

IN THE MATTER OF THE INTESTATE ESTATE OF AUREA ENRIQUEZ AND FRANCISCA REYES, DECEASED. VICENTE ATANASIO ENRIQUEZ AND PEDRO GARCIA, PETITIONERS AND APPELLEES, VS. RAFAEL AQUINO A...*G.R. No. 9351. January 06, 1915*

Ponente: TRENT, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9351/>**TRENT, J.:**

Francisca Reyes died intestate in 1898. Two legitimate daughters survived her. One of these daughters, Petra Padilla, had two legitimate children—Rafael and Josefa Aquino. The other daughter, Pascuala Padilla, had one legitimate child—Aurea Enriquez. Petra and Pascuala, the daughters of Francisca Reyes, have since died, as has also the daughter of Pascuala, Aurea Enriquez. Hence, the children of Petra—Rafael and Josefa Aquino—claim to be the sole heirs not only of Francisca Reyes but also of Aurea Enriquez, both of whom died intestate.

The minor Vicente Atanasio Enriquez opposes these pretensions, claiming to be the natural child of Aurea Enriquez and, consequently, entitled to inherit all of her separate property, as well as her undivided share of the property of Francisca Reyes. With respect to the parentage of Vicente Atanasio Enriquez, the parties entered into the following stipulation of facts in open court:

"It is agreed by and between the parties in this case, through their respective attorneys, that the child Vicente Atanasio Enriquez is the son of Aurea Enriquez, begotten by a priest, member of the Roman Catholic Church; that at the time of the conception of this child, that priest was a member of the Roman Catholic Church."

The lower court held that this child was the owner of all the separate property of Aurea Enriquez, as well as her undivided one half of the estate of Francisca Reyes, and entered judgment accordingly. Rafael and Josefa Aquino have appealed from this decision.

The errors assigned by counsel for the appellants may be condensed into the single question. Was Vicente Atanasio Enriquez an acknowledged natural child of Aurea Enriquez? If this question be answered in the affirmative, the decision of the lower court is correct, since article 939 of the Civil Code provides that in the absence of legitimate descendants and ascendants (Aurea Enriquez left none such), the natural children legally acknowledged shall succeed to the entire estate of the deceased.

Two conditions are necessary to the status of an acknowledged natural child: They are (1) that the child is born out of wedlock of parents who, at the time of conception of the child could have married (Civil Code, art. 119); and (2) that the child is legally acknowledged. (Id., arts. 129- 138.)

It is insisted by counsel for the appellants that the fact that the father of Vicente Atanasio Enriquez was a Roman Catholic priest prevents him from fulfilling the first requirement. In so far as this case is concerned, we accept without discussion his conclusion that under the laws in force in this country prior to the promulgation of General Orders No. 68, the fact that a man was a priest in sacris was an impediment to his marriage. Hence, if that law still

prevails, Vicente Atanasio Enriquez cannot, under the circumstances as developed by the record, qualify as a natural child of Aurea Enriquez. This, then, is the crux of the whole inquiry.

General Orders No. 68, promulgated December 18, 1899, to take immediate effect, reads as follows:

"The following provisions respecting marriage shall be in force in these Islands from and after this date.

"All laws and provisions, general and particular, and even those customary, which are in conflict with this order, are hereby revoked.

"SECTION 1. Any unmarried male of the age of fourteen years or upwards, and any unmarried female of the age of twelve years or upwards, and not otherwise disqualified, are capable of consenting to and consummating marriage.

"SEC. 2. Marriages between parents and children, ancestors and descendants of every degree, between brothers and sisters of the half as well as the whole blood, between uncles and nieces or aunts and nephews, and between stepparents and stepchildren, are incestuous and void from the beginning, whether the relationship is legitimate or illegitimate."

Section 3 makes illegal and void a subsequent marriage contracted by any person before the first marriage of such person shall have been annulled or dissolved, and section 10 enumerates six causes for the nullity of marriages. Each of the latter is set off in a separate, numbered paragraph, so that it cannot be said that the intention of the authors was to include or permit of any other causes of nullity of marriage. With equal certainty it may be said that no other qualifications than those mentioned in sections 1 and 2, above quoted, were intended by the authors of the law. The all inclusive words "Any unmarried male * * * and any unmarried female," to which are annexed certain specific, enumerated exceptions, exclude the operation of any other causes of disability than those mentioned in the law.

"An express exception, exemption, or saving excludes others." (Lewis' Southerland Stat. Const., sec. 494.)

This is a maxim of recognized utility and merit in the construction of statutes. Neither as a disqualification to marry nor as a cause of nullity of marriage does the profession of priesthood appear in General Orders No. 68 as a restriction upon the all inclusive words, "Any unmarried male * * * and any unmarried female." If that impediment be brought forward from the former legislation and held to still be a disqualification for marriage, it operates as such outside the limits of General Orders No. 68, for in no possible way may any of the provisions of the latter be construed or interpreted to include it. It intrudes upon the operation of General Orders No. 68, adds to the disabilities of contracting marriages mentioned therein, and further restricts the meaning of the basic words of that law, "Any unmarried male * * * and any unmarried female." It cannot survive as law if it be repugnant to General Orders No. 68. To give it effect General Orders No. 68 must, as we have said, be modified so as to include it. Hence, it is repugnant and it is in conflict with the provisions of General Orders No. 68 and must, therefore, be considered as revoked by the repealing clause of that law.

"The change of sovereignty and the enactment of the fourteenth paragraph of section 5 of the Philippine Bill caused the complete separation of church and state, and the abolishment of all special privileges and of restrictions theretofore conferred or imposed upon any particular religious sect. All became equal in the eyes of the law, and those articles of the Penal Code defining special crimes against that denomination, which, under the former sovereign, was the state religion, as well as article 225, denning a crime against all others than that religion, have necessarily become inoperative." (U. S. vs. Balcorta, 25 Phil. Rep., 273.)

The birth of the child Vicente Atanasio Enriquez occurring in 1905, several years subsequent to the promulgation of General Orders No. 68 and the consequent revocation of the impediment of priesthood to marriage, it results that the child's parents could have' consummated a legal marriage at the time of its conception, and, hence, that

the child is a natural child within the terms of article 119 of the Civil Code.

Before leaving this branch of the case, we deem it expedient to discuss the competency of evidence tending to show the parentage of a natural child (a) in an action by the child to enforce its recognition, and (b) in an action brought by persons who are prejudiced by such acknowledgment to have such acknowledgment annulled. The case at bar presents both phases of the question, for the child Vicente instituted a proceeding in the lower court to establish his right to inherit the property of Aurea Enriquez as her natural child; and other relatives of hers—Rafael and Josefa Aquino—instituted another proceeding contesting his acknowledgment as such natural child, both of these cases have been consolidated in the court below and thus appealed to this court.

First let us consider the action brought by a child to enforce its recognition as a natural child. Article 129 provides that the father and mother may recognize a natural child jointly or individually. Article 132 prohibits disclosure of the name of the other parent when the recognition is by one parent alone. Article 130 provides that in such a case the child shall be presumed to be a natural child if the parent who acknowledged it had legal capacity to contract marriage at the time of its conception. Articles 135 and 136 specify the cases in which the father and mother, respectively, must recognize a natural child.

Articles 135 and 136 both provide that certain voluntary acts of the father or mother entitle the child to a judgment establishing its status as a natural child of the defendant parent. These voluntary acts are of two kinds: Either a writing by the parent expressly acknowledging the child, or the fact that the parent has permitted it to enjoy the status of his or her natural child. The basic reason for allowing this kind of evidence to be used against the parent is, we presume, one of estoppel. At least we think it may now be so classified under section 333 (1) of the Code of Civil Procedure, which provides:

"The following presumptions or deductions, which the law expressly directs to be made from particular facts, are deemed conclusive:

"1. Whenever a party has, by his own declaration, act, or omission, intentionally and deliberately led another to believe a particular thing true, and to act upon such belief, he cannot, in any litigation arising out of such declaration, act, or omission, be permitted to falsify it."

Upon well-founded principles respecting the conclusiveness of judgments, article 135 of the Civil Code provides that the father may not deny the status of the offspring in cases of rape, abduction, and seduction, when the judgment against him decrees that he acknowledge the child born of his crime. In the case of the mother, the Code goes one step further and provides that proof of birth and identity of the child is sufficient to compel her to acknowledge it. In this instance only is the parentage of the parent sufficient to compel acknowledgment. Whichever of the methods adopted by the child to prove his right to the status of an acknowledged natural child, it will be observed that the presumption created by article 130 dispenses with the necessity of investigating the identity of the other parent.

The cases heretofore decided by this court upon the point now being discussed may be divided into those wherein the action was against the father, those wherein the action was against both parents, and those wherein the action was against the mother. In all the cases in which the child sought acknowledgment by the natural father, the proof offered was either of express acknowledgment in writing, or of the father's having permitted the child to enjoy the status of a natural child, both voluntary acts of the father. We have uniformly held in these cases that the fact of the father's parentage is not competent to prove his acknowledgment: (*Mendoza vs. Ibañez*, 4 Phil. Rep., 666; *Infante vs. Figueras*, 4 Id., 738; *Benedicto vs. De la Rama*, 4 Id., 746; *Buenaventura vs. Urbano*, 5 Id., 1; *Tengco vs. Sanz*, 11 Id., 163; *Dizon vs. Ullmann*, 13 Id., 88.) And, obviously, such evidence is of no purpose to show either an express acknowledgment in writing or the fact that the child has enjoyed the status of a natural child.

Siguiong vs. Siguiong (8 Phil. Rep., 5), Serrano vs. Aragon (22 Id., 10), and Cosio vs. Pili (10 Id., 72), were all actions brought by children to prove their status as natural children legitimized by subsequent marriage of their parents. In all these cases it was necessary to establish an acknowledgment on the part of the father, which, as stated above, must be done without reference to his parentage. Hence, the same kind and quantum of proof as to the father's acknowledgment must be produced in such an action as in an action instituted against their father alone to compel acknowledgment. Only in the last case cited was this successfully accomplished.

But one case has arisen in which it was sought to compel the mother to acknowledge a natural child: Capistrano vs. Gabino (8 Phil. Rep., 135). We do not include Llorente vs. Rodriguez (3 Phil. Rep., 697), for the reason, as stated in Benedicto vs. De la Rama (4 Phil. Rep., 746, 749), that that case was governed by the laws in force prior to the promulgation of the Civil Code. In the Capistrano case, evidence of the identity of the mother was introduced and duly considered, but was held insufficient for that purpose.

An examination of all these cases will show that the presumption as to the capacity of the other parent to marry at the time of conception of the child, when the action was against only one of the parents, was applied in none of them, unless it might be said that it was applicable in the Capistrano case. The evidence in that case was confined wholly to whether the child was born of its alleged mother, the father being referred to in the decision as "an unknown person." It may be inferred that had the evidence of the alleged mother's parenthood been satisfactory, the judgment would have been in favor of the child, regardless of the fact that its father was "an unknown person." In Mijares vs. Nery (3 Phil. Rep., 195), it appeared that the plaintiff, a recognized natural daughter of her father "was born of a woman whose name does not appear." The plaintiff was allowed to participate in the property of her deceased father as an acknowledged natural child, so it is clear that the presumption provided in article 130 was applied in this case. The reason that the presumption has been so sparingly applied is that in most of the cases the admitted evidence was of such a description as to render its application unnecessary.

The result is that were the case at bar confined to an attempt on the part of the natural child, Vicente Atanasio Enriquez, to establish his rights as a natural child of his mother, Aurea Enriquez, that portion of the stipulation of facts, *supra*, showing the identity of his father, and which is supposed by the appellants to militate against his status as such, would be incompetent, and the child could object to its admission.

But the case involves a protest by third persons, namely, the two children, Rafael and Josefa Aquino, whose rights will be prejudiced by a judgment holding the child to be an acknowledged natural child of Aurea Enriquez. Their protest is not that the child Vicente is not the child of Aurea Enriquez, for they admit that, but that its parents could not have contracted a legal and valid marriage at the time of the child's conception. Hence, it is necessary to determine whether the presumption of article 130 is available to the child in such a case.

No case has heretofore reached this court involving this question. Two cases have, however, been decided by the supreme court of Spain covering the point precisely. The first is that dated June 9, 1893. In that case a child, admittedly a natural child, brought an action to compel the annulment of the acknowledgment of four other children by their father as his natural children. These four children had lived constantly with his father, used his name, and had received support from him as his own children. The only forced heirs of the father were his natural children and in his will the father provided that the two-thirds of his property of which he could freely dispose should be divided equally between the four children. The child admittedly having the status of a natural child contested this division of the property, whereby he only received one-fifth of the one-third of his father's property of which the latter could not freely dispose, claiming that the four children were not in fact natural children and that he was, therefore, entitled to inherit all the property of his father. In support of this contention he alleged that the four children in question were born of a woman who was from 1871 to 1885 (during which time the four children were born) a married woman whom he named, with whom his father had lived openly and notoriously.

The guardian of the four children opposed the admission of all evidence tending to prove the identity of their mother, claiming that they must be presumed to be natural children under the terms of article 130. This objection was sustained; but on appeal in cassation to the supreme court it was held that article 130 does not specify who are natural children but is limited to creating a presumption as to who are natural children. This presumption of law, like other presumptions of law, may be rebutted" under the provisions of article 1250 of the Civil Code and it was further held that the right to rebut this presumption was expressly granted in article 138, which gives a right of action to those who may be prejudiced by the recognition of a natural child. The prohibition against disclosing the identity of the other parent where the recognition is by one parent only is limited to the act of acknowledgment, which is unilateral; but this prohibition does not involve the proposition that the name of the other parent shall not be disclosed in the actions permitted for the purpose of contesting such acknowledgment. To extend such a prohibition in these actions would defeat their purpose, which is to inquire into the identity and qualifications of the parents to marry at the time of the conception of the child and thus to determine whether the child is or is not in fact a natural child.

The other decision is dated April 23, 1904. In this case it appears that M. V. recognized two children as his natural children. Subsequently, he married the plaintiff, by whom he had a daughter. The plaintiff wife thereupon brought an action to avoid the acknowledgment of the two children in question, in which she alleged that their mother was one C. T., a woman married to one D. J. at the time of the conception of both of the children. The guardian ad litem of the two children objected to the admission of evidence tending to prove these allegations and the court sustained this objection. The Supreme Court, however, reversed the ruling of the Court of First Instance, holding that neither the provisions of article 141 nor those of article 132 upon which the lower court relied were applicable to a case where it was sought to show that a child, acknowledged as a natural child, did not have the qualifications of a natural child.

In an action to contest the acknowledgment of a supposedly natural child brought under the provisions of article 138 of the Civil Code, it is absolutely essential to investigate the identity of both of its parents and their qualifications to contract a valid marriage at the time of the child's conception. The gist of the plaintiff's action in such a case is that the acknowledged child is not a natural child—that is, that the parents at the time of its conception could not have entered into a valid marriage. Obviously, the only way to establish such a contention is to identify the parents and disclose their incapacity to contract a valid marriage at the time of the child's conception.

It follows that that portion of the stipulation of the facts in the case at bar disclosing the identity and status of the child's father may not be rejected as prohibited by law, for the reason that the status of the child is contested not by the parent whose acknowledgment is claimed, but by persons who will be injured by such acknowledgment. The case presented from this angle is not one for acknowledgment, but one against acknowledgment. As such, the protestants have a right, under the provisions of article 138, to prove that the child is not such a child as is defined in article 119 of the Code, to wit, one whose parents could have married at the time of the conception of the child.

As we have held above, however, the facts set forth in the stipulation concerning the child's father show that the latter was competent to contract marriage at the time of, the child's conception. Hence, the protest fails on its merits.

The second condition of an acknowledged natural child is fulfilled by Vicente Atanasio Enriquez by the stipulated fact that he is the son of Aurea Enriquez, a spinster at the time of his conception. The judgment of the court below holding that he is an acknowledged natural child of Aurea Enriquez must, therefore, be affirmed. As an acknowledged natural child, he has the right to inherit all the property, of Aurea Enriquez, she having died intestate, with neither legitimate ascendants or descendants. (Article 939, Civil Code.) Vicente Atanasio Enriquez

is, therefore, entitled to his mother's undivided one-half of the property of the intestate Francisca Reyes, as well as to all of her separate property. It is to be observed that this judgment will not affect the interest of the child's father, he not being a party to the present action. (Sec. 277, Code of Civil Procedure.) The judgment of the court below being strictly in accordance with the law and the evidence, is hereby affirmed, with costs of this instance against the appellants.

Arellano, C. J., Torres, Carson, and Araullo, JJ., concur.

Johnson, J., concurs in the result.

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.