascertained;
- (7) Those expressly prohibited or declared void by law.

These contracts cannot be ratified. Neither can the right to set up the defense of illegality be waived. (Emphasis supplied.)

As for the deed of sale signed by Guadalupe as heir of Vicente and in representation of her nephews and nieces, petitioners insist that the sale is valid because respondents have no legal personality to file the complaint, the latter not having established their filiation by Vicente. They argue that respondents first need to establish their filiation by Vicente prior to instituting a complaint in a separate action, and not in the present action. On the other hand, respondents contend that their filiation was established by the baptismal certificate of their father, Primitivo, showing that Primitivo is the son of Vicente.

On this point we rule in favor of respondents.

While respondents' principal action was for the annulment of the sale and not an action to impugn one's legitimacy and that one's legitimacy can be questioned only in a direct action seasonably filed by the proper party, it is necessary to pass upon the relationship of respondents to the deceased Vicente for the purpose of determining what legal rights respondents have in the property. In fact, the issue of whether or not respondents are heirs of Vicente was squarely raised by petitioners in their Pre-Trial Brief[11] filed on April 26, 1995, before the trial court, hence they are now estopped from assailing the trial court's ruling on respondents' status. In the similar case of *Fernandez v. Fernandez*,[12] the Supreme Court held:

It must be noted that the respondents' principal action was for the declaration of absolute nullity of two documents, namely: deed of extra-judicial partition and deed of absolute sale, and not an action to impugn one's legitimacy. The respondent court ruled on the filiation of petitioner Rodolfo Fernandez in order to determine Rodolfo's right to the deed of extra-judicial partition as the alleged legitimate heir of the spouses Fernandez. While we are aware that one's legitimacy can be questioned only in a direct action seasonably filed by the proper party, this doctrine has no application in the instant case considering that respondents' claim was that petitioner Rodolfo was not born to the deceased spouses Jose and Generosa Fernandez; we do not have a situation wherein they (respondents) deny that Rodolfo was a child of their uncle's wife. . . .

x x x x

Thus, it is necessary to pass upon the relationship of petitioner Rodolfo Fernandez to the deceased spouses Fernandez for the purpose of determining what legal right Rodolfo has in the property subject of the extra-judicial partition. In fact, the issue of whether or not Rodolfo Fernandez was the son of the deceased spouses Jose Fernandez and Generosa de Venecia was squarely raised by petitioners in their pre-trial brief filed before the trial court, hence they are now estopped from assailing the trial court's ruling on Rodolfo's status.[13] (Emphasis supplied.)

Petitioners nonetheless contend that Primitivo's baptismal certificate is neither a public document nor a conclusive proof of the legitimate filiation by Vicente of Primitivo, the respondents' father. We find petitioners' contention lacking in merit, hence we reject it.

Records show that Primitivo was born in 1895. At that time, the only records of birth are those which appear in parochial records. This Court has held that as to the nature and character of the entries contained in the parochial books and the certificates thereof issued by a parish priest, the same have not lost their character of being public documents for the purpose of proving acts referred to therein, inasmuch as from the time of the change of sovereignty in the Philippines to the present day, no law has been enacted abolishing the official and public character of parochial books and entries made therein. Parish priests continue to be the legal custodians of the parochial books kept during the former sovereignty, and as such they may issue certified copies of the entries contained therein in the same manner as do keepers of archives.[14]

The baptismal certificate of Primitivo is, therefore, a valid and competent evidence to prove his filiation by Vicente.

Accordingly, we uphold the Court of Appeals ruling that the subject property should be reconveyed to the Estate of the late Vicente Espineli and proper proceedings be instituted to determine the latter's heirs, and, if appropriate, to partition the subject property.

Anent the third issue, can petitioners be considered buyers in good faith? Our ruling on this point is: no, they cannot be considered buyers in good faith. For we find that petitioners were only able to register the sale of the property and Tax Declaration No. 16304 in their name; they did not have a Torrens title. Unlike a title registered under the Torrens System, a tax declaration does not constitute constructive notice to the whole world. The issue of good faith or bad faith of a buyer is relevant only where the subject of the sale is a registered land but not

where the property is an unregistered land.[15]

However, on the issue of actual and moral damages and attorney's fees awarded by the trial court to respondents, we find the award bereft of factual basis. A party is entitled to an adequate compensation for such pecuniary loss or losses actually suffered by him which he has duly proven. Such damages, to be recoverable, must not only be capable of proof, but must actually be proved with a reasonable degree of certainty. Courts cannot simply rely on speculation, conjecture or guesswork in determining the fact and amount of damages. Attorney's fees should therefore be deleted for lack of factual basis and legal justification.[16] Moral damages should likewise not be awarded since respondents did not show proof of moral suffering, mental anguish, serious anxiety, besmirched reputation, nor wounded feelings and social humiliation.[17]

WHEREFORE, the petition is DENIED. The assailed Decision dated November 22, 2004 and the Resolution dated May 27, 2005 of the Court of Appeals in CA-G.R. CV No. 71996 are AFFIRMED with the MODIFICATION that the award of moral and exemplary damages as well as attorney's fees be DELETED. No pronouncement as to costs.

SO ORDERED.

Ynares-Santiago, Carpio Morales, Tinga, and Velasco, Jr., JJ., concur.

[*] Additional member in place of Associate Justice Arturo D. Brion who is on leave.

[1] Rollo, pp. 9-19. Penned by Associate Justice Salvador J. Valdez, Jr., with Associate Justices Juan Q. Enriquez, Jr. and Vicente Q. Roxas concurring.

[2] Id. at 20-22.

[3] Id. at 58-72. Penned by Judge Napoleon V. Dilag.

[4] Records, pp. 1-6.

[5] Id. at 28-31.

[6] Id. at 15.

[7] Rollo, p. 72.

[8] Id. at 18-19.

[9] Id. at 172.

[10] Id. at 147-148.

[11] Records, pp. 45-47.

[12] G.R. No. 143256, August 28, 2001, 363 SCRA 811.

[13] Id. at 821-823.

[14] *United States v. Evangelista*, 29 Phil. 215, 219 (1915), citing *United States v. Arceo*, 11 Phil. 530, 536 (1908).

[15] *Sales v. Court of Appeals*, G.R. No. 40145, July 29, 1992, 211 SCRA 858, 865-866, citing *David v. Bandin*, No. L-48322, April 8, 1987, 149 SCRA 140, 151.

[16] *Fernandez v. Fernandez*, supra note 12, at 829-830.

[17] *Id.*

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.