

HEIRS OF GILBERTO ROLDAN, NAMELY: ADELINA ROLDAN, ROLANDO ROLDAN, GILBERTO ROLDAN, JR., MARIO ROLDAN, DANNY ROLDAN, LEONARDO ROLDAN, ELSA ROLDAN, ERLINDA ROLDAN-CARAOS, THELMA R...*G.R. No. 202578. September 27, 2017*

Ponente: SERENO, C.J.

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Before this Court is a Petition for Review on Certiorari[1] assailing the Court of Appeals (CA) Decision[2] and Resolution,[3] which affirmed the Decision[4] of the Regional Trial Court (RTC). The RTC ruled that petitioner heirs of Gilberto Roldan, respondent heirs of Silvela Roldan,[5] and respondent heirs of Leopoldo Magtulis are co-owners of Lot No. 4696.

FACTS OF THE CASE

Natalia Magtulis[6] owned Lot No. 4696, an agricultural land in Kalibo, Aklan, which had an area of 21,739 square meters, and was covered by Original Certificate of Title No. P-7711.[7] Her heirs included Gilberto Roldan and Silvela Roldan, her two children by her first marriage; and, allegedly, Leopolda Magtulis her child with another man named Juan Aguirre.[8] After her death in 1961, Natalia left the lot to her children. However, Gilberto and his heirs took possession of the property to the exclusion of respondents.

On 19 May 2003, respondents filed before the RTC a Complaint for Partition and Damages against petitioners.[9] The latter refused to yield the property on these grounds: (1) respondent heirs of Silvela had already sold her share to Gilberto; and (2) respondent heirs of Leopolda had no cause of action, given that he was not a child of Natalia.

During trial, petitioners failed to show any document evidencing the sale of Silvela's share to Gilberto. Thus, in its Decision dated 14 December 2007, the RTC ruled that the heirs of Silvela remained co-owners of the property they had inherited from Natalia. As regards Leopoldo Magtulis, the trial court concluded that he was a son of Natalia based on his Certificate of Baptism[10] and Marriage Contract.[11]

Considering that Gilberto, Silvela, and Leopoldo were all descendants of Natalia, the RTC declared each set of their respective heirs entitled to one-third share of the property. Consequently, it ordered petitioners to account and deliver to respondents their equal share to the produce of the land.

Petitioners appealed to the CA. They reiterated that Silvela had sold her share of the property to her brother Gilberto. They asserted that the RTC could not have considered Leopoldo the son of Natalia on the mere basis of his Certificate of Baptism. Emphasizing that filiation required a high standard of proof, petitioners argued that the baptismal certificate of Leopoldo served only as evidence of the administration of the sacrament.

In its Decision dated 20 December 2011, the CA affirmed the ruling of the RTC that Gilberto, Silvela, and Leopoldo remained co-owners of Lot No. 4696. The appellate court refused to conclude that Silvela had sold her

shares to Gilberto without any document evidencing a sales transaction. It also held that Leopoldo was the son of Natalia, since his Certificate of Baptism and Marriage Contract indicated her as his mother.

Petitioner heirs of Gilberto moved for reconsideration,[12] but to no avail. Before this Court, they reiterate that Silvela sold her shares to Gilberto, and that Leopoldo was not the son of Natalia. They emphasize that the certificates of baptism and marriage do not prove Natalia to be the mother of Leopoldo since these documents were executed without her participation.

Petitioners additionally contend that respondents lost their rights over the property, since the action for partition was lodged before the RTC only in 2003, or 42 years since Gilberto occupied the property in 1961. For the heirs of Gilberto, prescription and laches already preclude the heirs of Silvela and the heirs of Leopoldo from claiming co-ownership over Lot No. 4696.

In their Comment,[13] respondents assert that the arguments raised by petitioners involve questions of fact not cognizable by this Court. As regards the issue of prescription and laches, they insist that petitioners cannot invoke a new theory for the first time on appeal.

ISSUES OF THE CASE

The following issues are presented to this Court for resolution:

1. Whether the CA erred in affirming the RTC's finding that Silvela did not sell her share of the property to Gilberto
2. Whether the courts a quo correctly appreciated Leopoldo to be the son of Natalia based on his baptismal and marriage certificates
3. Whether prescription and laches bar respondents from claiming co--ownership over Lot No. 4696

RULING OF THE COURT

Sale of the Shares of Silvela to Gilberto

Petitioners argue before us that Silvela had a perfected contract of sale with Gilberto over her shares of Lot No. 4696. That argument is obviously a question of fact,[14] as it delves into the truth of whether she conveyed her rights in favor of her brother.

The assessment of the existence of the sale requires the calibration of the evidence on record and the probative weight thereof. The RTC, as affirmed by the CA, already performed its function and found that the heirs of Gilberto had not presented any document or witness to prove the fact of sale.

The factual determination of courts, when adopted and confirmed by the CA, is final and conclusive on this Court except if unsupported by the evidence on record.[15] In this case, the exception does not apply, as petitioners merely alleged that Silvela "sold, transferred and conveyed her share in the land in question to Gilberto Roldan for a valuable consideration" without particularizing the details or referring to any proof of the transaction.[16] Therefore, we sustain the conclusion that she remains co--owner of Lot No. 4696.

Filiation of Leopoldo to Natalia

In resolving the issue of filiation, the RTC and the CA referred to Articles 172 and 175 of the Family Code, viz.:

Art. 172. The filiation of legitimate children is established by any of the following:

- (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 of the foregoing evidence, the legitimate 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.

Art. 175. Illegitimate children may establish their illegitimate filiation in the same way and on the same evidence as legitimate children.

The action must be brought within the same period specified in Article 173, except when the action is based on the second paragraph of Article 172, in which case the action may be brought during the lifetime of the alleged parent.

The parties concede that there is no record of Leopolda's birth in either the National Statistics Office[17] or in the Office of the Municipal Registrar of Kalibo, Aklan.[18] The RTC and the CA then referred to other means to prove the status of Leopoldo: his Certificate of Baptism and his Marriage Contract. Since both documents indicate Natalia as the mother of Leopoldo, the courts a quo concluded that respondent heirs of Leopoldo had sufficiently proven the filiation of their ancestor to the original owner of Lot No. 4696. For this reason, the RTC and the CA maintained that the heirs of Leopoldo are entitled to an equal share of the property, together with the heirs of Gilberto and heirs of Silvela.

We disagree.

Jurisprudence has already assessed the probative value of baptismal certificates. In *Fernandez v. Court of Appeals*,[19] which referred to our earlier rulings in *Berciles v. Government Service Insurance System*[20] and *Macadangdang v. Court of Appeals*,[21] the Court explained that because the putative parent has no hand in the preparation of a baptismal certificate, that document has scant evidentiary value. The canonical certificate is simply a proof of the act to which the priest may certify, i.e., the administration of the sacrament. In other words, a baptismal certificate is "no proof of the declarations in the record with respect to the parentage of the child baptized, or of prior and distinct facts which require separate and concrete evidence." [22]

In cases that followed *Fernandez*, we reiterated that a baptismal certificate is insufficient to prove filiation.[23] But in *Makati Shangri-La Hotel and Resort, Inc. v. Harper*,[24] this Court clarified that a baptismal certificate has evidentiary value to prove kinship "if considered alongside other evidence of filiation." [25] Therefore, to resolve one's lineage, courts must peruse other pieces of evidence instead of relying only on a canonical record. By way of example, we have considered the combination of testimonial evidence,[26] family pictures,[27] as well as family books or charts,[28] alongside the baptismal certificates of the claimants, in proving kinship.

In this case, the courts below did not appreciate any other material proof related to the baptismal certificate of Leopoldo that would establish his filiation with Natalia, whether as a legitimate or as an illegitimate son.

The only other document considered by the RTC and the CA was the Marriage Contract of Leopoldo. But, like his baptismal certificate, his Marriage Contract also lacks probative value as the latter was prepared without the participation of Natalia. In *Reyes v. Court of Appeals*,[29] we held that even if the marriage contract therein stated that the alleged father of the bride was the bride's father, that document could not be taken as evidence of filiation, because it was not signed by the alleged father of the bride.

The instant case is similar to an issue raised in *Paa v. Chan*. [30] The claimant in that case relied upon baptismal and marriage certificates to argue filiation. The Court said:

As regards the baptismal and marriage certificates of Leoncio Chan, the same are not competent evidence to prove that he was the illegitimate child of Bartola Maglaya by a Chinese father. While these certificates may be considered public documents, they are evidence only to prove the administration of the sacraments on the dates therein specified - which in this case were the baptism and marriage, respectively, of Leoncio Chan - but not the veracity of the statements or declarations made therein with respect to his kinsfolk and/or citizenship.

All told, the Baptismal Certificate and the Marriage Contract of Leopoldo, which merely stated that Natalia is his mother, are inadequate to prove his filiation with the property owner. Moreover, by virtue of these documents alone, the RTC and the CA could not have justly concluded that Leopoldo and his successors-in-interest were entitled to a one-third share of the property left by Natalia, equal to that of each of her undisputed legitimate children Gilberto and Silvela. As held in *Board of Commissioners v. Dela Rosa*,^[31] a baptismal certificate is certainly not proof of the status of legitimacy or illegitimacy of the claimant. Therefore, the CA erred in presuming the hereditary rights of Leopoldo to be equal to those of the legitimate heirs of Natalia.

Prescription and Laches

According to petitioners, prescription and laches have clearly set in given their continued occupation of the property in the last 42 years. Prescription cannot be appreciated against the co-owners of a property, absent any conclusive act of repudiation made clearly known to the other co--owners.^[32]

Here, petitioners merely allege that the purported co-ownership "was already repudiated by one of the parties" without supporting evidence. Aside from the mere passage of time, there was failure on the part of petitioners to substantiate their allegation of laches by proving that respondents slept on their rights.^[33] Nevertheless, had they done so, two grounds deter them from successfully claiming the existence of prescription and laches.

First, as demanded by the repudiation requisite for prescription to be appreciated, there is a need to determine the veracity of factual matters such as the date when the period to bring the action commenced to run. In *Macababba, Jr. v. Masirag*,^[34] we considered that determination as factual in nature. The same is true in relation to finding the existence of laches. We held in *Crisostomo v. Garcia, Jr.*^[35] that matters like estoppel, laches, and fraud require the presentation of evidence and the determination of facts. Since petitions for review on certiorari under Rule 45 of the Rules of Court, as in this case, entertain questions of law,^[36] petitioners claim of prescription and laches fail.

Second, petitioners have alleged prescription and laches only before this Court. Raising a new ground for the first time on appeal contravenes due process, as that act deprives the adverse party of the opportunity to contest the assertion of the claimant.^[37] Since respondents were not able to refute the issue of prescription and laches, this Court denies the newly raised contention of petitioners.

WHEREFORE, the Petition for Review on Certiorari filed by petitioner heirs of Gilberto Roldan is **PARTIALLY GRANTED**. The Court of Appeals Decision and Resolution in CA-G.R. CEB-CV No. 02327 are hereby **MODIFIED** to read as follows:

1. Only the heirs of Gilberto Roldan and Silvela Roldan are declared co-owners of the land covered by Original Certificate of Title No. P-7711, which should be partitioned among them in the following proportions:

- a. One-half share to the heirs of Gilberto Roldan; and
- b. One-half share to the heirs of Silvela Roldan.

2. Petitioners are ordered to account for and deliver to the heirs of Silvela Roldan their one-half share on the produce of the land.

SO ORDERED.

Leonardo-De Castro, Del Castillo, and Tijam, JJ., concur.
Jardeleza, J., on official leave.

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- [1] Rollo, pp. 4-20; Petition for Review on Certiorari filed on 6 July 2012.
- [2] Id. at 29-41; CA Decision dated 20 December 2011 in CA-G.R. CEB-CV No. 02327 was penned by Associate Justice Nina G. Antonia-Valenzuela, with Associate Justices Myra V. Garcia-Fernandez and Victoria Isabel A. Paredes concurring.
- [3] Id. at 47-48; CA Resolution dated 1 June 2012 was penned by Associate G. Antonio-Valenzuela, with Associate Justices Ramon Paul L. Hernando and Victoria Isabel A. Paredes concurring.
- [4] Id. at 21-28; the Decision dated 14 December 2007 in Civil Case No. 6844 was penned by Acting Presiding Judge Sheila Y. Martelino-Cortes. RTC, Kalibo, Aklan, Branch 8.
- [5] "Silveria Roldan" in some parts of the records.
- [6] "Anatalia Magtulis" in some parts of the records.
- [7] Rollo, p. 50.
- [8] Id. at 33.
- [9] Records, pp. 1-5; Complaint dated 16 May 2003.
- [10] Folders of Exhibits of Plaintiffs (Civil Case No. 6844), p. 109; Certificate of Baptism signed by Rev. Fr. Joesel M. Quan, Parish of St. John the Baptist, Kalibo, Aklan, dated 22 March 2004.
- [11] Id. at 112; Marriage Contract dated 9 June 1954.
- [12] Rollo, pp. 42-46; Motion for Reconsideration filed on 19 January 2012.
- [13] Id. at 64-73; Comment on Petition for Review filed on 26 December 2013.
- [14] Soriano v. Cortes, 8 Phil. 459 (1907); 88 Mart Duty Free, Inc. v. Juan, 592 Phil. 278 (2008).
- [15] Tan Shuy v. Spouses Maulawin, 681 Phil. 599 (2012).
- [16] Rollo, p. 12.
- [17] Folders of Exhibits of Plaintiffs (Civil Case No. 6844), p. 111; letter from the Office of the Civil Registrar General indicating that it has no record of birth of Leopoldo dela Rosa Magtulis.
- [18] Folders of Exhibits of Plaintiffs (Civil Case No. 6844), p. 112; letter from the Office of the Municipal Civil Registrar indicating that it could not issue a certified true copy of the birth certificate of Leopoldo Magtulis because the Office of the Local Civil Registrar was razed by fire on 4 July 1995.
- [19] 300 Phil. 131 (1994).
- [20] 213 Phil. 48 (1984).
- [21] 188 Phil. 192 (1980).
- [22] Supra note 19, p. 137.

[23] Ara v. Pizarro, G.R. No. 187273, 15 February 2017; Cercado-Siga v. Cercado, Jr., G.R. No. 185374, 11 March 2015, 752 SCRA 514, Salas v. Matusalem, 717 Phil. 731 (2013); Dela Cruz v. Gracia, 612 Phil. 167 (2009); Herrera v. Alba, 499 Phil. 185 (2005); Acebedo v. Arquero, 447 Phil. 76 (2003); Labagala v. Santiago, 422 Phil. 699 (2001); Heirs of Cabais v. Court of Appeals, 374 Phil. 681 (1999); Jison v. Court of Appeals, 350 Phil. 138 (1998).

[24] 693 Phil. 596 (2012).

[25] Id. at 616.

[26] Heirs of Court v. Court of Appeals, 360 Phil. 536 (1998); Ramos v. Ramos, 45 Phil. 362 (1923); Osorio v. Osorio, 34 Phil. 522 (1916).

[27] Trinidad v. Court of Appeals, 352 Phil. 12 (1998); Castro v. Court of Appeals, 255 Phil. 640 (1989).

[28] Republic v. Mangotara, 638 Phil. 353 (2010).

[29] 220 Phil. 116 (1985).

[30] 128 Phil. 815, 821 (1967).

[31] 274 Phil. 1157 (1991).

[32] CIVIL CODE OF THE PHILIPPINES, Article 494; Adille v. Court of Appeals, 241 Phil. 487 (1988).

[33] Heirs of Panganiban v. Dayrit, 502 Phil. 612 (2005).

[34] 596 Phil. 76 (2009).

[35] 516 Phil. 743 (2006).

[36] Our Lady of Lourdes Hospital v. Spouses Capanzana, G.R. No. 189218, 22 March 2017.

[37] Maxicare PCIB CIGNA Healthcare v. Contreras, 702 Phil. 688 (2013).

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