

EUGENIO C. DEL PRADO, PLAINTIFF AND APPELLANT, VS. AUREA S. SANTOS, LEGAL GUARDIAN OF THE MINOR JESUS SANTOS DEL PRADO, DEFENDANT AND APPELLEE.

G.R. No. 20946. September 23, 1966

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

In the Court of First Instance of Rizal, Eugenio C. del Prado filed a complaint to annul a deed executed by Aurea S. Santos, married to Deogracias Demetria, adjudicating to the minor Jesus Santos del Prado, her son allegedly by plaintiff's deceased brother Anastacio C. del Prado, a parcel of land left by the latter. Plaintiff alleged that he was thus deprived of his rightful share in the estate of his brother. Annulment of the transfer certificate of title issued to the minor by virtue of said deed of adjudication was also prayed for.

In defendant's answer she averred that her son Jesus Santos del Prado, being an acknowledged natural child of the deceased, was entitled to the property left by the latter; and on the ground that the action had been maliciously filed, she interposed a counterclaim for damages.

On July 3, 1959 the parties entered into the following stipulation of facts:

"Come now the parties in the above entitled case, assisted by their respective counsel, and to the Honorable Court respectfully state that, for purposes of this action only, and without in any way constituting an admission for any other purpose and with the understanding that the same may not be used against them in any other proceedings, as provided in Rule 23, Section 3 of the Rules of Court, the parties admit that the following facts are true and may be considered by the Court as proved without the need of the introduction of any evidence thereon:

1. Anastacio C. del Prado, died intestate in the City of Manila on August 11, 1958; at the time of his death, Anastacio C. del Prado was single;
2. Plaintiff Eugenio C. del Prado is a legitimate brother of the late Anastacio C. del Prado;
3. Defendant Aurea S. Santos was legally married to Deogracias Demetria in 1945, but has been in fact separated from him;
4. The deceased Anastacio C. del Prado and defendant Aurea S. Santos cohabited with each other without the benefit of matrimony; as a result of that cohabitation, the late Anastacio C. del Prado and defendant Aurea S. Santos had one son - the minor Jesus S. del Prado - who was born on December 19, 1957, and whom Anastacio C. del Prado admitted to be his son in the latter's birth certificate;
5. After the death of Anastacio C. del Prado his estate consisting, among others, of a parcel of land situated at Caloocan, Rizal, covered by Transfer Certificate of Title No. 471848 of the Register of Deeds of Rizal in the name of Anastacio C. del Prado with an assessed value of P750.00, was adjudicated to the minor Jesus del Prado. True copy of the affidavit of adjudication executed by defendant Aurea S. Santos as mother and natural guardian of the said minor is attached as Annex 'A' of the complaint, which the parties agree to mark as

Exhibit 'A';

6. By reason of the aforesaid adjudication the Register of Deeds of Rizal cancelled Transfer Certificate of Title No. 47148 and issued Transfer Certificate of Title No. 61671 in the name of the minor Jesus S. del Prado.

ISSUE

The foregoing facts raises one principal issue of law, namely: 'who has a better right to the aforesaid parcel of land left by the late Anastacio C. del Prado, plaintiff or the minor Jesus S. del Prado?

The parties hereby agree to present evidence to substantiate their sides on the issue herein agreed upon."

Upon the foregoing stipulation the parties submitted the case without further evidence.

The lower court dismissed the complaint. Plaintiff elevated the matter to the Court of Appeals, which certified the case to this Court, the questions involved being purely legal.

The lower court ruled - and this ruling is assigned as error - that since the deceased Anastacio C. del Prado "left no legitimate descendants or ascendants the minor Jesus S. del Prado shall succeed to the entire estate left by his supposed father to the exclusion of the plaintiff who is only a collateral relative."

Appellant contends: Even if said minor is the illegitimate son of the deceased, the latter never recognized him as such, no showing having been made that it was at the instance or with the consent of the deceased that said minor was entered as his son in the civil registry or that the birth certificate where the recognition appears is authentic.

Appellant's position is untenable. The facts stipulated by him and by appellee are clear: "the deceased Anastacio C. del Prado and defendant Aurea S. Santos cohabited with each other without the benefit of matrimony; as a result of that cohabitation, the late Anastacio C. del Prado and defendant Aurea S. Santos had one son - the minor Jesus S. del Prado - who was born on December 19, 1957, and whom Anastacio C. del Prado admitted to be his son in the latter's birth certificate."

Since Anastacio C. del Prado died in 1958 the new Civil Code applies (Article 2263). Illegitimate children other than natural are entitled to successional rights (Article 287). Where, as in this case, the deceased died intestate, without legitimate descendants or ascendants, then his illegitimate child shall succeed to his entire estate (Article 988), to the exclusion of appellant who is only a collateral relative.

The decision appealed is affirmed, with costs against appellant.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Regala, J., no part.

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