

MAY D. AÑONUEVO, ALEXANDER BLEE DESANTIS AND JOHN DESANTIS NERI, PETITIONERS, VS. INTESTATE ESTATE OF RODOLFO G. JALANDONI, REPRESENTED BY BERNARDINO G. JALANDONI AS SPECIAL ADM...

G.R. No. 178221. December 01, 2010

Ponente: PEREZ, J.

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PEREZ, J.:

On appeal[1] is the Decision[2] dated 31 May 2007 of the Court of Appeals in CA-G.R. SP No. 00576. In the said decision, the Court of Appeals nullified, on certiorari, the Orders[3] of the Regional Trial Court, Branch 40, of Negros Occidental (intestate court) allowing herein petitioners and their siblings[4] to intervene in the estate proceedings of the late Rodolfo G. Jalandoni.[5] The decretal portion of the decision of the appellate court reads:

ACCORDINGLY, the petition for certiorari is hereby GRANTED, the assailed Orders dated July 2, 2004 and January 26, 2005, of the Regional Trial Court in Spec. Proc. No. 338 are hereby SET ASIDE and NULLIFIED, and a permanent injunction is hereby issued enjoining respondents [petitioners], their agents and anyone acting for and in their behalves, from enforcing the assailed Orders. No costs.[6]

The antecedents are:

Rodolfo G. Jalandoni (Rodolfo) died intestate on 20 December 1966.[7] He died without issue.[8]

On 28 April 1967, Bernardino G. Jalandoni (Bernardino), the brother of Rodolfo, filed a petition for the issuance of letters of administration[9] with the Court of First Instance of Negros Occidental, to commence the judicial settlement of the latter's estate. The petition was docketed as Spec. Proc. No. 338 and is currently pending before the intestate court.[10]

On 17 January 2003, the petitioners and their siblings filed a Manifestation[11] before the intestate court. In the Manifestation, they introduced themselves as the children of Sylvia Blee Desantis (Sylvia)--who, in turn, was revealed to be the daughter of Isabel Blee (Isabel) with one John Desantis.[12]

The petitioners and their siblings contend that their grandmother--Isabel--was, at the time of Rodolfo's death, the legal spouse of the latter.[13] For which reason, Isabel is entitled to a share in the estate of Rodolfo.

Seeking to enforce the right of Isabel, the petitioners and their siblings pray that they be allowed to intervene on her behalf in the intestate proceedings of the late Rodolfo G. Jalandoni.[14] As it was, by the time the Manifestation was filed, both Sylvia and Isabel have already passed away with the former predeceasing the latter.[15]

To support their cause, the petitioners and their siblings appended in their Manifestation, the following documents:

a.) Two (2) marriage certificates between Isabel and Rodolfo;[16]

- b.) The birth certificate of their mother, Sylvia;[17] and
- c.) Their respective proof of births.[18]

It is the assertion of the petitioners and their siblings that the foregoing pieces of evidence sufficiently establish that Isabel was the spouse of Rodolfo, and that they are her lawful representatives.

The respondent intestate estate of Rodolfo G. Jalandoni, now represented by Bernardino as its Special Administrator, however, begged to differ. It opposed the intervention on the ground that the petitioners and their siblings have failed to establish the status of Isabel as an heir of Rodolfo. The very evidence presented by the petitioners and their siblings showed that Isabel had a previous and subsisting marriage with John Desantis at the time she was purportedly married to Rodolfo.

In its Comment to the Manifestation,[19] the respondent called attention to the entries in the birth certificate of Sylvia, who was born on 14 February 1946.[20] As it turned out, the record of birth of Sylvia states that she was a "legitimate" child of Isabel and John Desantis.[21] The document also certifies the status of both Isabel and John Desantis as "married." [22] The respondent posits that the foregoing entries, having been made in an official registry, constitute prima facie proof of a prior marriage between Isabel and John Desantis.[23]

According to the respondent, Isabel's previous marriage, in the absence of any proof that it was dissolved, made her subsequent marriage with Rodolfo bigamous and void ab initio.[24]

On 2 July 2004, the intestate court issued an order allowing the petitioners and their siblings to take part in the settlement proceedings.[25] The intestate court was convinced that the evidence at hand adequately establish Isabel's status as the legal spouse of Rodolfo and, by that token, permitted the petitioners and their siblings to intervene in the proceedings on her behalf.[26]

The intestate court also held that the birth certificate of Sylvia was insufficient to prove that there was a previous marriage between Isabel and John Desantis.[27] It ventured on the possibility that the entries in the birth record of Sylvia regarding her legitimacy and the status of her parents, may have been made only in order to save Isabel and her family from the social condemnation of having a child out of wedlock.[28]

The respondent sought for reconsideration, but was denied by the intestate court in its order dated 26 January 2006.[29] Undeterred, the respondent hoisted a petition for certiorari before the Court of Appeals.

On 31 May 2007, the Court of Appeals granted the petition and nullified the orders of the intestate court.[30]

In coming to its conclusion, the Court of Appeals found that it was an error on the part of the intestate court to have disregarded the probative value of Sylvia's birth certificate.[31] The appellate court, siding with the respondent, held that Sylvia's birth certificate serves as prima facie evidence of the facts therein stated--which includes the civil status of her parents.[32] Hence, the previous marriage of Isabel with John Desantis should have been taken as established.

The Court of Appeals added that since the petitioners and their siblings failed to offer any other evidence proving that the marriage of Isabel with John Desantis had been dissolved by the time she was married to Rodolfo, it then follows that the latter marriage--the Isabel-Rodolfo union--is a nullity for being bigamous.[33] From that premise, Isabel cannot be considered as the legal spouse of Rodolfo. The petitioners and their siblings, therefore, failed to show that Isabel has any interest in the estate of Rodolfo.

Hence, the instant appeal.[34]

The sole issue in this appeal is whether the Court of Appeals erred when it nullified the orders of the intestate court allowing the petitioners and their siblings to intervene in the settlement proceedings.

The petitioners answer in the affirmative. They proffer the following arguments:

One. The Court of Appeals exceeded the limits of review under a writ of certiorari.[35] In nullifying the intestate court's order, the appellate court did not confine itself to the issue of whether the same was issued with grave abuse of discretion.[36] Rather, it chose to re-assess the evidence and touch upon the issue pertaining to Isabel's right to inherit from Rodolfo.[37]

Had the appellate court limited itself to the issue of whether grave abuse of discretion exists, it would have found that the intestate court did not act whimsically or capriciously in issuing its assailed orders.[38] Grave abuse of discretion on the part of the intestate court is belied by the fact that the said orders may be supported by the two (2) marriage certificates between Isabel and Rodolfo.[39]

Second. Assuming ex-gratia argumenti that the Court of Appeals was correct in addressing the issue of whether there was sufficient evidence to prove that Isabel has a right to inherit from Rodolfo, it nevertheless erred in finding that there was none.[40] A proper evaluation of the evidence at hand does not support the conclusion that Isabel had a previous marriage with John Desantis.[41]

To begin with, the respondent was not able to produce any marriage certificate executed between Isabel and John Desantis.[42] The conspicuous absence of such certificate can, in turn, only lend credibility to the position that no such marriage ever took place.

Moreover, the entries in the birth certificate of Sylvia do not carry the necessary weight to be able to prove a marriage between Isabel and John Desantis.[43] In assessing the probative value of such entries, the Court of Appeals should have taken note of a "typical" practice among unwed Filipino couples who, in order to "save face" and "not to embarrass their families," concoct the illusion of marriage and make it appear that a child begot by them is legitimate.[44]

Since the alleged previous marriage of Isabel with John Desantis was not satisfactorily proven, the Court of Appeals clearly erred in finding that her marriage with Rodolfo is bigamous.

We are not impressed.

First Argument

The first argument raised by the petitioners is specious at best. The question of whether the intestate court gravely abused its discretion is intricately linked with the issue of whether there was sufficient evidence to establish Isabel's status as the legal spouse of Rodolfo.

A court's power to allow or deny intervention, albeit discretionary in nature, is circumscribed by the basic demand of sound judicial procedure that only a person with interest in an action or proceeding may be allowed to intervene.[45] Otherwise stated, a court has no authority to allow a person, who has no interest in an action or proceeding, to intervene therein.[46]

Consequently, when a court commits a mistake and allows an uninterested person to intervene in a case--the mistake is not simply an error of judgment, but one of jurisdiction. In such event, the allowance is made in excess of the court's jurisdiction and can only be the product of an exercise of discretion gravely abused. That kind of error may be reviewed in a special civil action for certiorari.

Verily, the Court of Appeals was acting well within the limits of review under a writ of certiorari, when it examined the evidence proving Isabel's right to inherit from Rodolfo. The sufficiency or insufficiency of such evidence determines whether the petitioners and their siblings have successfully established Isabel's interest in Rodolfo's estate--which, as already mentioned, is an indispensable requisite to justify any intervention.

Ultimately, the re-assessment of the evidence presented by the petitioners and their siblings will tell if the assailed orders of the intestate court were issued in excess of the latter's jurisdiction or with grave abuse of discretion.

We now proceed to the second argument of the petitioners.

Second Argument

The second argument of the petitioners is also without merit. We agree with the finding of the Court of Appeals that the petitioners and their siblings failed to offer sufficient evidence to establish that Isabel was the legal spouse of Rodolfo. The very evidence of the petitioners and their siblings negates their claim that Isabel has interest in Rodolfo's estate.

Contrary to the position taken by the petitioners, the existence of a previous marriage between Isabel and John Desantis was adequately established. This holds true notwithstanding the fact that no marriage certificate between Isabel and John Desantis exists on record.

While a marriage certificate is considered the primary evidence of a marital union, it is not regarded as the sole and exclusive evidence of marriage.[47] Jurisprudence teaches that the fact of marriage may be proven by relevant evidence other than the marriage certificate.[48] Hence, even a person's birth certificate may be recognized as competent evidence of the marriage between his parents.[49]

In the present case, the birth certificate of Sylvia precisely serves as the competent evidence of marriage between Isabel and John Desantis. As mentioned earlier, it contains the following notable entries: (a) that Isabel and John Desantis were "married" and (b) that Sylvia is their "legitimate" child.[50] In clear and categorical language, Sylvia's birth certificate speaks of a subsisting marriage between Isabel and John Desantis.

Pursuant to existing laws,[51] the foregoing entries are accorded prima facie weight. They are presumed to be true. Hence, unless rebutted by clear and convincing evidence, they can, and will, stand as proof of the facts attested.[52] In the case at bench, the petitioners and their siblings offered no such rebuttal.

The petitioners did no better than to explain away the entries in Sylvia's birth certificate as untruthful statements made only in order to "save face." [53] They urge this Court to take note of a "typical" practice among unwed Filipino couples to concoct the illusion of marriage and make it appear that a child begot by them is legitimate. That, the Court cannot countenance.

The allegations of the petitioners, by themselves and unsupported by any other evidence, do not diminish the probative value of the entries. This Court cannot, as the petitioners would like Us to do, simply take judicial notice of a supposed folkway and conclude therefrom that the usage was in fact followed. It certainly is odd that the petitioners would themselves argue that the document on which they based their interest in intervention contains untruthful statements in its vital entries.

Ironically, it is the evidence presented by the petitioners and their siblings themselves which, properly appreciated, supports the finding that Isabel was, indeed, previously married to John Desantis. Consequently, in the absence of any proof that such marriage had been dissolved by the time Isabel was married to Rodolfo, the inescapable conclusion is that the latter marriage is bigamous and, therefore, void ab initio.

The inability of the petitioners and their siblings to present evidence to prove that Isabel's prior marriage was dissolved results in a failure to establish that she has interest in the estate of Rodolfo. Clearly, an intervention by the petitioners and their siblings in the settlement proceedings cannot be justified. We affirm the Court of Appeals.

WHEREFORE, the instant appeal is DENIED. Accordingly, the decision dated 31 May 2007 of the Court of

Appeals in CA-G.R. SP No. 00576 is hereby AFFIRMED.

Costs against the petitioners.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro,[*] Peralta,**] and Abad,[***] JJ., concur.

[*] Per Special Order No. 916 dated 24 November 2010, Associate Justice Teresita J. Leonardo-De Castro as Acting Working Chairperson.

[**] Additional member in lieu of Associate Justice Mariano C. Del Castillo, per Special Order No. 913 dated 2 November 2010.

[***] Additional member in lieu of Associate Justice Presbitero J. Velasco, Jr., per Special Order No. 917 dated 24 November 2010.

[1] Via a Petition for Review on Certiorari under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Francisco P. Acosta, with Associate Justices Arsenio J. Magpale and Agustin S. Dizon, concurring. Rollo, pp. 38-48.

[3] Orders dated 2 July 2004 and 26 January 2005, issued by Judge Reynaldo M. Alon. Id. at 49-55 and 65-66.

[4] The other siblings of the petitioners are Isabel Blee Desantis, Pierre Jojo Desantis Joven, Cynthia Desantis Handy, William Chester Handy, Carroll Leon Handy and Nora Margaret Handy.

[5] Docketed as Spec. Proc. No. 338.

[6] Rollo, p. 47.

[7] Certificate of Death of Rodolfo G. Jalandoni. CA rollo, p. 187

[8] Petition (for the Issuance of Letters of Administration). Id. at 183.

[9] Id. at 183-186.

[10] Id.

[11] The Manifestation was coupled by a Motion to Admit Manifestation. See id. at 52-56; id. at 57-74.

[12] Id. at 57-58.

[13] Id. at 57.

[14] Id. at 58.

[15] Isabel Blee died on 21 November 1999 whereas Sylvia Blee Desantis died on 21 November 1994, see their respective Certificates of Death, id. at 65 and 84.

[16] Annex "1" and "2" of the Manifestation. The certificates attest to two nuptials--the first one being in 1951 and the other in 1953--as both having been celebrated between Isabel and Rodolfo. Id. at 61-62.

[17] Annex "4" of the Manifestation, id. at 64.

[18] Annex "6" to "14" of the Manifestation. The petitioners and their siblings all attached their birth certificates,

with the exception of Nora Margaret Handy who presented her American passport. Id. at 66-74.

[19] Id. at 75-80.

[20] Id. at 76.

[21] Id.

[22] Id.

[23] Rollo, pp. 120-121.

[24] Id. at 121.

[25] Id. at 49-55.

[26] Id. at 54.

[27] Id.

[28] Id.

[29] Id. at 65-66.

[30] Id. at 47.

[31] Id. at 45.

[32] Id.

[33] Id. at 43.

[34] Petition for Review on Certiorari, id. at 10-81.

[35] Id. at 17.

[36] Id. at 21-22.

[37] Id. at 17-22.

[38] Id.

[39] Id.

[40] Id. at 23.

[41] Id. at 27-28.

[42] Id. at 26.

[43] Id. at 27.

[44] Id.

[45] See Section 1 of Rule 19 of the Rules of Court, in relation to *Paras v. Narciso*, 35 Phil. 244, 246-247 (1916).

[46] In the Matter of the Will of Cabigting, 14 Phil 463, 467-468 (1909).

[47] *Trinidad v. Court of Appeals*, 352 Phil. 12, 30-31 (1988).

[48] *Pugeda v. Trias*, 114 Phil. 781, 787 (1962).

[49] In *Trinidad v. Court of Appeals*, supra note 47 at 30, this Court held:

To prove the fact of marriage, the following would constitute competent evidence: the testimony of a witness to the matrimony, the couple's public and open cohabitation as husband and wife after the alleged wedlock, the birth and the baptismal certificates of children born during such union, and the mention of such nuptial in subsequent documents. (*Pugeda v. Trias*, id.) (Emphasis supplied)

[50] CA rollo, p. 64

[51] See Article 410 in relation to Article 408 of the Civil Code and Section 44 of Rule 130 of the Rules of Court.

[52] *Bustillo v. People*, G.R. No. 160718, 12 May 2010.

[53] Rollo, p. 27.

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