

**OLIVIA S. PASCUAL AND HERMES S. PASCUAL, PETITIONERS, VS.
ESPERANZA C. PASCUAL-BAUTISTA, MANUEL C. PASCUAL, JOSE C.
PASCUAL, SUSANA C. PASCUAL--BAUTISTA, ERLINDA C. PASCUAL,
WEN...**

G.R. No. 84240. March 25, 1992

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-84240/>

PARAS, J.:

This is a petition for review on certiorari which seeks to reverse and set aside: (a) the decision of the Court of Appeals[1] dated April 29, 1988 in CA-G.R. SP. No. 14010 entitled "Olivia S. Pascual and Hermes S. Pascual v. Esperanza C. Pascual-Bautista, Manuel C. Pascual, Jose Pascual, Susana C. Pascual-Bautista, Erlinda C. Pascual, Wenceslao C. Pascual, Jr., et al." which dismissed the petition and in effect affirmed the decision of the trial court and (b) the resolution dated July 14, 1988 denying petitioners' motion for reconsideration.

The undisputed facts of the case are as follows:

Petitioners Olivia and Hermes both surnamed Pascual are the acknowledged natural children of the late Eligio Pascual, the latter being the full blood brother of the decedent Don Andres Pascual (Rollo, petition, p. 17).

Don Andres Pascual died intestate on October 12, 1973 without any issue, legitimate, acknowledged natural, adopted or spurious children and was survived by the following:

(a) Adela Soldevilla de Pascual, surviving spouse;

(b) Children of Wenceslao Pascual, Sr., a brother of the full blood of the deceased, to wit:

Esperanza C. Pascual-Bautista

Manuel C. Pascual

Jose C. Pascual

Susana C. Pascual-Bautista

Erlinda C. Pascual

Wenceslao C. Pascual, Jr.

(c) Children of Pedro Pascual, brother of the half blood of the deceased, to wit:

Avelino Pascual

Isoceles Pascual

Loida Pascual-Martinez

Virginia Pascual-Ner

Nona Pascual-Fernando

Octavio Pascual

Geranaia Pascual-Dubert;

(d) Acknowledged natural children of Eligio Pascual, brother of the full blood of the deceased, to wit:

Olivia S. Pascual

Hermes S. Pascual

(e) Intestate of Eleuterio T. Pascual, a brother of the half blood of the deceased and represented by the following:

Dominga M. Pascual

Mamerta P. Fugoso

Abraham S. Sarmiento, III

Regina Sarmiento-Macaibay

Eleuterio P. Sarmiento

Dominga P. San Diego

Nelia P. Marquez

Silvestre M. Pascual

Eleuterio M. Pascual

(Rollo, pp. 46-47)

Adela Soldevilla de Pascual, the surviving spouse of the late Don Andres Pascual, filed with the Regional Trial Court (RTC), Branch 162 (CFI of Rizal, Br. XXIII), a Special Proceeding, Case No. 7554, for administration of the intestate estate of her late husband (Rollo, p. 47).

On December 18, 1973, Adela Soldevilla de Pascual filed a Supplemental Petition to the Petition for Letters of Administration, where she expressly stated that Olivia Pascual and Hermes Pascual, are among the heirs of Don Andres Pascual (Rollo, pp. 99-101).

On February 27, 1974, again Adela Soldevilla de Pascual executed an affidavit, to the effect that of her own knowledge, Eligio Pascual is the younger full blood brother of her late husband Don Andres Pascual, to belie the statement made by the oppositors, that they are not among the known heirs of the deceased Don Andres Pascual (Rollo, p. 102).

On October 16, 1985, all the above-mentioned heirs entered into a COMPROMISE AGREEMENT, over the vehement objections of the herein petitioners Olivia S. Pascual and Hermes S. Pascual, although paragraph V of such compromise agreement provides, to wit:

"This Compromise Agreement shall be without prejudice to the continuation of the above-entitled proceedings until the final determination thereof by the court, or by another compromise agreement, as regards the claims of Olivia Pascual and Hermes Pascual as legal heirs of the deceased, Don Andres Pascual." (Rollo, p. 108)

The said Compromise Agreement had been entered into despite the Manifestation/Motion of the petitioners Olivia Pascual and Hermes Pascual, manifesting their hereditary rights in the intestate estate of Don Andres Pascual, their uncle (Rollo, pp. 111-112).

On September 30, 1987, petitioners filed their Motion to Reiterate Hereditary Rights (Rollo, pp. 113--114) and the Memorandum in Support of Motion to reiterate Hereditary Rights (Rollo, pp. 116-130).

On December 18, 1987, the Regional Trial Court, presided over by Judge Manuel S. Padolina issued an order, the dispositive portion of which reads:

"WHEREFORE, premises considered, this Court resolves as it is hereby resolved to Deny this motion reiterating the hereditary rights of Olivia and Hermes Pascual" (Rollo, p. 136).

On January 13, 1988, petitioners filed their motion for reconsideration (Rollo, pp. 515-526), and such motion was denied.

Petitioners appealed their case to the Court of Appeals docketed as CA-G.R. No. 14010 (Rollo, p. 15).

On April 29, 1988, the respondent Court of Appeals rendered its decision the dispositive part of which reads:

"WHEREFORE, the petition is DISMISSED. Costs against the petitioners.

"SO ORDERED." (Rollo, p. 38)

Petitioners filed their motion for reconsideration of said decision and on July 14, 1988, the Court of Appeals issued its resolution denying the motion for reconsideration (Rollo, p. 42).

Hence, this petition for review on certiorari.

After all the requirements had been filed, the case was given due course.

The main issue to be resolved in the case at bar is whether or not Article 992 of the Civil Code of the Philippines, can be interpreted to exclude recognized natural children from the inheritance of the deceased.

Petitioners contend that they do not fall squarely within the purview of Article 992 and of the doctrine laid down in *Diaz v. IAC* (150 SCRA 645 [1987]) because being acknowledged natural children, their illegitimacy is not due to the subsistence of a prior marriage when such children were under conception (Rollo, p. 418).

Otherwise stated they say the term "illegitimate" children as provided in Article 992 must be strictly construed to refer only to spurious children (Rollo, p. 419).

On the other hand, private respondents maintain that herein petitioners are within the prohibition of Article 992 of the Civil Code and the doctrine laid down in *Diaz v. IAC* is applicable to them.

The petition is devoid of merit.

Pertinent thereto, Article 992 of the Civil Code, provides:

"An illegitimate child has no right to inherit ab intestato from the legitimate children and relatives of his father or mother; nor shall such children or relatives inherit in the same manner from the illegitimate child."

The issue in the case at bar, had already been laid to rest in *Diaz v. IAC*, *supra*, where this Court ruled that:

"Article 992 of the Civil Code provides a barrier or iron curtain in that it prohibits absolutely a succession ab intestato between the illegitimate child and the legitimate children and relatives of the father or mother of said legitimate child. They may have a natural tie of blood, but this is not recognized by law for the purposes of

Article 992. Between the legitimate family and illegitimate family there is presumed to be an intervening antagonism and incompatibility. The illegitimate child is disgracefully looked down upon by the legitimate family; the family is in turn hated by the illegitimate child; the latter considers the privileged condition of the former, and the resources of which it is thereby deprived; the former, in turn, sees in the illegitimate child nothing but the product of sin, palpable evidence of a blemish broken in life; the law does no more than recognize this truth, by avoiding further grounds of resentment."

Eligio Pascual is a legitimate child but petitioners are his illegitimate children.

Applying the above doctrine to the case at bar, respondent IAC did not err in holding that petitioners herein cannot represent their father Eligio Pascual in the succession of the latter to the intestate estate of the decedent Andres Pascual, full blood brother of their father.

In their memorandum, petitioners insisted that Article 992 in the light of Articles 902 and 989 of the Civil Code allows them (Olivia and Hermes) to represent Eligio Pascual in the intestate estate of Don Andres Pascual.

On motion for reconsideration of the decision in *Diaz v. IAC*, this Court further elucidated the successional rights of illegitimate children, which squarely answers the questions raised by the petitioner on this point.

The Court held:

"Article 902, 989, and 990 clearly speaks of successional rights of illegitimate children, which rights are transmitted to their descendants upon their death. The descendants (of these illegitimate children) who may inherit by virtue of the right of representation may be legitimate or illegitimate. In whatever manner, one should not overlook the fact that the persons to be represented are themselves illegitimate. The three named provisions are very clear on this matter. The right of representation is not available to illegitimate descendants of legitimate children in the inheritance of a legitimate grandparent. It may be argued, as done by petitioners, that the illegitimate descendant of a legitimate child is entitled to represent by virtue of the provisions of Article 982, which provides that 'the grandchildren and other descendants shall inherit by right of representation.' Such a conclusion is erroneous. It would allow intestate succession by an illegitimate child to the legitimate parent of his father or mother, a situation which would set at naught the provisions of Article 992. Article 982 is inapplicable to the instant case because Article 992 prohibits absolutely a succession ab intestato between the illegitimate child and the legitimate children and relatives of the father or mother. It may not be amiss to state Article 982 is the general rule and Article 992 the exception.

"The rules laid down in Article 982 that 'grandchildren and other descendants shall inherit by right of representation' and in Article 902 that the rights of illegitimate children x x x are transmitted upon their death to their descendants, whether legitimate or illegitimate are subject to the limitation prescribed by Article 992 to the end that an illegitimate child has no right to inherit ab intestato from the legitimate children and relatives of his father or mother." (Amicus Curiae's Opinion by former Justice Minister Ricardo C. Puno, p. 12). *Diaz v. Intermediate Appellate Court*, 182 SCRA 427; pp. 431-432; [1990].

Verily, the interpretation of the law desired by the petitioner may be more humane but it is also an elementary rule in statutory construction that when the words and phrases of the statute are clear and unequivocal, their meaning must be determined from the language employed and the statute must be taken to mean exactly what it says. (*Baranda v. Gustilo*, 165 SCRA 758-759 [1988]). The courts may not speculate as to the probable intent of the legislature apart from the words (*Aparri v. CA*, 127 SCRA 233 [1984]). When the law is clear, it is not susceptible of interpretation. It must be applied regardless of who may be affected, even if the law may be harsh or onerous. (*Nepumoceno, et al. v. FC*, 110 Phil. 42). And even granting that exceptions may be conceded, the same as a general rule, should be strictly but reasonably construed: they extend only so far as their language fairly warrants, and all doubts should be resolved in favor of the general provisions rather than the exception. Thus, where a

general rule is established by statute, the court will not curtail the former nor add to the latter by implication (Samson v. C.A. 145 SCRA 654 [1986]).

Clearly the term "illegitimate" refers to both natural and spurious.

Finally under Article 176 of the Family Code, all illegitimate children are generally placed under one category, which undoubtedly settles the issue as to whether or not acknowledged natural children should be treated differently, in the negative.

It may be said that the law may be harsh but that is the law (DURA LEX SED LEX).

PREMISES CONSIDERED, the petition is DISMISSED for lack of merit and the assailed decision of the respondent Court of Appeals dated April 29, 1988 is AFFIRMED.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Regalado, and Nocon, JJ., concur.

[1] Penned by Associate Justice Pedro A. Ramirez and concurred in by Associate Justices Serafin E. Camilon and Minerva P. Gonzaga-Reyes.

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.