

MARIA NERISSA R. TAGALICUD-VILUAN, PETITIONER, VS. AN-ANNE PRESENTACION T. LARIOZA, MICHAEL S. TAGALICUD, MAY RAFLOR T. MANALANG, AND JOAN MARIE T. STA. CRUZ, RESPONDENTS.*G.R. No. 268729, April 21, 2026*

Ponente: GAERLAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-268729/>**GAERLAN, J.:**

Before the Court is a Petition for Review on Certiorari[1] (Petition) filed to question both the Decision[2] dated October 25, 2022 and the Resolution[3] dated July 11, 2023 of the Court of Appeals (CA) in CA-G.R. CV No. 115875. Said rulings of the appellate court denied petitioner Maria Nerissa R. Tagalicud-Viluan's (Maria Nerissa) appeal from the Decision[4] dated March 2, 2020 of Branch 291 of the Regional Trial Court of Malabon City (RTC-Malabon City) in Special Proceeding No. SP 17-014-MAL, which granted the petition of private respondents An-Anne Presentacion T. Larioza (An-Anne), Michael S. Tagalicud, May Raflor T. Manalang, and Joan Marie T. Sta. Cruz's (collectively, An-Anne et al.) to cancel Maria Nerissa's certificate of live birth on the ground of being simulated under Rule 108 of the Rules of Court.

Factual Antecedents & Ruling of the Trial Court

The CA offers a comprehensive summary of the facts of the case, viz.:

On 12 April 1966, spouses Angel C. Tagalicud, Jr. (hereinafter Angel) and Neria L. Ritumalta (hereinafter Neria) caused the registration and recording of the fact of birth of [Maria Nerissa] as their child in the Civil Registry of Malabon City.

After the separation of Angel and Neria on 1978, Neria migrated to Canada where she eventually passed away on 15 January 2013. Angel, on the other hand, died on 06 December 2016.

On 21 April 2017, [An-Anne et al], children of the deceased [Angel] from different mothers, filed a Petition for Cancellation of Certificate of Live Birth against [Maria Nerissa] before the RTC.

[An-Anne et al.] averred that [Maria Nerissa]'s birth certificate was simulated as [Maria Nerissa] was made to appear that she is the legitimate child of Neria and Angel, when in fact and in law, she is not. In support of their claims, they alleged that (1) during Angel's lifetime, he consistently denied that [Maria Nerissa] was his daughter; (2) in an Agreement executed by Angel and Neria for the settlement of their conjugal properties, both stipulated that [Maria Nerissa] was only their ward; (3) in a Petition for Divorce filed by Neria before the Ontario Court of Canada [sic] on 05 January 1992, Neria admitted to not having any children with Angel during their marriage with Angel.

On 19 November 2017, [Maria Nerissa] filed a Notice of Appearance with Answer and Affirmative/Special Defenses denying that her birth certificate was simulated and alleging that the petition must be dismissed for the same being a collateral attack on her legitimacy.

[Maria Nerissa] primarily claims that (1) during the lifetime of Angel and Neria, both did not file any case to cancel her birth certificate; (2) Angel and Neria did not file any case for the annulment or dissolution of their

marriage, and neither was their divorce judicially recognized in the Philippines; (3) neither did [An-Anne et al], the illegitimate children of Angel, nor their mothers caused the cancellation of her birth certificate during Angel's lifetime; (4) there is no document where Angel unequivocally stated that [Maria Nerissa] is not his daughter; (5) during his lifetime, Angel did not file any action to impugn her legitimacy; and (6) that her legitimacy cannot be collaterally attacked in a petition which aims to impugn the same; (7) that as the petition aims to impugn her legitimacy, the same is barred by Articles 170 and 171 of the Family Code.

On 09 February 2018, the RTC issued its Resolution denying [Maria Nerissa's] motion to dismiss on the ground of forum shopping which was incorporated in [Maria Nerissa's] Notice of Appearance with Answer and Affirmative/Special Defense[s]. Acting on [Maria Nerissa's] Motion for Reconsideration, on 23 March 2018, the RTC issued its Resolution dated 27 July 2018.

On 01 August 2018, [An-Anne et al.] filed a Comment and Opposition to the Affirmative/Special Defenses of Defendant, emphasizing that the issue in this case is the validity of [Maria Nerissa's] Certificate of Live Birth for having been simulated, and not the legitimacy or filiation of [Maria Nerissa].

Thereafter, trial ensued where [An-Anne et al.] presented two (2) witnesses, Alma Ritumalta (hereinafter Ritumalta) and Adoracion Munoz Perez (hereinafter Perez), former neighbors of Angel and Neria. [Maria Nerissa], on the other hand, did not present evidence.[5]

As stated previously, the RTC-Malabon City granted An-Anne et al.'s petition for cancellation of Maria Nerissa's birth certificate in the following manner:

WHEREFORE, the petition is GRANTED.

Accordingly, the Local Civil Registrar of Malabon City and the Philippine Statistics Authority are DIRECTED to cancel the Certificate of Live Birth of respondent Maria Nerissa Ritumalta Tagalicud under Local Civil Register No. 836 and BRen No. 07502-A66HC02-0.

The Clerk of Court of the Regional Trial Court of Malabon City is directed to return to petitioners the unused portion/balance of the Sheriff's Trust Fund, if any, deposited under Official Receipt No. 3806979 dated April 21, 2017.

No costs.

SO ORDERED.[6]

Aside from reiterating its previous ruling and stance as to the nature of the proceedings (i.e., that the petition below, grounded on simulation of Maria Nerissa's birth certificate, was not grounded on her illegitimacy or non-filiation, but instead was based on the contention that she was the child of neither Angel C. Tagalicud, Jr. (Angel) nor Neria L. Ritumalta (Neria) at all),[7] the trial court also noted that An-Anne et al. were interested persons within the meaning of the Rules of Court who could validly file the petition for cancellation of Maria Nerissa's birth certificate.[8] Additionally, the RTC-Malabon City gave credence to An-Anne et al.'s witnesses, viz.:

The spouses Angel Tagalicud and Neria Ritumalta were married in 1962. They remained childless until 1966 when [Maria Nerissa] appeared in their lives. Her birth was then registered, and as appearing in the assailed Certificate of Live Birth, [Maria Nerissa] was born on April 12, 1966 and the parents were Angel (Jr.) Calpido Tagalicud (Father) and Neria Lalan Ritumalta (Mother). The informant appearing on the birth certificate was Angel.

Witnesses Ritumalta and Perez, however, belie vehemently that [Maria Nerissa] was Angel and Neria's child by birth. Both witnesses were long[-]time neighbors of the couple in the VMN Compound, Malabon City, and they are one in saying that Neria never became pregnant when she was residing in VMN Compound and that

[Maria Nerissa] was already a baby when she was given to the couple.

Ritumalta is 76 years old when she testified in court and 24 years old, more or less, in 1966. She and the Tagalicuds were adjacent neighbors in VMN Compound. She stated that [Maria Nerissa] was originally intended to be given to Emilia "Lucing" Abrenica; however, the latter's husband refused to take in the child so she was passed on to Neria, who unreservedly welcomed the child. She personally knew these facts because she was Neria's niece. Neria, Angel, and Abrenica, also told her the circumstances of how the child came to them...

....

Perez corroborated Ritumalta's account. It was, in fact, Perez's mother Rosalia who brought [Maria Nerissa] to VMN Compound. She was originally intended to be given to her sister Emilia but when Emilia's husband refused to take her in, she was given to Neria.

....

The court finds no reason to disbelieve these witnesses and their respective testimonies, as they are disinterested persons who have nothing to benefit or gain from perjuring themselves or testifying falsely against [Maria Nerissa]. The court also observed the witnesses' demeanor when they testified in court and found no badges of deceit when they did so. Perez even candidly admitted that [Maria Nerissa] looked different now as she did when they were still residing in VMN Compound...[9]

Finally, the trial court noted that An-Anne et al. had sufficiently rebutted the presumption in favor of the regularity and validity of Maria Nerissa's birth certificate, despite all the evidence being testimonial in nature. Additionally, the incomplete entries in the said birth certificate bolster the notion that the same was irregularly issued, viz.:

Additionally, the court noted the incomplete entries in [Maria Nerissa's] Certificate of Live Birth, which lends further credence to the conclusion that the registration of her alleged birth was merely an afterthought. One is the circumstances pertaining to the "Attendant at Birth," particularly the date when the attendant at birth signed the birth certificate (Entry No. 19(d)) and the title of the attendant at birth [Entry No. 19(e)], which were left blank. More importantly, Entry No. 23 on whether the child is legitimate or not was also unanswered.[10]

Maria Nerissa accordingly interposed her Notice of Appeal[11] after the RTC-Malabon City denied her motion for reconsideration.

Ruling of the Appellate Court

In its Decision dated October 25, 2022, the CA denied Maria Nerissa's appeal in the following manner:

WHEREFORE, the appeal is DENIED. The assailed Decision dated 02 March 2020 of the Regional Trial Court, National Capital Judicial Region, Branch 291, Malabon City in Spec. Proc. No. SP 17-014-MAL is AFFIRMED.

SO ORDERED.[12]

In finding no merit in Maria Nerissa's appeal, the appellate court outlined the various pieces of evidence that supported the trial court's conclusion that Maria Nerissa's birth certificate was simulated, viz.:

As aptly raised by [An-Anne et al., while it is true that an official document such as [Maria Nerissa's] Certificate of Live Birth enjoys the presumption of regularity, such presumption may be controverted by clear and convincing evidence to the contrary.

In this case, the specific facts attendant, as well as the totality of the evidence presented during trial before the RTC, sufficiently negate such presumption.

First, the credible and categorical testimonies of disinterested witnesses Ritumal[t]a and Perez before the RTC clearly show that Neria was not at all pregnant during the time Neria was supposedly carrying a child in her womb.

Second, [Maria Nerissa's] Certificate of Live Birth contained irregularities: entries in (1) attendant at birth; (2) date the attendant at birth signed the certificate; and (3) the legitimate or illegitimate status of [Maria Nerissa] were left blank.

Third, aside from bare allegations and reliance on her Certificate of Live Birth, [Maria Nerissa] failed to adduce evidence to support her claim that she was the child of Angel and Neria[,] nor did she present evidence of Neria's pregnancy.

Conclusions and findings of fact by the lower courts are entitled to great weight on appeal and will not be disturbed except for strong and cogent reasons. They should not be changed on appeal in the absence of a clear showing that the trial court overlooked, disregarded, or misinterpreted some facts of weight and significance, which if considered would have altered the result of the case. Here, there is no cogent reason to depart from the factual findings of the RTC.[13]

As to Maria Nerissa's argument that the periods provided under Articles 170[14] and 171[15] of Executive Order No. 209 (s. 1987), otherwise known as the Family Code of the Philippines, the CA ruled that said provisions "contemplate situations where doubt exists that a child is indeed a man's child, and the father or, in proper cases, his heirs denies the child's filiation." [16] As such, said provisions do "not refer to situations where a child is alleged not to be the child at all of a particular couple." [17] Citing the case of Babiera v. Catotal,[18] the appellate court also noted that the petition below filed by An-Anne et al. was not a collateral attack on Maria Nerissa's legitimacy, viz.:

Contrary to the contention that the instant petition filed by the [An-Anne et al.] before the RTC is an act to impugn and collaterally attack her legitimacy, [An-Anne et al.] are asserting not merely that [Maria Nerissa] is not a legitimate child of, but that she is not a child of Angel and Neria at all. Similar with Babiera, there is nothing to impugn in this case[,] as there was no blood relation at all between [Maria Nerissa] and Angel and Neria.[19]

Maria Nerissa accordingly filed her Motion for Reconsideration,[20] but the CA denied the same via its Resolution dated July 11, 2023, viz.:

[Maria Nerissa] now puts forth the issue that this Court should not have given weight to the testimonies of Alma Ritumalta and Adoracion Muñoz Perez as disinterested witnesses since the basis of the same was merely from the gossips or speculations circulating the neighborhood at the time [Maria Nerissa] was born.

Contrary to respondent-appellant's contention and absent any evidence to support such claim, said testimonies were proven to be based on their own personal knowledge and their personal recollection of what transpired during the years where Neria L. Ritumalta was supposed to be carrying the respondent-appellant in her womb. More so, it is important to note that respondent-appellant also failed to present evidence to refute said testimonies before the RTC.

An examination of the other issues raised in the Motion for Reconsideration readily reveals that the same are a mere rehash of the basic issues raised in the appeal and which were already exhaustively passed upon, duly considered and resolved in the assailed Decision.

Ultimately, there are no new and substantial matters discussed that would justify the reversal and/or reconsideration of the assailed Decision.

WHEREFORE, the Motion for Reconsideration filed by respondent-appellant Maria Nerissa R.

Tagalicud-Vinluan is DENIED for lack of merit.

SO ORDERED.[21]

Hence, the instant Petition.

Arguments of the Parties

The following arguments can be distilled from the petition proper:

- The CA erred in not upholding the presumption of regularity relative to Maria Nerissa's birth certificate, since the irregularities on said birth certificate were trivial and not overturned by clear and convincing evidence.
- The CA erred in giving weight and credence to the testimonies of the two witnesses of An-Anne et al., since one (i.e., [Adoracion]) was only a Grade 1 student and a child of tender age at the time when she first saw Maria Nerissa in 1965, and the other (i.e., [Alma]) based her memory on limited observation and stories told to her. Thus, both had limited opportunities to observe certain facts such as the pregnancy of Maria Nerissa's mother, and were heavily reliant on what other persons and elders informed them of the situation surrounding Maria Nerissa's origins.
- The CA's Decision presents a dangerous precedent that could imperil any Filipino citizen with the cancellation of his or her birth certificate due to supposed simulation nearly six decades ago. Thus, a higher standard of evidence is required in order to cancel a document that is critical to any Filipino's everyday life.

An-Anne et al., for their part, basically argue in their Comment[22] that: 1) the irregularities in Maria Nerissa's birth certificate are "vital and critical information that should have been contained in the document;"[23] 2) the testimonies of Adoracion and Alma are deserving of weight and credence, especially on appeal, and Maria Nerissa has to this day not presented any new or additional evidence, nor any strong or valid reasons, to warrant a reversal of the findings of both the trial and appellate courts; and 3) Maria Nerissa stands to lose no substantial rights should the cancellation of her birth certificate be affirmed.

Issues before the Court

For the Court's consideration are the following two basic issues:

- Whether or not the filing of the petition for cancellation of Maria Nerissa's birth certificate was barred; and
- Whether or not the evidence on record is sufficient to support the conclusion that Maria Nerissa's birth was simulated.

Ruling of the Court

The instant Petition is hereby denied for lack of merit.

At the outset, the Court here clarifies that an action to cancel a birth certificate on the ground of simulation does not prescribe. The Court in *Benitez-Badua v. Court of Appeals*,[24] already ruled that the period provided in Articles 170 and 171 of the Family Code only apply to when the husband or his heirs seek to impugn the legitimacy of a child borne of the couple, not to situations where the parentage of the said child in relation to both parents is questioned entirely:

A careful reading of the above articles will show that they do not contemplate a situation, like in the instant case, where a child is alleged not to be the child of nature or biological child of a certain couple. Rather, these articles govern a situation where a husband (or his heirs) denies as his own a child of his wife. Thus, under Article 166, it is the husband who can impugn the legitimacy of said child by proving: (1) it was physically impossible for him to have sexual intercourse, with his wife within the first 120 days of the 300 days which immediately preceded the birth of the child; (2) that for biological or other scientific reasons, the child could

not have been his child; (3) that in case of children conceived through artificial insemination, the written authorization or ratification by either parent was obtained through mistake, fraud, violence, intimidation or undue influence. Articles 170 and 171 reinforce this reading as they speak of the prescriptive period within which the husband or any of his heirs should file the action impugning the legitimacy of said child. Doubtless then, the appellate court did not err when it refused to apply these articles to the case at bench. For the case at bench is not one where the heirs of the late Vicente are contending that petitioner is not his child by Isabel. Rather, their clear submission is that petitioner was not born to Vicente and Isabel...[25]

And as correctly noted by the CA, the Court in Babiera also ruled that said prescriptive period does not apply to cancellations of birth certificates that are not limited to impugn a child's legitimacy relative to the father, and that "the action to nullify the Birth Certificate does not prescribe, because it was allegedly void ab initio." [26]

Neither can the filing of the petition below be barred by laches, since "[i]t is a well-settled doctrine that laches cannot be used to defeat justice or perpetuate fraud and injustice." [27] Considerations of equity, however well-meaning especially towards Maria Nerissa and her uniquely regrettable personal circumstances, cannot defeat an action that is precisely geared towards dispelling an ostensibly fraudulent act. Otherwise, the Court would be affirming the notion that a simulated birth can merit being ensconced as a legal fact with the appropriate passage of time, which in this case, would be nearly six decades. Such dishonest artifice, however well-intentioned by Angel and Neria and presumably for the benefit and care of Maria Nerissa, can still be questioned even after their demise due to the void nature of the act affecting the civil status of a person.

Going now to the second and final issue, the Court notes that the trial court identified the entries that are left blank on Maria Nerissa's birth certificate: 1) the date of signing of the attendant at birth; 2) the attendant's title or designation; and 3) whether or not Maria Nerissa was born as legitimate. These must be read in conjunction with the first two paragraphs of Section 5 of Republic Act No. 3753, viz.:

Section 5. Registration and certification of births. – The declaration of the physician or midwife in attendance at the birth, or in default thereof, the declaration of either parent of the newborn child, shall be sufficient for the registration of a birth in the civil register. Such declaration shall be exempt from the documentary stamp tax and shall be sent to the local civil registrar not later than thirty days after the birth, by the physician or midwife in attendance at the birth or by either parent of the newborn child.

In such declaration, the persons above mentioned shall certify to the following facts: (a) date and hour of birth; (b) sex and nationality of infant; (c) names, citizenship, and religion of parents or, in case the father is not known, of the mother alone; (e) place where the infant was born; (f) and such other data as may be required in the regulations to be issued.

Verily, it can be deduced that the missing details in Maria Nerissa's birth certificate can fall under the classification of "such other data as may be required." Also, especially with regard to the identity and details of the attendant at birth, the Court is reminded of its ruling in *Geronimo v. Santos*, [28] wherein the superimposed signature of the informant without any indication as to her identity (i.e., whether said person was either therein respondent's parent or the attending physician or midwife at birth) was basically considered as an irregularity that, along with the totality of other circumstances surrounding the alleged birth of therein respondent, were "sufficient to overthrow the presumption of regularity attached to [therein] respondent's birth certificate." [29] Applying this *mutatis mutandis* to the present controversy, where the attendant at Maria Nerissa's supposed birth (whose name in Maria Nerissa's birth certificate is illegible due to being handwritten) [30] has no indicated credentials and no further indication as to when he or she signed the document, one can easily conclude that the presumed due execution of the said birth certificate can sufficiently rebutted and dispelled if there are other circumstances that also tend to disprove the due execution. This point is critical for the Court's decision here.

In the seminal case of *Heirs of Pedro Cabais v. Court of Appeals*,^[31] the Court did indeed rule that birth certificates enjoy a high degree and respect as prima facie evidence of the facts contained therein, especially with regard to filiation, and that there must be strong evidence to overcome such presumption, viz.:

A birth certificate, being a public document, offers prima facie evidence of filiation, and a high degree of proof is needed to overthrow the presumption of truth contained in such public document. This is pursuant to the rule that entries in official records made in the performance of his duty by a public officer are prima facie evidence of the facts therein stated. The evidentiary nature of such document must, therefore, be sustained in the absence of strong, complete and conclusive proof of its falsity or nullity.^[32]

However, as the Court ruled in *Genio v. People*,^[33] "when the presumption of regularity and accuracy in favor of a public document is rebutted, it is reduced to the status of a private document."^[34] This means that courts can no longer assume that the contents of said document are true as a matter of evidence, and thus the ultimate fact that the said presumption used to support needs to be duly proven by means of other authenticated and admitted evidence. Thus, the person relying on the dispelled public document must have at least other means to prove the facts therein stated.

In line with *Geronimo*, one then needs to juxtapose the missing details in Maria Nerissa's birth certificate with other documents on record, the first of which is the unnotarized agreement^[35] between Angel and Neria for the extrajudicial separation of their property supposedly signed on May 2, 1980. Paragraph 1 thereof states that "[t]he child Nerissa Tagalicud, 13 years old, registered as a child of the herein parties although actually only a ward."^[36] The other critical document is the supposed petition for divorce^[37] filed in Canada on behalf of Neria against Angel, which states in an entry for their children the following statement in all capitals: "THERE ARE NO SUCH CHILDREN OF THE MARRIAGE."^[38] These would have been critical to proving indeed that Maria Nerissa's birth was simulated by her supposed parents, but the Court here notes that these two documents were never authenticated at trial, and were also never referred to in the ratio decidendi of the trial court's Decision. This means that their evidentiary value was never established in the first place. These would have been acts or declarations concerning Maria Nerissa's pedigree as defined in Rule 130, Section 41 of the Revised Rules on Evidence, as amended, which are exceptions to the hearsay rule, since Angel and Neria are now deceased. But without authentication, they cannot be considered for evidentiary purposes.

Would the testimonies, then, of An-Anne et al.'s two witnesses be sufficient enough to support a conclusion that Maria Nerissa's birth was simulated?

The relevant portions of the two witnesses' judicial affidavits need to be revisited. The judicial affidavit of Alma, which was duly incorporated as part of her testimony, states the following:

4.

Q:

Paano po ninyo nakilala si Mr. Tagalicud at si Neria?

A:

Nakilala ko si Angel at Neria dahil kamag-anak ko si Neria.

Bukod dun, matagal din sila tumira sa VMN Compound kaya naging magkapitbahay kami.

5.

Q:

Gaano po katagal tumira sa VMN Compound sina Mr. Tagalicud at Neria?

A:

Simula 1960s andun na sila sa VMN Compound. Umalis lang sila nung lumalaki na ung inaalagaan nilang bata noon at nagsimulang magtsismisan ang mga tao.

6.

Q:

Nabanggit po ninyo na kamag-anak po ninyo si Neria. Paano po ninyo naging kamag[-]anak si Neria?

A:

Pamangkin si Neria ng asawa ko. Yung tatay ni Neria at ang asawa ko ay magkapatid.

7.

Q:

Kilala niyo po ba ang respondent sa kaso na ito na nagngangalang Nerissa ("Nerissa") Tagalicud?

A:

Oo.

8.

Q:

Pa[a]no niyo po nakilala si Nerissa?

A:

Kilala ko si Nerissa dahil alam ko na kinupkop sya ni Neria at ni Angel simula ng baby pa sya.

9.

Q:

Saan po nakatira sila Neria, Angel, at Nerissa noong mga panahon na nakita ninyong inaalagaan nila si Nerissa?

A:

Sa VMN Compound din sila nakatira noon. Magkalapit lang ang bahay naming sa isa't isa.

10.

Q:

Nabanggit po ninyo na kinupkop ni Neria si Nerissa. Kelan po nila sinimulang kupkupon si Nerissa?

A:

Binigay sa kanila si Nerissa nung baby pa sya. Pero alala ko naitatayo na nya ang ulo nya noon kaya hindi na sya newborn.

11.

Q:

Kanino pong anak si Nerissa?

A:

Hindi alam ng pamilya naming alam [sic] kung kaninong anak si Nerissa. Hindi naman naming sya nakita nagbuntis kaya hindi alam naming [sic] hindi anak ni Neria si Nerissa.

12.

Q:

Naba[n]ggit po ninyo na binigay kina Neria at Angel si Nerissa, sino po ang nagbigay sa kanya?

A:

Yung isa din naming kapitbahay sa VMN, si Lucing.

13.

Q:

Sino po si Lucing?

A:

Si Lucing yung kapitbahay namin at kapitbahay din nila Neria sa VMN Compound.

14.

Q:

Alam niyo po ba ang totoong pangalan ni Lucing?

A:

Oo. Emilia Abrenica buo nyang pangalan.

15.

Q:

Paano po ninyo nalaman na binigay ni Lucing kay Neria?

A:

Alam namin dahil tulad ng nabanggit ko kanina, pamangkin ng asawa ko si Neria. Natural Jang na nabanggit sa amin ni Neria noon dahil kami ang mga kamag-anak niya sa VMN. Naikwento din sa akin ni Angel at nabanggit din sa akin ni Lucing. At tulad ng sabi ko kanina walang nakakita kay Neria na nagbuntis o lumaki ang tyan habang nakatira siya dito sa VMN.

16.

Q:

Sino pa po sa inyong pamilya ang nakakaalam na hindi anak nina Mr. Tagalicud at Neria si Nerissa?

A:

Lahat sa pamilya naming [sic] ay alam na hindi kailanman nagbuntis si Neria, at na hindi anak ni Neria at

Angel si Nerissa.

17.

Q:

Kelan po ninyo huling nakita si Mr. Tagalicud, Neria, at Nerissa?

A:

Nakikita ko si Angel sa mga family gathering, katulad ng mga kasal. Pero si Neria, hindi ko na madalas makita pagkalipat nila kasi tumira na siya sa Canada pagkatapos nila maghiwalay ni Angel.

WAKAS NG SALAYSAY.[39]

The only other witness who testified was Adoracion, "Lucing's" sister, whose shorter judicial affidavit states thus:

3)

Q:

How do you know the respondent, Madame Witness?

A:

Since we were neighbors, I often saw her at VMN Compound where I am a resident since 1963.

4)

Q:

How long have you known the respondent?

A:

I've known her since she was a child, Ma'am.

5)

Q:

If you can recall, when was the first time you saw the respondent?

A:

I first saw her when my mother brought her home.

6)

Q:

I see. And what is the name of your mother, by the way?

A:

Her name is Rosalia Mu[ñ]oz.

7.

Q:

If you know, Madame Witness, why was the respondent with your mother at the time when you first saw the

respondent?

A:

My mother was the one who gave Nerissa to Neria because initially, Nerissa was supposed to be given to my sister Ernilia because she had no child of her own.

8.

Q:

You said that Nerissa was supposed to be given to your sister Emilia since she had no child of her own. If you know, why did the child Nerissa go to Neria then?

A:

My sister Emilia's husband refused to take in the child, that is why the child (Nerissa) was given to Neria instead since Neria also had no child.

9.

Q:

I see. How do you know Neria had no children?

A:

She never got pregnant, Ma'am.

10.

Q:

Are you sure Neria never got pregnant before the time you saw Nerissa?

A:

I am sure, Ma'am. Neria never got pregnant and Nerissa was just given to her by my mother to Neria.

11.

Q:

I have no further questions. Do you have anything to add or retract, Mr. [sic] Witness?

A:

None, attorney.[40]

And on the witness stand, Adoracion confirmed that she was born in 1957, and that she had been living in the compound since 1963, which meant that at the time Maria Nerissa had been brought to their household sometime in either 1968 or 1969, Adoracion was either approximately 11 or 12 years of age.[41]

Taken together, the judicial affidavits and testimonies of the two witnesses have enough creditable evidentiary weight. The judicial affidavit and testimony of Adoracion, which is one based on direct personal knowledge, and those of Alma, which are admittedly hearsay but qualify as evidence of family reputation with regard to Maria Nerissa's pedigree (as defined under Rule 130, Section 42 of the Revised Rules on Evidence, as amended), are indeed both admissible as evidence in determining Maria Nerissa's parentage (or more specifically, the lack

thereof).

The Court here ultimately rules that, as correctly ruled by both trial and appellate courts, such testimonies are enough to constitute a preponderance of evidence that can decisively tip the scale in favor of a conclusion that Maria Nerissa's birth parents are not those whose names appear in her forged birth certificate. Both testimonies uniformly confirm that Neria could not have given birth to Maria Nerissa, as the former was never pregnant during the relevant time period. Both witnesses also have no reason to falsely testify as to such fact. Overall, these categorical statements, when juxtaposed with the incomplete entries in the birth certificate, sufficiently establish by a preponderance of evidence that Maria Nerissa's birth was simulated. In contrast, Maria Nerissa failed to convincingly rebut said evidence that cast doubt on the authenticity of her birth certificate. Certainly, when considered collectively, the evidence tilts the scales in An-Anne et al.'s favor.

In summation, the action to cancel Maria Nerissa's birth certificate on the ground of simulation of her birth was imprescriptible, and the simulation itself was duly proven by An-Anne et al. by a preponderance of evidence.

ACCORDINGLY, the instant Petition for Review on Certiorari is DENIED for lack of merit. Both the Decision dated October 25, 2022 and the Resolution dated July 11, 2023 of the Court of Appeals in CA-G.R. CV No. 115875, as well as the Decision dated March 2, 2020 of Branch 291 of the Regional Trial Court of Malabon City in Special Proceeding No. SP 17-014-MAL, are AFFIRMED IN TOTO.

SO ORDERED.

Caguioa (Chairperson), Inting, Dimaampao, and Singh, JJ., concur.

[*] Also spelled as "Tagalicud-Vinluan" in some parts of the rollo.

[1] Rollo, pp. 12-29.

[2] Id. at 88-96. Penned by Associate Justice Jose Lorenzo R. Dela Rosa and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Emily R. Aliño-Geluz of the Thirteenth Division of the Court of Appeals, Manila.

[3] Id. at 118-119.

[4] Id. at 31-42. Penned by Presiding Judge Ma. Antonia L. Largoza-Cantero.

[5] Id. at 89-91.

[6] Id. at 41-42.

[7] Id. at 36.

[8] Id. at 37.

[9] Id. at 37-39.

[10] Id. at 41.

[11] Id. at 43.

[12] Id. at 95.

[13] Id. at 92-93.

[14] Article 170. The action to impugn the legitimacy of the child shall be brought within one year from the knowledge of the birth or its recording in the civil register, if the husband or, in a proper case, any of his heirs, should reside in the city or municipality where the birth took place or was recorded.

If the husband or, in his default, all of his heirs do not reside at the place of birth as defined in the first paragraph or where it was recorded, the period shall be two years if they should reside in the Philippines; and three years if abroad. If the birth of the child has been concealed from or was unknown to the husband or his heirs, the period shall be counted from the discovery or knowledge of the birth of the child or of the fact of registration of said birth, whichever is earlier."

[15] Article 171. The heirs of the husband may impugn the filiation of the child within the period prescribed in the preceding article only in the following cases:

- (1) If the husband should die before the expiration of the period fixed for bringing his action;
- (2) If he should die after the filing of the complaint without having desisted therefrom; or
- (3) If the child was born after the death of the husband."

[16] Rollo, p. 94.

[17] Id.

[18] 389 Phil. 34 (2000) [Per J. Panganiban, Third Division].

[19] Rollo, p. 95.

[20] Id. at 97-106.

[21] Id. at 119.

[22] Id. at 131-145.

[23] Id. at 135.

[24] 299 Phil. 493 (1994) [Per J. Puno, Second Division].

[25] Id. at 500-501. See also *Lim v. Intermediate Appellate Court*, 248 Phil. 684, 690 (1988) [Per J. Griño-Aquino, First Division].

[26] *Babiera v. Catotal*, 389 Phil. 34, 42 (2000) [Per J. Panganiban, Third Division].

[27] See *Llemos v. Llemos*, 542 Phil. 124, 132 (2007) [Per J. Austria-Martinez, Third Division].

[28] 770 Phil. 364 (2015) [Per J. Villarama, Jr., Third Division].

[29] Id. at 385.

[30] Records, p. 13.

[31] 374 Phil. 681 (1999) [Per J. Purisima, Third Division].

[32] Id. at 688. See *Ara v. Pizarro*, 805 Phil. 759, 773 (2017) [Per J. Leonen, Second Division]. See also *Vizcarra v. Vizcarra-Nocillado*, 933 Phil. 31, 36 (2023) [Per J. Gaerlan, Third Division].

[33] 950 Phil. 311 (2024) [Per J. Inting, Third Division].

[34] Id. at 346.

[35] Records, pp. 15-16.

[36] Id. at 15.

[37] Id. at 18-29.

[38] Id. at 23.

[39] Id. at 106-108.

[40] Id. at 173-174.

[41] TSN, Adoracion Muñoz Perez, February 27, 2019 hearing, pp. 9-11.

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