

PAZ NABONG, AS GUARDIAN AD LITEM OF THE MINORS VALENTINO JESUS ALONSO AND EUGENIO ALONSO, PLAINTIFF AND APPELLEE, VS. ELIGIO ALONSO, DEFENDANT AND APPELLANT.

G.R. No. 42933, December 10, 1935

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

The defendant Eligio Alonso appeals to this court from the judgment of the Court of First Instance of Manila, the dispositive part of which reads:

"Wherefore, after taking into consideration all the circumstances of this case, the court hereby rendered judgment ordering the defendant to maintain his two children Valentino Jesus Alonso and Eugenio Alonso by giving them both at least P20 per month until the said children shall have become of age or until such time as they will be able to support themselves while under age, and declaring that the said children Valentino Jesus Alonso and Eugenio Alonso as the recognized natural children of the defendant Eligio Alonso, with all the rights and privileges appertaining thereto. It is further ordered that the defendant pay the costs of this case. It is so ordered."

In support of his appeal, the appellant assigns four alleged errors in the decision of the trial court which will presently be discussed.

The pertinent facts which have been established by a preponderance of the evidence and which are necessary to resolve the questions raised in the instant appeal are the following:

The plaintiff-appellee Paz Nabong, single, and the defendant-appellant Eligio Alonso, single, lived together as man and wife from 1930 until September, 1932, when the said defendant-appellant Eligio Alonso abandoned the said plaintiff-appellee Paz Nabong to contract marriage with his present wife. During the period they lived together, two children were born: Valentino Jesus Alonso on April 16, 1931, and Eugenio Alonso on June 2, 1932. On April 25, 1931, the defendant-appellant Eligio Alonso subscribed the birth certificate Exhibit A, showing that the illegitimate child therein mentioned, Valentino Jesus Alonso, was born on April 16, 1931, his father and mother being Eligio Alonso and Paz Nabong respectively. Eligio Alonso himself had the child Valentino baptized, selected the child's godparents and Christian name, and gave him his own surname.

He did the same thing with the child Eugenio, who was born on June 2, 1932 (Exhibit B).

The defendant-appellant treated both children and presented them to his parents as his own, and provided for their support as well as that of their mother.

The birth certificates Exhibits A and B of the minors Valentino and Eugenio, wherein the defendant-appellant states being their father, in connection with the latter's conduct in having them baptized, selecting their godparents and their Christian names, giving them his own surname, presenting them to his parents as his own children, providing for their support since they were "born up to September, 1932, when he married another woman, and

likewise supporting the mother of said minors, the herein plaintiff-appellee Paz Nabong, conclusively establish that the said children have been in the uninterrupted possession of the status of natural children of the defendant-appellant Eligio Alonso, during the said period, justified by his direct acts; and, under case «2, article 135 of the Civil Code, said defendant-appellant may be compelled to acknowledge them as his natural children.

In the case for the acknowledgment of a natural child instituted by Leticia Ledesma, represented by her mother Carmen Leonardo, against Nicolas Ledesma (G. R. No. 34624,1 promulgated on March 16,1932), this court, through Justice Villamor, concurred in by Chief Justice Avanceña and Justices Johnson, Ostrand, and Villa-Real, said:

"In the light of the foregoing facts and the jurisprudence of this court on the acknowledgment of natural children, we are of the opinion and so hold that the circumstances that the defendant personally stated to the attending physician at the childbirth of Carmen Leonardo in the General Hospital that he is the father of the newborn child, the herein plaintiff Leticia Ledesma, which statement was embodied in the birth certificate Exhibit B which was forwarded to the Bureau of Health to be filed; that he lived maritally with his paramour Carmen, together with their child Leticia, in a house rented by him; that he took said mother and child to Batangas in a house of one of his relatives to whom he presented said Carmen as his paramour and Leticia as his own child; that he provided for the support and other needs for the subsistence of the mother and the child, writing frequently the letters of record, lavishing the closest affection upon the child, and solicitous about her health and care, genuine acts of a real father, unequivocally show that the minor Leticia Ledesma, who now seeks the acknowledgment of the father who gave her life, was in truth in the uninterrupted possession of the status of a natural child of the defendant."

As to the amount of the allowance which the lower court granted to the minors Valentino Jesus Alonso and Eugenio Alonso, we find the same reasonable.

Wherefore, finding no error in the appealed decision, it is hereby affirmed in toto, with the costs to the appellant. So ordered.

Malcolm, Imperial, Butte, and Goddard, JJ., concur.

Judgment affirmed.

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