

ESTATE OF ARCADIA GAHUL, DECEASED. ANDRES GARCIA, ADMINISTRATOR AND APPELLEE, VS. FRANCISCO GAHUL, APPELLANT.

G.R. No. 30866. October 08, 1929

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

In these intestate proceedings of the deceased Arcadia Gahul, the Court of First Instance of Batangas, ruling against Francisco Gahul's contention that he is a legitimate brother of the decedent, held that he is no brother of said Arcadia Gahul, and has therefore no right to succeed to her.

The errors assigned by counsel for Francisco Gahul are:

"1. The lower court erred in not holding Exhibits A and B, supported by parol evidence, sufficient proof that Francisco Gahul and Arcadia Gahul are brother and sister, and legitimate children of the spouses Ludovico Gahul and Fermina Gaa.

"2. In holding that Francisco Gahul is not a brother of Arcadia Gahul, and that the latter is a natural daughter of Celedonia Gahul, basing its conclusion on the hearsay testimony of the parish priest, Cecilio Punzalan, and on Exhibits 1 and 2."

The judgment appealed from, among other things, states:

* * * * *

"As far as the evidence taken lay this court goes, it has been sufficiently shown that the deceased Arcadia Gahul was a natural daughter of Celedonia Gahul, who died single. It is true that according to Exhibit A, Arcadia Gahul's baptismal certificate, she is a legitimate daughter of Ludovico Gahul and Fermina Gaa. But said document, Exhibit A, is proof only of the baptism, with which it is concerned, and not of the baptized person's parentage. The same thing may be said of Exhibit 1, which is proof of the religious marriage of Andres Garcia and Arcadia Gahul, but not of their parentage. The two documents are at odds with respect to Arcadia GahuPs parentage. According to the first, she is a legitimate daughter of Ludovico Gahul and Fermina Gaa, and according to the second, she is a natural daughter of Celedonia Gahul, father unknown. But as said documents throw no light on the fact in question sufficient to reach a definite conclusion, we are compelled to resort to the rest of the evidence adduced by the parties.

"Father Cecilio Punzalan, who has long been the parish priest of the town of Taal, of this province, where the families of Arcadia Gahul and Francisco Gahul have always resided, and whose veracity cannot be doubted, is the one who has satisfactorily shown that Arcadia Gahul is not a daughter of Ludovico Gahul and Fermina Gaa. When Andres Garcia wanted to marry her, he had to ask for her hand from Celedonia Gahul, her natural mother.

"It is she who intervened in Arcadia's wedding, and gave her maternal consent, without which it would not have taken place. By reason of these circumstances, and because Arcadia Gahul was publicly reputed to be

Celedonia's natural daughter, Father Punzalan so stated in the marriage certificate, he himself having solemnized the union.

"If Francisco Gahul and Arcadia lived and grew up together in the same house, there is nothing to wonder at in it, since Ludovico Gahul, Francisco's father, was the only married brother in the family. There were seven in all, of whom five were women and single, named Maria, Celedonia, Elena, Romana, and Eufemia, and the other sister named Dolores, was married to Basilio Leonor. As Celedonia Gahul gave birth to a natural child, Arcadia, it is logical that the latter should live with her mother, Celedonia, who in turn lived, together with the rest of her sisters, with their only brother, Ludovico Gahul, who was married and the father of plaintiff Francisco Gahul.

"The testimony adduced for that purpose is confirmed by Exhibit 2, which is a questionnaire of the China Mutual Life Insurance Company, Limited, Francisco Gahul insured himself in said company, and in the aforementioned questionnaire, Exhibit 2, he wrote answers incompatible with his present contention, that he is a brother of Arcadia Gahul, who died in June, 1926. Among his answers to said questionnaire, dated November 23, 1922, appears the fact that a sister of his died at the age of forty-six (46) years, from a cause unknown to him, and that he had other brothers and sisters, who died before he was born.

"If on November 23, 1922, which is the date of Exhibit 2, he was the sole surviving child of Ludovico Gahul and Fermina Gaa, Arcadia Gahul can ill be his sister, since on said day, November 23, 1922, Arcadia Gahul still lived, having died, as stated above, in June, 1926. The sister to whom Francisco Gahul doubtless alluded in Exhibit 2, as having died at the age of 46 years, was Crisanta Gahul, who, according to Exhibit D, died on March 11, 1922, some months prior to the date of the document Exhibit 2." (Pages 20, 21, 22, and 23, Bill of Exceptions.)

This court cannot deviate from the findings of fact contained in these paragraphs because the transcript of the stenographic notes taken during the trial of the case has not been brought up.

As to the scope and effect of the baptismal certificate, the facts therein set forth which may constitute sufficient proof are those certified to by the parish priest from his own personal knowledge, such as the administration of the sacrament on the day, and in the place and manner set forth in the certificate; but the statements made therein touching the parentage of the person baptized, are not considered included in the certification of that canonical document. It has been so held by the Supreme Court of Spain in several decisions, and by this court, as may be seen in the cases of Adriano vs. De Jesus (23 Phil., 350), and Remigio vs. Ortega (33 Phil., 614).

Inasmuch as the facts proven cannot be determined by a review of the parol evidence, the latter not having been brought up, and inasmuch as the conclusion reached by the court below from the facts which it held proven in its decision is in accordance with the law, the judgment appealed from must be, as it is hereby, affirmed with costs against the appellant. So ordered.

Avanceña, C. J., Johnson, Street, Villamor, Johns, and Villa-Real, JJ., concur.

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