

MARIO CHIONG BERNARDO, IN HIS BEHALF AND IN BEHALF OF ALL THE HEIRS OF THE LATE JOSE CHIONG, PETITIONER, VS. JOSE C. FERNANDO, LILIA C. FERNANDO, NOEMI FERNANDO MOLINA, CYNTHIA ...

G.R. No. 211034. November 18, 2020

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CAGUIOA, J:

Before the Court are consolidated[1] petitions[2] under Rule 45 of the Rules of Court (Rules), filed by Mario Chiong Bernardo (Mario) in his behalf and in behalf of all the heirs of the late Jose Chiong, and Josefina Bernardo (Josefina), Leticia L. Bernardo (Leticia), Felix Bernardo (Felix), and Marcelo San Juan (Marcelo) (collectively, Josefina, et al.), all assailing the Decision[3] dated November 7, 2013 (Decision) of the Court of Appeals (CA), Special Sixteenth Division, in CA-G.R. CV No. 92724.

The assailed Decision reversed the Regional Trial Court's (RTC) Consolidated Decision[4] dated November 10, 2008, and dismissed the complaints filed by Mario and Josefina, et al. (collectively, petitioners) for lack of cause of action, as well as the compulsory counterclaim filed by Jose C. Fernando, Lilia C. Fernando (Lilia), Noemi Fernando Molina (Noemi), Cynthia C. Fernando (Cynthia), Aida Fernando Pointdexter (Aida), and Elsa Fernando (Elsa) (collectively, respondents).

The petitioners filed their respective Motions for Reconsideration,[5] but both were denied by the CA for lack of merit, through its Resolution dated January 27, 2014.[6]

Factual Antecedents

The uncontroverted factual history of the case revolves around five parcels of land left behind by the late Jose Chiong, covered by Transfer Certificate of Title (TCT) Nos. RT-26575, RT-26580, RT-26578, RT-26577 and RT-26576 (subject properties).[7]

On May 18, 1925, the late Jose Chiong executed a Deed of Donation, bequeathing the subject properties to Jose Chiong Fernando, the predecessor--in-interest of respondents. On June 18, 2002, respondents executed an "Affidavit of Identity [of] Heirs" (Affidavit), where they claimed to be the legal heirs of the late Jose Chiong. On the sole basis of the said Affidavit, respondents caused the cancellation of the titles of the subject properties under the original collective name of "Heirs of Jose Chiong" and had them transferred to their names, under TCT Nos. T-165083 to T-165087.

On September 25, 2003, Mario, on behalf of the heirs of the late Jose Chiong, filed a complaint for Annulment, Reconveyance and Accounting with Prayer for Preliminary Injunction[8] with the RTC of Malolos, Bulacan, Branch

84 against respondents, docketed as Civil Case No. 194-M-2003.

On November 17, 2003, Josefina, et al. and the heirs of Gregorio Domingo (Gregorio) as unwilling co-plaintiffs

(petitioners in G.R. No. 211076) filed a separate complaint[9] for Recovery of Ownership and Possession, Declaration of Heirship and Partition before the RTC of Malolos Bulacan, Branch 82 against the same respondents, docketed as Civil Case No. 853-M-2003,[10] and offered the same averments as those in Mario's earlier complaint. Said complaint was also answered by respondents, countering with the same arguments they responded with in their Answer to Mario's complaint.

Arguing for his claim, Mario primarily alleged that his mother, Barbara Chiong (Barbara), was born on December 4, 1912 in Manila, to spouses Jose Chiong and Ambrosia Domingo (Ambrosia), as shown in the certified photocopy of her certificate of birth issued by the Local Civil Registrar (LCR) of Manila.[11] Also submitted was Barbara's Certificate of Baptism dated January 13, 2006 to prove that Barbara was baptized on March 2, 1913 at Our Lady of Most Holy Rosary in Binondo, Manila.[12] Mario submitted that he and his siblings, namely Eduardo Bernardo (Eduardo), Felix, and Josefina are the children of Barbara. Hence, being grandchildren of Jose Chiong, they are the ones who are entitled to the subject properties. Mario averred that respondents were not the true heirs of Jose Chiong, but were only collateral relatives as descendants of Jose Chiong's cousin through their maternal grandfather,[13] whose claim in inheriting the subject properties was subordinate to his and his siblings' claim.

He also assailed the validity of the Affidavit, which was the basis for the transfer of the properties from Heirs of Jose Chiong to respondents, alleging irregularities in its execution, including the allegation that Lilia, one of the affiants, had already passed away at the time of its execution.[14] Upon cross-examination, Mario acknowledged that indeed he was the one who caused the correction of the spelling of the surname of his mother Barbara, from "Chong" to "Chiong" through a mere request with the LCR of Valenzuela City, and that said request was made after the filing of the complaint.[15]

When confronted with the fact that in the marriage contract evidencing his marriage with Sevilla Delino, the names that Mario indicated there for him and his mother were "Mario Bernardo" and "Barbara Domingo" respectively, he explained that he merely erred in entering those names.[16] With respect to his relationship with the other parties to the suit, he also acknowledged that Eduardo, Josefina and Felix are his half-siblings by Jose Chiong and that Leticia is his sister-in-law.

For their part and to assail the validity of the Affidavit, Josefina, et al. presented several witnesses who testified as to the circumstances of the transfer of the title over the subject properties from the name of Jose Chiong to the names of the Heirs of Jose Chiong.

For their first witness, Josefina, et al. presented Edwin Flor Barroga (Barroga), the Deputy Register of Deeds of Bulacan, Tabang, Guiguinto Branch who testified that the cancellation of the title over the subject properties under the names of Heirs of Jose Chiong and the transfer of title were indeed effected by virtue of the Affidavit, and that the transfer's publication and the presentation of the affiants before the court were not deemed necessary at that time in accordance with the LRC Consulta Ruling No. 463 of the Land Registration Authority (LRA).[17] Barroga likewise testified that the issuance of the titles under the names of respondents was deemed a ministerial duty on the part of the Register of Deeds upon the presentation of the Affidavit.[18]

The facts as testified to by Barroga were further corroborated by Atty. Ramon C. Sampana (Sampana), then the Register of Deeds of Bulacan, who added that as the Register of Deeds, it was not within his function to examine beyond the face of the instrument submitted to him for registration. He also added that the non-publication of the Affidavit was in accordance with the LRC Consulta Ruling No. 453, and a decision dated October 5, 1964 of the LRA in the case of Consolacion Chikano, et al. v. Register of Deeds of Samar.[19]

Josefina, et al. also presented Candelaria delos Santos (delos Santos), the Statistical Coordination I of National

Statistics Office (NSO), Provincial Branch, Malolos City, Bulacan, who testified that her office has no birth records pertaining to the following, namely: Felix D. Bernardo, Josefina Bernardo, Eduardo Bernardo, Gregorio Chiong, Azucena P. Chiong, Apolonia D. Chiong (Apolonia), and Jose Antonio Fernando, Jr.[20] In addition, they also presented Arlene Rosales (Rosales), then the City Civil Registrar of Valenzuela City, who testified that the National Archives also has no records of the birth certificates of the above Bernardos and Chions, apart from Gregorio Domingo and Gregorio Chiong,[21] whom Mario alleged is his mother's brother. She also testified that persons born before 1945 could apply for registration at the LCR, but that the Bernardos and the Chions never applied for the same.[22]

On the other hand, respondents, through their Answer with Counterclaim, disputed Mario's assertions, and argued that their predecessor-in-interest, Jose Chiong Fernando, legally acquired the subject properties from Jose Chiong through a Deed of Donation executed on May 18, 1925. Further, they argued that the authenticity and enforceability of the said donation were sustained by a Court of First Instance (CFI) Decision dated November 24, 1969, in Civil Case No. 1902, which was however not found in the records. Respondents prayed for the dismissal of the complaint along with a counterclaim for damages, attorney's fees and costs of suit.

The two complaints were ordered consolidated by Presiding Judge Wilfredo T. Nieves of Branch 84 of RTC Malolos, Bulacan who, through a Consolidated Decision[23] dated November 10, 2008, decided in favor of petitioners, to wit:

WHEREFORE, judgment is hereby rendered in favor of the Plaintiff Mario Chiong Bernardo and his siblings, plaintiffs [sic] heirs of Josefina Chiong and the heirs of Gregorio Chiong as follows:

- declaring as null and void the affidavit of identity (heirs) executed by the defendants Fernandos;
- ordering the defendants Fernandos to reconvey to the plaintiff Mario Chiong Bernardo and his siblings and the heirs of Josefina and Gregorio Chiong the subject five (5) real properties; and
- To pay the costs of suit.

SO ORDERED.[24]

The RTC was persuaded that by preponderance of evidence, Mario was able to prove that Barbara was indeed the daughter of Jose Chiong.[25] It respected and gave credence to and considered authentic and legitimate both Barbara's birth certificate, which was registered on December 7, 1912, and baptismal certificate, which was dated March 2, 1913.[26]

In ruling that Barbara's birth certificate was authentic and legitimate, it found that, on its face, the certificate showed that Barbara was born a legitimate daughter of Jose Chiong. The RTC further found that the fact that the dorsal portion of the same, containing an acknowledgment of either parent, was not presented did not take away from its authenticity. Citing Section 44,[27] Rule 130 of the Rules, it held that entries in official records made in the performance of official duty are prima facie evidence of the facts stated therein[28] and, therefore, the birth certificate of Barbara should be given full probative value, viz.:

Withal, Article 172 (now 265) of the Family Code provides that 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; or any other means allowed by the Rules of Court or special laws which may consist of the child's baptismal certificate, a judicial admission, a family bible in which the child's name has been entered, a common reputation respecting the child's pedigree, admission by silence, the testimony of witnesses, and other kinds of proof of admission under Rule 130 of the Rules of Court (Cruz v. Cristobal, G.R. No.

140422, August 7, 2006, 498 SCRA 37). Moreover, baptismal certificate is one of the acceptable documentary evidence to prove filiation in accordance with the Rules of Court and Jurisprudence.[29]

The RTC also held that the fact that some documents indicated Barbara's surname as "Domingo" was aptly explained with the reason that Ambrosia had harbored anger towards Jose Chiong, so much so that she refused to let her children use "Chiong" as their surname.[30] It further held that the correction of the spelling of Mario's surname from "Chong" to "Chiong" did not affect the legitimacy of Mario's claim, as such correction was not established to be improper or illegal, and hence could be presumed proper, regular, and pursuant to the performance of the duties of the LCR concerned.[31]

With respect to the claim of Josefina, et al., the RTC held that although Josefina and her siblings did not present any documentary proof of their filiation to Jose Chiong through their mother, Apolonia, the admission of Mario in open court that Apolonia as well as Gregorio were the legitimate and full-blooded siblings of Barbara, and therefore also children of Jose Chiong, was deemed sufficient to prove their claim.[32] Based on this, the RTC concluded that Mario, Josefina, et al., and respondent heirs of Gregorio Chiong were similarly situated, all of them being direct grandchildren of Jose Chiong, and were therefore all entitled to the estate of Jose Chiong as legitimate descendants.[33]

The RTC added that whoever alleges the illegitimacy of a child must prove such allegation, and given that respondents offered no evidence to refute Barbara's legitimate status, the same should be upheld.[34]

The RTC also dismissed respondents' allegations that the subject properties were already donated by Jose Chiong to their father, Jose Chiong Fernando, since no documentary evidence was submitted to prove the same.[35] Particularly, respondents asserted that the donation was affirmed by the CFI of Bulacan in Civil Case No. 1092, but no such decision was presented before the RTC. The RTC was also unpersuaded by respondents' submission that the Register of Deeds merely committed an error in placing the titles of the subject properties under the name of heirs of "Jose Chiong" instead of "Jose Chiong Fernando" when the titles were reconstituted. The RTC found it incredible that from March 17, 1959 when the titles were reconstituted, until their transfer to respondents' names by way of the execution of the Affidavit, respondents were never alerted by the error of omission of the surname "Fernando". It also noted that such an assertion was belied by the fact that in the Affidavit, the respondents were identified as heirs of "Jose Chiong".[36]

It also discredited the Affidavit as invalid for being an act of misrepresentation,[37] finding that not only were most of the heirs named therein not signatories thereto, but that some of the heirs were abroad while one was already deceased at the time of its execution. It also found fault in the Affidavit for its lack of notarization.[38] It also noted that respondents could not validly invoke prescription by long occupation, after having admitted that they were, in fact, not in possession of the subject properties.

Finally, the RTC ruled that even granting in arguendo that there was a legitimate donation of the subject properties to Jose Chiong Fernando, the same would still have to be subordinate to the claim of petitioners on the estate of Jose Chiong, as his legitimate heirs.[39]

Respondents appealed to the CA via Rule 41 of the Rules of Court, which, through its Decision[40] dated November 7, 2013, granted the appeal, reversed the consolidated decision of the RTC, and dismissed Civil Case Nos. 194-M-2003 and 853-M-2003 for lack of cause of action. The dispositive portion of which reads:

WHEREFORE, premises considered, the Appeal is GRANTED. The Consolidated Decision dated 10 November 2008 of the Regional Trial Court, Branch 84, Malolos City, Bulacan, is hereby REVERSED and SET ASIDE. Civil Case Nos. 194-M-2003 and 853-M-2003 are DISMISSED for lack of cause of action. Appellants' compulsory counterclaim in Civil Case Nos. 194-M-2003 and 853-M-2003, respectively, is also

DISMISSED.

SO ORDERED.[41]

In finding merit in the appeal, the CA held that in this case, petitioners bore the burden of proving their claim as against respondents by a preponderance of evidence.[42] Here, the CA ruled that it was unable to accept the RTC's conclusion on the legitimate status of Barbara and her legitimate filiation to Jose Chiong.[43] It observed that the RTC made a sweeping conclusion that respondents failed to offer any evidence to refute the presumption of Barbara's legitimacy as indicated in her birth certificate,[44] when, citing *Tison v. Court of Appeals*,[45] such presumption of legitimacy, which may not be attacked collaterally, only applies if the child whose legitimacy is in question was born in wedlock.[46]

Casting doubt on the legitimacy of the marriage of Ambrosia, Barbara's mother, and Jose Chiong, the CA ratiocinated thus:

We carefully scoured the records of the case, save for Barbara Domingo's entry in her certificate of birth and baptismal certificate, and We find that there is absolutely no proof of Jose Chiong's marriage to Barbara Domingo's mother, Ambrosia Domingo. It bears stressing that a finding that the late Jose Chiong was married to Ambrosia Domingo is necessary considering that appellants insistently argue that Jose Chiong died without any issue. Unfortunately, no marriage certificate or marriage contract - doubtless the best evidence of Jose Chiong's and Ambrosia Domingo's marriage, if one had been solemnized - was offered in evidence. None of the witnesses presented by appellees could affirm the supposed marriage of Jose Chiong and Ambrosia Domingo. At best, their testimonies only revealed that Barbara Domingo is the mother of appellee Mario Bernardo. It has not been established as well that Jose Chiong and Ambrosia Domingo really held themselves out to the public as man-and-wife.[47]

First, the CA discussed each document offered by petitioners to prove Barbara's legitimate status. It ruled that with respect to Barbara's birth certificate, because its dorsal portion was not presented in evidence, the CA had no way of ascertaining whether Jose Chiong had a hand in its preparation, particularly pertaining to the entries indicating paternity.[48] It added that the mere fact that the late Jose Chiong was identified in the frontal portion of the birth certificate as the father of Barbara Domingo only evidenced the fact which gave rise to its execution, or the birth of a child.[49] Citing *Angeles v. Maglaya*,[50] the CA held that for a birth certificate to be validating proof of paternity, the signature of the alleged father is necessary.[51]

Second, the CA also observed that there was no offered evidence of any final judgment decreeing that Barbara was the legitimate child of the late Jose Chiong. There was likewise no written admission by Jose Chiong of legitimate filiation in a public document or a private handwritten instrument.[52]

Third, it also found that Barbara's baptismal certificate had no probative value in establishing Barbara's legitimate filiation with Jose Chiong. Citing the cases of *Fernandez v. Fernandez*[53] and *Heirs of Pedro Cabais v. Court of Appeals*,[54] the CA ruled that a baptismal certificate is evidence only of the administration of sacrament on the dates therein specified, but not proof as to the veracity of the declarations concerning the parentage of the person baptized.[55]

The CA also dismissed the judicial affidavits executed by Daniel S. Dionido and Ma. Julieta S. Dionido, holding that they merely confirmed the relationship between Barbara and Mario, as mother and child, respectively, but went no further as to purport that Barbara was the legitimate daughter of the late Jose Chiong.[56]

The CA also found that with respect to the filiation of Apolonia and Gregorio to Jose Chiong, whom petitioners alleged are full-blood siblings of Barbara, no evidence was offered to prove their legitimate filiation.[57] It noted the two certifications of the Civil Registrar of Valenzuela City to the effect that it had no records of the birth of

Gregorio and Apolonia. It also found itself hard-pressed to find sound basis for the RTC's sole and heavy reliance on Mario's testimony that Gregorio and Apolonia were full-blood siblings of his mother, and anchored its finding of legitimate filiation on the same, and instead pointed out that a testimony to this effect is not included among the modes of establishing legitimate filiation under Article 172 of the Family Code.[58]

In all, the CA found that since petitioners failed to prove the legitimate filiation of Barbara, Gregorio and Apolonia to the late Jose Chiong, they had no cause of action against respondents in seeking the annulment of the Affidavit, as well as the reconveyance and partition of the subject properties. As well, they had no cause of action for the cancellation of the certificates of title issued in the names of respondents, or for the accounting of proceeds received for the use and enjoyment of the subject properties.[59]

The CA also found that contrary to respondents' prayer, an award of moral and exemplary damages was also not in order as the latter failed to establish that the present suit was one of malicious prosecution.[60] There was also no factual basis found for the award of attorney's fees.

Both Mario and Josefina, et al.[61] filed their separate Motions for Reconsideration, which were both denied by the CA for lack of merit, in its Resolution dated January 27, 2014.[62]

On February 25, 2014, Josefina, et al. filed the present Petition for Review,[63] while Mario filed his on March 20, 2014.[64] Respondents filed a Motion to Consolidate[65] on April 24, 2014. The Court, through its Resolution dated June 2, 2014,[66] granted the consolidation of G.R. No. 211034 and G.R. No. 211076.

By way of Comment,[67] respondents counter petitioners' Petitions by reiterating their argument on the validity of the donation by which their predecessor-in-interest Jose Chiong Fernando obtained the subject properties. They allege that the validity of said donation was already upheld by a November 24, 1969 decision of the CFI Bulacan in Civil Case No. 1092, where Jose Chiong was found to have been missing for 10 years and declared presumptively dead without any issue.[68] Respondents also echoed the findings of the CA, in that none of the documents the petitioners offered in evidence proved that Ambrosia was legally married to Jose Chiong,[69] and that the other documents submitted even seemed to support the contrary, in that in other documents, the names of Barbara, Apolonia and Gregorio were surnamed Domingo, and not Chiong.[70]

In their Reply[71] to respondents' Comment, Josefina, et al. fault respondents' inconsistency in the basis of their claim, i.e. they claim that their entitlement towards the subject properties first by virtue of the fact that they claimed to be the Heirs of Jose Chiong through the Affidavit, and then alternatively claim to have obtained the subject properties by virtue of a deed of donation of Jose Chiong in favor of their predecessor-in-interest, Jose Fernando.[72] Josefina, et al. argue that the bases for respondents' claim cannot be both true.[73] Finally, Josefina, et al. submit that Barbara's birth certificate still holds probative value despite the lack of Jose Chiong's signature therein. They argue that the Court must take judicial notice of the fact that during the birth of Barbara, prior to the passage of Commonwealth Act No. 3753, only the attending physician or midwife was required to sign in the birth certificates, without such similar requirement for the parents of the born child.[74]

For his Reply,[75] Mario argues that respondents failed to prove that they come from the bloodline of Jose Chiong, and should therefore not be entitled to own the subject properties.[76] He likewise continues assailing the validity of the Affidavit for being perjured and for containing various misrepresentations.[77] He also counters that contrary to the findings of the CA, he was able to offer documentary evidence to prove the legitimate filiation of his mother, Barbara, to Jose Chiong.[78]

Issue

The long and interwoven questions of the present case turn on a primary issue of who among the parties

sufficiently established their right to the subject properties.

On the one hand, petitioners Mario and Josefina, et al. ground their claim on the main allegation that they are direct descendants of the late Jose Chiong, being his grandchildren through Barbara. On the other, respondents base their entitlement to the subject properties on the deed of donation executed by the late Jose Chiong to Jose Chiong Fernando, of whom they claim to be successors-in-interest, being, as they claim in the Affidavit, the latter's heirs.

The Court's Ruling

The Court finds the consolidated petitions lacking in merit.

The present controversy weaves the application of several provisions of law, foremost of which are those pertaining to filiation. Executive Order No. 209,[79] otherwise known as the Family Code of the Philippines, particularly Article 172, outlines the modes by which one may prove filiation:

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. (265a, 266a, 267a)

The law requires that every reasonable presumption leans towards legitimacy,[80] and establishes the status of a child from the moment of his birth.[81] Proof of filiation becomes necessary only when the legitimacy of the child is being questioned, or when the status of a child born after 300 days following the termination of marriage is sought to be established.[82] In case of the need to prove filiation, the same may only be raised in a direct and separate action instituted to prove the filiation of the child.[83]

Relatedly, as provided by Article 173 of the Family Code, an action to claim legitimate filiation is strictly personal to the child whose filiation is in question, and he or she may exercise such anytime within his lifetime. The only three instances when such right passes to the child's heirs are: (1) when the child dies during minority; (2) when the child dies in a state of insanity; or (3) when the child dies after the commencement of the action.

In this case, petitioners seek to establish the legitimate status of their mother, Barbara. However, although there is a mention of Barbara's passing, there is nothing in the records of the case which would show that Barbara had died under any of the circumstances outlined under Article 173, which would have transmitted the right to claim her legitimate status to her heirs, herein petitioners. Given that petitioners here seek to prove Barbara's legitimate filiation to Jose Chiong absent any of the three circumstances under Article 173, they may not be considered to

have the standing to pursue the same.

Further, even if we grant petitioners the standing to claim Barbara's legitimate status for purposes of proving their own entitlement to the subject properties, the Com1 nevertheless agrees with the CA that petitioners failed to substantiate their principal contention.

The CA correctly pointed out the RTC's error in its finding that the presumption of legitimacy in favor of Barbara prevailed over any direct or collateral assailment of the same. As the CA observed, without any proven lawful marriage between Ambrosia and Jose Chiong, no presumption of legitimate filiation arose in favor of Barbara. Since no such presumption arose, it was incumbent on both Mario and Josefina, et al. to prove the same.

In the present case, since a certificate of birth was presented, the issues and burdens revolve around the calibration of the probative value of said certificate for purposes of proving Barbara's legitimate filiation with Jose Chiong. A birth certificate, being a public document, is an important piece of evidence, and offers prima facie evidence of filiation,[84] in accordance with the rule that entries in official records made in the performance of the duties of a public officer are prima facie evidence of the facts therein stated. However, as the Court has held in several cases, for a birth certificate to prove paternity, it must be shown that the putative father had a hand in its preparation.[85] In *Jison v. Court of Appeals*,[86] it was explained thus:

MONINA's reliance on the certification issued by the Local Civil Registrar concerning her birth (EXHs. E and F) is clearly misplaced. It is settled that a certificate of live birth purportedly identifying the putative father is not competent evidence as to the issue of paternity, when there is no showing that the putative father had a hand in the preparation of said certificates, and the Local Civil Registrar is devoid of authority to record the paternity of an illegitimate child upon the information of a third person. Simply put, if the alleged father did not intervene in the birth certificate, e.g., supplying the information himself: the inscription of his name by the mother or doctor or registrar is null and void; the mere certificate by the registrar without the signature of the father is not proof of voluntary acknowledgment on the latter's part. In like manner, FRANCISCO's lack of participation in the preparation of the baptismal certificates (EXHs. C and D) and school records (EXHs. Z and AA) renders these documents incompetent to prove paternity, the former being competent merely to prove the administration of the sacrament of baptism on the date so specified. x x x[87]

To be sure, and contrary to the finding of the CA, the putative father's signature on the face of the birth certificate is not indispensable in ascribing probative weight to the same. For as long as it can be shown that the putative father participated in the preparation of the certificate of birth, e.g. when the putative father provided the information for the entries to the certificate,[88] or otherwise caused the registration of the birth,[89] probative weight can be ascribed.

Unfortunately for petitioners, however, there was neither Jose Chiong's signature on Barbara's certificate of birth, nor any other proof to the effect that although his signature does not appear therein, he had a hand in the preparation of the same.

With respect to Barbara's baptismal certificate, as the CA correctly held, it may only be considered evidence of the administration of the sacraments on the dates so specified, but is not persuasive in proving the veracities of the entries therein, including the baptized child's paternity.[90]

Having failed at discharging the burden of proof incumbent upon petitioners in establishing Barbara's legitimate status, no legitimate filiation between Barbara and Jose Chiong may be recognized. With no legitimate status for Barbara upon which petitioners ground their entitlement to the subject properties, no such ancillary right arose for petitioners, and no right to demand reconveyance and annulment of the subject TCTs may be adjudged in their favor.

Petitioners' allegation that the Court should take judicial notice of when the signature of the father of the child was or was not required in the certificate of birth is misplaced.[91] The additional argument that the baptismal certificate should be considered a certificate of birth as it was executed prior to an established system of registry[92] was also only alleged but not proved. Mario extends this by analogy, arguing that since at the time of Barbara's baptism, there was a strict prohibition in the Catholic religion against baptism of children born out of wedlock, the baptismal certificate could further prove a legitimate marriage between Jose Chiong and Ambrosia. This claim, both belated and unsubstantiated, cannot be considered by the Court as sufficient basis to grant petitioners' claim.[93]

Rule 129, Section 1 of the Rules provides for the facts which the court must take judicial notice of without need of proof, to wit:

SECTION 1. Judicial notice, when mandatory. - A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions. (1a).

Demonstrably, the prescriptions governing the preparation and accomplishment of birth certificates in the system of registry do not fall under any of the enumerated categories of facts. At best, this allegation of a past protocol in the system of registry may fall under Section 2[94] of the same Rule, which provides for matters that the court may, in its sound discretion, opt to take judicial notice of. Being discretionary, the Court may not take judicial notice thereof if it is not convinced that the matter is of public knowledge, or capable of unquestionable demonstration, or otherwise ought to be known by judges because of their judicial functions.

That this case has already lasted for over 17 years since Mario first instituted the Complaint for Annulment, Reconveyance and Accounting is lamentable. Even so, the Court maintains that no length of time will ripen a mere allegation lacking proof into a demandable right, least of all in the case where legitimate filiation is the status which may be granted or withheld.

WHEREFORE, the Consolidated Petitions are hereby DENIED. Accordingly, the Decision dated November 7, 2013 and Resolution dated January 27, 2014 of the Court of Appeals, Special Sixteenth Division, in CA-G.R. CV No. 92724 are hereby AFFIRMED.

SO ORDERED.

Peralta, C. J., (Chairperson), Zalameda, and Delos Santos,[*] JJ., concur.
Carandang, J., on official leave.

[*] Designated acting Member per Special Order No. 2788-A dated September 29, 2020.

[1] In accordance with this Court's Resolution dated June 2, 2014; rollo (G.R. No. 211 034), pp. 126-127.

[2] Id. at 7-21.

[3] Id. at 93-112. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Marlene Gonzales Sison and Amy C. Lazaro-Javier (now a Member of this Court) and rollo (G.R. No. 211076), pp. 20-39.

[4] Id. at 46-68. Penned by Presiding Judge Wilfredo T. Nieves.

[5] Id. at 33-46.

[6] Rollo (G.R. No. 211076), pp. 42-44.

[7] Id. at 47.

[8] Id. at 23.

[9] Id. at 24.

[10] Id.

[11] Id. at 47.

[12] Id.

[13] Id. at 230.

[14] Id. at 48.

[15] Id.

[16] Id.

[17] Id. at 48-49.

[18] Id. at 49.

[19] Id. at 49-50.

[20] Id. at 50.

[21] Id.

[22] Id. at 50-51.

[23] Id. at 46-68.

[24] Id. at 67-68.

[25] Id. at 63.

[26] Id.

[27] RULES OF COURT, Rule 130, Sec. 44 provides:

Sec. 44. Entries in official records. - Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated.

[28] Rollo (G.R. No. 211076), p. 64.

[29] Id.

[30] Id.

[31] Id. at 65.

[32] Id. The RTC held thus: Basically, an admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof unless contradicted upon showing that it was made through

palpable mistake or that no such declaration or omission of a party as to a relevant fact may be given in evidence against him (Section 5, Rule 30).

[33] Id.

[34] Supra note 28.

[35] Supra note 31. Emphasis omitted.

[36] Id. at 66.

[37] Id.

[38] Id.

[39] Id. at 67.

[40] Rollo (G.R. No. 211034), pp. 93-112.

[41] Id. at 111.

[42] Id. at 99.

[43] Id. at 101-102.

[44] Id. at 102.

[45] 342 Phil. 550 (1997).

[46] Rollo (G.R. No. 211034), p. 102.

[47] Id. at 102-103.

[48] Id. at 105.

[49] Id.

[50] 506 Phil. 347 (2005).

[51] Rollo (G. R. No. 211034), p. 105.

[52] Id. at 106.

[53] 416 Phil. 322 (2001).

[54] 374 Phil. 681 (1999).

[55] Rollo (G.R. No. 211034), pp. 106-107.

[56] Id. at 107.

[57] Id. at 108.

[58] Id.

[59] Id.

[60] Id. at 110.

[61] Rollo (G.R. No. 211076), pp. 69-78.

[62] *Id.* at 43-44.

[63] *Id.* at 3-15.

[64] Rollo (G.R. No. 211034), pp. 7-21.

[65] Rollo (G.R. No. 211076), pp. 122- 129.

[66] Rollo (G.R. No. 211034), p. 126.

[67] Rollo (G.R. No. 211076), pp. 183-212.

[68] *Id.* at 185.

[69] *Id.* at 200.

[70] *Id.* at 188-189.

[71] *Id.* at 216-219.

[72] *Id.* at 216-217.

[73] *Id.* at 217.

[74] *Id.* at 218.

[75] *Id.* at 226-266.

[76] *Id.* at 227.

[77] *Id.* at 230-231.

[78] *Id.* at 238-248.

[79] Signed on July 6, 1987.

[80] Estelito P. Mendoza and Ivy D. Patdu, *FILIATION AND LEGITIMACY*, 52 *ATENEO L.J.* 356 (2007), citing *Concepcion v. Court of Appeals*, G.R. No. 123450, August 31, 2005, 468 SCRA 438, 448.

[81] *Concepcion v. Court of Appeals*, *id.* at 453.

[82] *Id.*

[83] *Geronimo v. Santos*, G.R. No. 197009, September 28, 2015, 771 SCRA 508, 521.

[84] *Sayson v. Court of Appeals*, G.R. No. 89224-25, January 23, 1992, 205 SCRA 321, 328.

[85] *Perla v. Baring*, G.R. No. 172471, November 12, 2012, 685 SCRA 101, citing *Cabatania v. Court of Appeals*, 484 Phil. 42, 50 (2004).

[86] G.R. No. 124853, February 24, 1998, 286 SCRA 495.

[87] *Id.*

[88] *Ilano v. Court of Appeals*, G.R. No. 104376, February 23, 1994, 230 SCRA 242, 257.

[89] *Arado v. Alcoran*, G.R. No. 163362, July 8, 2015, 762 SCRA 37, 52; *Castro v. Court of Appeals*, G.R. Nos. L-50974-75, May 31, 1989, 173 SCRA 656, 659.

[90] Rollo (G.R. No. 211076), p. 169.

[91] Id. at 237.

[92] Id. at 244.

[93] Id. at 249.

[94] RULES OF COURT, Rule 129, Sec. 2 provides:

SEC. 2. Judicial notice, when discretionary. - A court may take judicial notice of matters which are of public knowledge, or are capable of unquestionable demonstration, or ought to be known to judges because of their judicial functions. (1a).

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