

CRESENCIANO LEONARDO, PETITIONER, VS. COURT OF APPEALS, MARIA CAILLES, JAMES BRACEWELL AND RURAL BANK OF PARAÑAQUE, INC., RESPONDENTS.

G.R. No. 51263, February 28, 1983

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Petition for review on certiorari of the decision of the Court of Appeals in CA-G.R. No. 43476-R, promulgated on February 21, 1979, reversing the judgment of the Court of First Instance of Rizal in favor of petitioner:

"(a) Declaring plaintiff Cresenciano Leonardo as the great grandson and heir of deceased FRANCISCA REYES, entitled to one-half share in the estate of said deceased, jointly with defendant Maria Cailles;

"(b) Declaring the properties, subject of this complaint, to be the properties of the deceased FRANCISCA REYES and not of defendants Maria Cailles and James Bracewell;

"(c) Declaring null and void any sale of these properties by defendant Maria Cailles in so far as the share of Cresenciano Leonardo are affected;

"(d) Ordering the partition within 30 days from the finality of this decision, of the properties subject of this litigation, between defendant Maria Cailles and plaintiff Cresenciano Leonardo, share and share alike;

"(e) Ordering defendants Maria Cailles and James Bracewell, within 30 days from the finality of this decision, to render an accounting of the fruits of the properties, and 30 days thereafter to pay to plaintiff Cresenciano Leonardo his one-half share thereof with interest of 6% per annum;

"(f) Ordering defendants Maria Cailles and James Bracewell to pay jointly and severally plaintiff Cresenciano Leonardo the amount of P2,000.00 as attorney's fees;

"(g) Ordering defendants to pay the costs; and

"(h) Dismissing defendants' counterclaim." [1]

From the record, it appears that Francisca Reyes who died intestate on July 12, 1942 was survived by two (2) daughters, Maria and Silvestra Cailles, and a grandson, Sotero Leonardo, the son of her daughter, Pascuala Cailles who predeceased her. Sotero Leonardo died in 1944, while Silvestra Cailles died in 1949 without any issue.

On October 29, 1964, petitioner Cresenciano Leonardo, claiming to be the son of the late Sotero Leonardo, filed a complaint for ownership of properties, sum of money and accounting in the Court of First Instance of Rizal seeking judgment (1) to be declared one of the lawful heirs of the deceased Francisca Reyes, entitled to one-half share in the estate of said deceased jointly with defendant, private respondent herein, Maria Cailles, (2) to have the properties left by said Francisca Reyes, described in the complaint, partitioned between him and defendant Maria Cailles, and (3) to have an accounting of all the income derived from said properties from the time defendants took possession thereof until said accounting shall have been made, delivering to him his share therein

with legal interest.

Answering the complaint, private respondent Maria Cailles asserted exclusive ownership over the subject properties and alleged that petitioner is an illegitimate child who cannot succeed by right of representation. For his part, the other defendant, private respondent James Bracewell, claimed that said properties are now his by virtue of a valid and legal deed of sale which Maria Cailles had subsequently executed in his favor. These properties were allegedly mortgaged to respondent Rural Bank of Parañaque, Inc. sometime in September 1963.

After hearing on the merits, the trial court rendered judgment in favor of the petitioner, the dispositive portion of which was earlier quoted, finding the evidence of the private respondent insufficient to prove ownership of the properties in suit. From said judgment, private respondents appealed to the Court of Appeals which, as already stated, reversed the decision of the trial court, thereby dismissing petitioner's complaint. Reconsideration having been denied by the appellate court, this petition for review was filed on the following assignment of errors:

I

"RESPONDENT COURT ERRED IN HOLDING THAT THE PROPERTIES IN QUESTION ARE THE EXCLUSIVE PROPERTIES OF PRIVATE RESPONDENTS.

II

"RESPONDENT COURT ERRED IN HOLDING THAT PETITIONER HAS NOT ESTABLISHED HIS FILIATION.

III

"RESPONDENT COURT ERRED HOLDING THAT PETITIONER, AS THE GREAT GRANDSON OF FRANCISCA REYES, HAS NO LEGAL RIGHT TO INHERIT BY REPRESENTATION."

To begin with, the Court of Appeals found the subject properties to be the exclusive properties of the private respondents.

"There being two properties in this case both will be discussed separately, as each has its own distinct factual setting. The first was bought in 1908 by Maria Cailles under a deed of sale (Exh. '60'), which describes it as follows:

' . . . radicada en la calle Desposorio de este dicho Municipio dentro de los limites y linderos siquientes: Por la derecha a la entrada el solar de Teodorico Reyes por la izquierda el solar de Maria Calesa (Cailles) arriba citada por la espalda la via ferrea del Railroad Co., y la frente la dicha calle Desposorio'

"After declaring it in her name, Maria Cailles paid the realty taxes starting from 1918 up to 1948. Thereafter as she and her son Narciso Bracewell, left for Nueva Ecija, Francisca Reyes managed the property and paid the realty tax of the land. However, for unexplained reasons, she paid and declared the same in her own name. Because of this, plaintiff decided to run after this property, erroneously thinking that as the great grandson of Francisca Reyes, he had some proprietary right over the same.

"The second parcel on the other hand, was purchased by Maria Cailles in 1917 under a deed of sale (Exh. '3') which describes the property as follows:

' . . . una parcela de terreno destinado al beneficio de la sal, que linda por Norte con la linea Ferrea y Salinar de Narciso Mayuga, por Este con los de Narciso Mayuga y Domingo Lozada, por Sur con los de Domingo Lozada y Fruto Silverio y por Oeste con el de Fruto Silverio y Linea Ferrea, de una extension superficial de 1229.00 metros cuadrados.'

"After declaring it in her name, Maria Cailles likewise paid the realty tax in 1917 and continued paying the same up to 1948. Thereafter when she and her son, Narciso Bracewell, established their residence in Nueva Ecija, Francisca Reyes administered the property and like in the first case, declared in 1949 the property in her own name. Thinking that the property is the property of Francisca Reyes, plaintiff filed the instant complaint, claiming a portion thereof as the same allegedly represents the share of his father.

"As earlier stated, the court a quo decided the case in favor of the plaintiff principally because defendants' evidence do not sufficiently show that the 2 properties which they bought in 1908 and 1917, are the same as the properties sought by the plaintiff.

"Carefully going over the evidence, We believe that the trial judge misinterpreted the evidence as to the identification of the lands in question.

"To begin with, the deed of sale (Exh. '60') of 1908 clearly states that the land sold to Maria Cailles is 'en la calle Desposorio' in Las Piñas, Rizal which was bounded by adjoining lands owned by persons living at the time, including the railroad track of the Manila Railroad Co. ('la via ferrea del Railroad Co.').

"With the exception of the area which was not disclosed in the deed, the description fits the land now being sought by the plaintiff, as this property is also located in Desposorio St. and is bounded by the M.R.R. Co.

"With these natural boundaries, there is indeed an assurance that the property described in the deed and in the tax declaration is one and the same property.

"The change of owners of the adjoining lands is immaterial since several decades have already passed between the deed and the declaration and 'during that period, many changes of abode would likely have occurred.'

"Besides, it is a fact that defendants have only one property in Desposorio St. and they have paid the realty taxes of this property from May 29, 1914 up to May 28, 1948. Hence, there is no reason to doubt that this property is the same, if not identical to the property in Desposorio St. which is now being sought after by the plaintiff.

"With respect to the other parcel which Maria Cailles bought from Tranquilino Mateo in 1917, it is true that there is no similar boundaries to be relied upon. It is however undeniable that after declaring it in her name, Maria Cailles began paying the realty taxes thereon on July 24, 1917 until 1948." (Reference to Exhibits omitted.)[2]

Petitioner takes issue with the appellate court on the above findings of fact, forgetting that since the present petition is one for review on certiorari, only questions of law may be raised. It is a well-established rule laid down by this Court in numerous cases that findings of facts by the Court of Appeals are generally, final and conclusive upon this Court. The exceptions are: (1) when the conclusion is a finding grounded entirely on speculation; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is a grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; and (5) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same are contrary to the submission of both appellant and appellee.[3] None of the above exceptions, however, exists in the case at bar, hence, there is no reason to disturb the findings of facts of the Court of Appeals.

Anent the second assignment of error, the Court of Appeals made the following findings:

"Going to the issue of filiation, plaintiff claims that he is the son of Sotero Leonardo, the son of one of the daughters (Pascuala) of Francisca Reyes. He further alleges that since Pascuala predeceased Francisca Reyes, and that his father, Sotero, who subsequently died in 1944, survived Francisca Reyes, plaintiff can consequently succeed to the estate of Francisca Reyes by right of representation.

"In support of his claim, plaintiff submitted in evidence his alleged birth certificate showing that his father is

Sotero Leonardo, married to Socorro Timbol, his alleged mother.

"Since his supposed right will either rise or fall on the proper evaluation of this vital evidence, We have minutely scrutinized the same, looking for that vital link connecting him to the family tree of the deceased Francisca Reyes. However, this piece of evidence does not in any way lend credence to his tale.

"This is because the name of the child described in the birth certificate is not that of the plaintiff but a certain 'Alfredo Leonardo' who was born on September 13, 1938 to Sotero Leonardo and Socorro Timbol. Other than his bare allegation, plaintiff did not submit any durable evidence showing that the 'Alfredo Leonardo' mentioned in the birth certificate is no other than he himself. Thus, even without taking time and space to go into further details, We may safely conclude that plaintiff failed to prove his filiation which is a fundamental requisite in this action where he is claiming to be an heir in the inheritance in question." [4]

That is likewise a factual finding which may not be disturbed in this petition for review in the absence of a clear showing that said finding is not supported by substantial evidence, or that there was a grave abuse of discretion on the part of the court making the finding of fact.

Referring to the third assignment of error, even if it is true that petitioner is the child of Sotero Leonardo, still he cannot, by right of representation, claim a share of the estate left by the deceased Francisca Reyes considering that, as found again by the Court of Appeals, he was born outside wedlock as shown by the fact that when he was born on September 13, 1938, his alleged putative father and mother were not yet married, and what is more, his alleged father's first marriage was still subsisting. At most, petitioner would be an illegitimate child who has no right to inherit ab intestato from the legitimate children and relatives of his father, like the deceased Francisca Reyes. (Article 992, Civil Code of the Philippines.)

WHEREFORE, the decision of the Court of Appeals sought to be reviewed in this petition is hereby affirmed, with costs against the petitioner.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero and Escolin, JJ., concur.

Abad Santos, J., I concur with the observation that I would have dismissed the petition in a minute resolution for lack of merit.

Aquino, J., is on leave.

[1] pp. 134-135, Record on Appeal.

[2] pp. 22-24.

[3] Vargas v. Court of Appeals, 91 SCRA 195; Vda. de Dela Cruz v. Court of Appeals, 88 SCRA 695.

[4] p. 24, Rollo.

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