

JACOBA T. PATERNO, TOMAS T. PATERNO, AND MARIA LUCIA PATERNO, PETITIONERS, VS. BEATRIZ PATERNO, BERNARDO PATERNO AND THE INTERMEDIATE APPELLATE COURT, RESPONDENTS.

G.R. NO. 63680. March 23, 1990

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-63680/>

NARVASA, J.:

In the Juvenile and Domestic Relations Court of Manila, now defunct, there was filed by Feliza Orihuela, as guardian ad litem of her children, Beatriz Paterno and Bernardo Paterno, a complaint[1] praying that the latter be declared illegitimate (adulterous) children of, and consequently entitled to inherit from, the deceased Jose P. Paterno. According to Feliza, Beatriz and Bernardo had been begotten of her illicit liaison with Jose P. Paterno, a married man, and should thus be counted among the latter's compulsory heirs in accordance with Article 887[2] of the Civil Code. Feliza prayed in her complaint for: (1) the invalidation of the extrajudicial partition of Jose Paterno's estate executed by his widow, Jacoba T. Paterno, and his legitimate children, Luis T. Paterno, Vicente T. Paterno, Tomas T. Paterno, Susana T. Paterno and Maria Lucia T. Paterno, said partition having deprived the minor plaintiffs of their legitimes; (2) the extension to Beatriz and Bernardo of support; and (3) the payment to them of actual, moral and exemplary damages, as well as attorney's fees.[3]

The answer with counterclaim filed for the widow and her children aforementioned inter alia asserted as affirmative defense that the "plaintiffs are guilty of laches as they should have exercised their right of action, if any, against the deceased Dr. Jose P. Paterno during his lifetime in order to give the latter an opportunity to admit or deny the same, death having sealed his lips." [4]

It appears that "upon defendants' filing their answer, the Honorable N. Almeda-Lopez started reception of plaintiffs' evidence. However, on January 11, 1964, prior to a scheduled continuation of the hearing, the Honorable Judge C. Juliano-Agrava who *** (succeeded Judge Almeda-Lopez) required the parties to show cause why the case should not be dismissed for lack of jurisdiction. On April 4, 1964, and after both parties had submitted their respective memoranda, the court finally ordered the dismissal of the case, for the reason that where an illegitimate child seeks to participate in the estate of the deceased putative father, the action becomes essentially one for recovery of plaintiff's supposed share in the estate and the question of paternity becomes merely an incident thereto. As the main issue falls within the jurisdiction of the ordinary courts, the incidental question of paternity should also be resolved therein, if the splitting of causes of action is to be avoided.***." [5]

The plaintiffs perfected an appeal to this Court, which was docketed as G.R. No. L-23060. The appeal resulted in the reversal of the challenged order. In a decision rendered on June 30, 1967, this Court set aside "the order of dismissal appealed from, insofar as it affects the issue of paternity," and returned the case "to the Juvenile and Domestic Relations Court for determination of that particular issue." Said the Court: [6]

**** The issue to be determined *** is which of plaintiffs' claim (filiation or participation [in the decedent's

estate]) constitutes the main cause and which is merely an incident thereto.

**** *

**** Clearly before the claim to participate in the estate may be prosecuted, plaintiffs' right to succeed must first be established. Differently stated, plaintiffs' main action is that for recognition of their status as illegitimate children of the deceased, upon which the right to share in the hereditary estate of the putative father would rest. (This matter is without doubt within the jurisdiction of the JDRC.)

**** *

"In granting to the Juvenile and Domestic Relations Court 'such incidental powers generally possessed by the court of first instance,' the law *** (however) could not have intended to confer on this special tribunal jurisdiction over all subject matter cognizable by the ordinary court of first instance. The term 'incidental powers' must refer to the authority to issue such orders or writs and take such measures as might be necessary to carry out the functions of the Juvenile and Domestic Relations Court. (Hence, the matter of the participation in the estate of the decedent is not within its competence; it is within the jurisdiction of the court of first instance.)

The above conclusion will not constitute a violation of the rule against splitting of cause of action. The prohibition provided in the Rules of Court is against the institution of more than one suit for a single cause of action. (Sec. 3, Rule 2 ***). But, as alleged in the complaint, the bases for plaintiffs' various claims would not be the same. By the creation of the Juvenile and Domestic Relations Court, with its exclusive jurisdiction over cases involving paternity and acknowledgment, recognition of children and recovery of hereditary shares can no longer be properly joined as cause of action, since each lies within the jurisdiction of a different tribunal.

The case having been thereafter remanded to and tried by the Juvenile and Domestic Relations Court (JDRC), that Court rendered judgment on April 14, 1970 dismissing the complaint on the ground of prescription, its view being that the action for compulsory recognition should have been commenced within the lifetime of the alleged father, and on the ground that plaintiffs had failed to present "clear, strong and convincing" evidence of their filiation.[7] Dismissed as well was the defendants' counterclaim. The plaintiffs elevated the case to the Court of Appeals,[8] where basically, they imputed to the JDRC two (2) errors,[9] to wit:

- 1) holding that they (plaintiffs) had lost whatever right of action they might otherwise have had, when they failed to file the corresponding action during the lifetime of their putative parent, Jose P. Paterno; and
- 2) ruling that plaintiffs' evidence was in part incompetent and in any event did not constitute "clear, strong and convincing proof" of plaintiffs' filiation.

The Court of Appeals reversed the judgment of the JDRC. In a decision promulgated on August 16, 1982,[10] said Court, after an extensive review of the evidence adduced by the parties before the JDRC -- observing in this connection that as against the plaintiffs' (illegitimate children's) "witnesses and documentary evidence, Mrs. Jacoba Paterno, widow of the decedent, stood alone to deny the claim of the plaintiffs-appellants" -- reached the following conclusions:

"It is true there appear to be certain inconsistencies in plaintiffs' evidence as pointed out by the trial court, but in the final analysis, these inconsistencies are only minor matters which, to Our mind, instead strengthened the entire plaintiffs' evidence. Had these witnesses been very elaborate, thorough and precise, We would have entertain(ed) some doubts. In fact, the evidence is so convincing, clear, positive that We noted that, after trial and assessment of the evidence, the trial court was constrained, perhaps, in consonance with its conscience, to admit that 'in evaluating plaintiffs' evidence *** the court cannot definitely state that their (plaintiffs') claim is false.' The trial court was convinced that plaintiffs-appellants Beatriz and Bernardo and Virginia are the children of Dr. Jose P. Paterno, but being of the opinion that spurious children's right of action to compel recognition as such is lost forever upon the demise of the putative father, found against the plaintiffs.

"We hold, after going over the records, that there are sufficient evidence, clear and convincing, establishing the filiation of plaintiffs-appellants Beatriz and Bernardo Paterno as spurious children of Dr. Jose P. Paterno; that Jose P. Paterno died when they were still minors and the present action for the establishment of their filiation to Dr. Jose P. Paterno was filed before they reach(ed) the age of majority and within the period of limitation, within which cases of this nature should be instituted to establish paternity and filiation.[11]

"WHEREFORE, finding the Court a quo in error, the decision appealed from is hereby REVERSED and another one entered, declaring plaintiffs-appellants Beatriz and Bernardo Paterno illegitimate (spurious) children of Dr. Jose P. Paterno, deceased, begotten out of wedlock with Felisa Orihuela (who is herein appointed guardian ad litem) conceived and born when the deceased was cohabiting with the latter, (and) having enjoyed and continued possessing the status as children of the deceased Dr. Jose P. Paterno.

"We are not in a position to pass on, much less, grant the other prayers of the appellants contained in their brief except as to costs, inasmuch as the directive of Our Supreme Court in the case of Paterno, et al. vs. Paterno, et al., L-32060, June 30, 1964, 020 SCRA 585, returning this case to the court of origin, specifically states:

"WHEREFORE, the order of dismissal appealed from, insofar as it affects the issue of paternity is hereby set aside, and the case returned to the Juvenile and Domestic Relations Court for determination of that particular issue."

Mrs. Jacoba T. Paterno, the widow, and her legitimate children have appealed to this Court on certiorari. In these proceedings, they claim that the Court of Appeals erred in -

1) holding the evidence of the enjoyment by Beatriz and Bernardo Paterno of the status of children of the deceased Jose Paterno, to be strong, clear and convincing;

2) failing to take account of ?

a) the suspicious nature of the alleged letter of the decedent to Feliza, mother of Beatriz and Bernardo (Exh. G), it being in English although Feliza was "not adequately conversant in English;"

b) the suspect character of Beatriz's alleged baptismal certificate in that it "does not even state the given name" (Exh. B);

c) the lack of specific evidence of cohabitation between the decedent and Feliza during the periods of conception of their alleged children;

d) the "contradictory and conflicting evidence on direct acts by petitioner vis-a-vis the status of private respondents;

3) failing to apply the doctrine in *Clemeña v. Clemeña*, 24 SCRA (1968), 720, to the effect that doubts in paternity suits are resolved against the claimant.

Such questions as whether certain items of evidence should be accorded probative value or weight, or rejected as feeble or spurious, or whether or not the proofs on one side or the other are clear and convincing and adequate to establish a proposition in issue, are without doubt questions of fact.[12] Whether or not the body of proofs presented by a party, weighed and analyzed in relation to contrary evidence submitted by adverse party, may be said to be strong, clear and convincing; whether or not certain documents presented by one side should be accorded full faith and credit in the face of protests as to their spurious character by the other side; whether or not inconsistencies in the body of proofs of a party are of such gravity as to justify refusing to give said proofs weight -- all these are issues of fact. Questions like these are not reviewable by this Court which, as a rule, confines its review of cases decided by the Court of Appeals only to questions of law raised in the petition and therein distinctly set forth.[13] But it is questions of this type which the petitioners have precisely submitted for resolution to this Court. Therefore, in accordance with established rule and practice, those issues will not be

considered by this Court, the resolutions thereon by the Court of Appeals being final.[14]

It may however be noted in passing that, as recapitulated in painstaking detail in the Decision of the Court of Appeals,[15] the dovetailing and mutually corroborative testimony of the private respondents, their mother Felisa Orihuela, and Teresa Miranda and Anselmo Macapinlac, the late Dr. Jose P. Paterno's retainers to whose care and company he entrusted his illegitimate family, does indeed compel acceptance of the fact that from their birth until Dr. Paterno's death, said respondents were treated as, and enjoyed the status of, his children by blood.

The gist of that testimony is to the effect that Dr. Paterno had borne the expenses of the birth and baptism of said children, who were born in the same year (1938) within eleven months of each other; that in that year, after the birth of the first child, Beatriz, mother and daughter had moved from A. Luna in San Juan, Rizal, to Rubi Street in San Andres Bukid, Manila, where the second child, Bernardo, and a third, Virginia, who died at four, were born; that in 1940, the family moved to a house in A. Lake Street in San Juan, Rizal purchased by Dr. Paterno; that in both places, they had lived with and been maintained by Dr. Paterno in the company of the Miranda and Macapinlac families; that shortly before the outbreak of the war in December 1941, Dr. Paterno left for Hongkong where he stayed until war's end; that in his absence, mother and children received monthly support from Don Vicente Madrigal at the instance of Dr. Paterno who was Madrigal's brother-in-law; that for sometime after Liberation, they lived in the Madrigal compound in Gen. Luna, Paco, Manila; that when Dr. Paterno thereafter returned to the Philippines and until he again left for Hongkong, he lived with mother and children, first in Antipolo, Rizal and later in Marilao, Bulacan; that when Felisa decided to get married -- this while Dr. Paterno was in Hongkong on his second sojourn there --- she sought and received the forgiveness of his wife, Doña Jacoba, who even consented to act as sponsor at her wedding; that when Dr. Paterno returned once more from Hongkong, to be assigned to the Madrigal cement plant in Binangonan, Rizal, he made it a point to see that Beatriz and Bernardo went or were brought to visit him, especially during weekends, and on these occasions, he and the children slept in his room in the same bed, he would tell them to come or send word to him for anything they might need, and would give them money when they left; that Beatriz, then about thirteen or fourteen, was being sent to school in Sta. Isabel College by Dr. Paterno, who did the same for Bernardo, who was enrolled at the University of Santo Tomas; that these reunions continued until he fell ill and had to keep to his house in Mendoza St., Quiapo, Manila, and Doña Jacoba forbade the children to see him on the excuse that he might suffer a relapse; that on the some five occasions that they tried to see Dr. Paterno in his residence while he lay sick, the children were given money by Doña Jacoba upon leaving; and that after his death and burial, Doña Jacoba gave them money for their tuition.

Hence, even if, against all applicable law and precedent, this Court were minded to substitute its own assessment of such testimony, as supported by the documents also presented by the private respondents, for that of the Court of Appeals, it would reach no different conclusion. True, certain inconsistencies may be noted in the testimony given by the witnesses for the private respondents, but it is on the whole unanimous and consistent as to the really crucial fact that Dr. Paterno treated and acted towards said respondents, from their birth onward, in a manner only a real father would and leaving little doubt that he recognized and considered them as in truth his children. The simple denials of the widow, petitioner Jacoba T. Paterno, do not suffice to refute such proof.

The action for recognition (or to establish filiation) having been timely filed -- having been instituted after the demise of the putative parent and before the attainment of the age of majority of the children concerned -- and the ground invoked therefor having been satisfactorily proven,[16] the Court of Appeals committed no error in declaring and confirming the status of the private respondents as illegitimate children of the late Dr. Jose P. Paterno.

WHEREFORE, the appealed judgment of the Court of Appeals is **AFFIRMED**, with costs against the petitioners.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Docketed as Case No. 01124, N.B. The action was first instituted in the Manila Court of First Instance, where it was docketed as Civil Case No. 33467. It was however "dismissed on the jurisdictional ground that the issue of paternity should be determined by *** (the Juvenile & Domestic Relations) Court" (rollo, p. 16).

[2] Which specifies, among the compulsory heirs entitled to share in the legitime, "illegitimate children," i.e., "illegitimate children other than natural in accordance with article 269 and other than natural children by legal fiction, having the right of support and "successional rights*** granted in this Code" (Art. 287). SEE *Castro v. C.A., et al.*, G.R. Nos. 50974-75, May 31, 1989 in which it is pointed out that under the Family Code (Exec. Order No. 209, July 6, 1987, as amended by Exec. Order No. 227, July 17, 1987), there are only two (2) classes of children, legitimate and illegitimate, and the "fine distinctions among various types of illegitimate children have been eliminated" (Title VI) and that illegitimate children may establish their filiation "in the same way and on the same evidence as legitimate children" (ART. 175).

[3] Rollo, pp. 18-19

[4] *Id.*, p. 19

[5] *Paterno v. Paterno*, 20 SCRA 585, 587-588

[6] *Id.*, pp. 588, 589, 590-591

[7] *Id.*, p. 21

[8] Their appeal was docketed as CA-G.R. No. 48067-R

[9] Eight (8) errors are actually set out in their brief, but these may be synthesized and reduced into two (2).

[10] Per Zosa, J., with whom concurred Busran and Coquia, JJ.

[11] ART. 285, Civil Code, provides that an action for recognition of natural children may be brought only during the lifetime of the presumed parents except inter alia if the father died during the minority of the child, in which case the latter may file the action before the expiration of four years from the attainment of his majority.

[12] SEE *Ramos v. Pepsi-Cola Bottling Co.*, 19 SCRA 289, 292; *Sta. Ana v. Hernandez*, 18 SCRA 973, 978; *Núñez v. Sandiganbayan*, 100 SCRA 433; *Aytona v. C.A.*, 113 SCRA 322; *Leonardo v. C.A.*, 120 SCRA 322; *Rizal Cement Co., Inc. v. Villareal*, 135 SCRA 575; *Collector of Customs v. I.A.C.*, 137 SCRA 3; *Sacay v. Sandiganbayan*, G.R. No. 66497-98, July 10, 1986; *Amurao v. C.A.*, G.R. No. 83942, Dec. 29, 1988; *Baliwag Transit, Inc. v. CA.*, G.R. No. 57493, Jan. 7, 1987; *Tolentino v. C.A., et al.*, G.R. No. 56265, May 20, 1987

[13] Sec. 2, Rule 45, Rules of Court

[14] Sec. 29, RA 296 (Judiciary Act of 1948) in relation to Sec. 2, Rule 45, and cases cited in footnote 11, supra; also, *Pilar Development Corporation v. I.A.C.*, G.R. No. 72283, Dec. 12, 1986; *Nakpil & Sons, et al. v. C.A.*, G.R. No. 47851, Oct. 3, 1986; *Republic v. I.A.C.*, G.R. No. 70513, Oct. 13, 1986; *Director of Lands, et al. v. Funtillar*, G.R. No. 68533, May 23, 1986

[15] ROLLO, pp. 28-47

[16] Art. 283, No. (4), and Art. 285, No. (1) in relation to Art. 289, Civil Code; see footnote 11, supra

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.