HEIRS OF PEDRO CABAIS, NAMELY: MAGDALENA BONTO CABAIS, ANTONIO CABAIS, PABLO CABAIS, ANDREA CABAIS, EFREN CABAIS, AGAPITA CABAIS, AND ANDRES CABAIS, REPRESENTED BY AVELINA CABA...

G.R. Nos. 106314-15. October 08, 1999

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PURISIMA, J:

At bar are Petitions for Review on Certiorari under Rule 45 of the Revised Rules of Court, seeking a review of the Decision[1] of the Court of Appeals, dated November 13, 1991, and its Resolution[2] of July 9, 1992, denying the motion for reconsideration in CA- G.R. SP Nos. 28109 and 28110.

The two cases were tried jointly and decided by Branch 17 of the Regional Trial Court in Tabaco, Albay.

Petitioners are legal heirs of Pedro Cabais, who died on April 16, 1982, leaving a parcel of land situated[3] in Basud, Tabaco, Albay, with an area of 1,638 square meters, and covered by Transfer Certificate of Title No. T-55640 in the name of Pedro Cabais. The said property was inherited by Pedro Cabais from his grandmother Eustaquia Cañeta by right of representation. His mother, Felipa Cañeta Buesa, who was the only daughter of Eustaquia Cañeta,[4] predeceased the latter, leaving him as the only legal heir of Eustaquia. Thus, Pedro Cabais executed a Deed of Self-Adjudication,[5] adjudicating in his favor subject property. By virtue thereof, Original Certificate of Title No. RO-3433 (23899) was cancelled and in lieu thereof, the aforementioned transfer certificate of title issued in his name.

On October 15, 1979, shortly after Pedro Cabais had adjudicated to himself the property in question, a complaint for partition and accounting was brought by Simon Bonaobra, Heirs of Victoria Cañeta and Heirs of Anastacio Cañeta against Pedro Cabais, docketed as Civil Case No. T-567 before the Regional Trial Court but the plaintiffs were declared non-suited, resulting to the dismissal of the case.

During the pendency of Civil Case No. T-567, Pedro Cabais died. Whereupon, the respondents herein entered the property in dispute and constructed houses thereon, depriving petitioners of possession thereof.

On April 15, 1987, petitioners filed with the lower court,[6] Civil Case No. T-1283, for quieting of title, recovery of possession and ownership with a prayer for preliminary injunction, against the herein respondents, alleging that the acts of the latter with regard to the disputed property cast a cloud on their title thereto. In their Answer, respondents theorized that the petitioners have no cause of action and were in estoppel, and that the issuance of Transfer Certificate of Title No. 55640 was in derogation of respondents' successional rights.

On April 21, 1987, the respondents, Heirs of Victoria Cañeta, Paulino Loria, Jose Loria, Constancia Loria Vda. de Paglinawan, Emeterio Loria, and spouses Rufino Nicolas and Aurea Goyal, instituted before the same lower court Civil Case No. T-1284, for annulment of title and damages, claiming to be co-owners of subject property. The respondent spouses, Rufino Nicolas and Aurea Goyal, asserted that they bought 806.5 square meters of Lot No. 2119 from Simplicia Casaul. The latter was said to have acquired the said portion of the lot from Benigno

Bonaobra, who, in turn, acquired the same from Victoria Cañeta and Ciriaca Vda. de Gawan.

The respondent heirs of Victoria Cañeta averred that they purchased the remaining portion of Lot No. 2119 from their deceased grandmother, Ciriaca Vda. de Gawan, the first wife of Antonio Buesa. According to them, the cancellation of Original Certificate of Title No. RO-3433 (23899) and issuance of Transfer Certificate of Title No. 55640 were tainted by fraud.

Petitioners denied the allegations of respondents' Answer in Civil Case No. T-1284. It was their submission that the truth of the matter were those alleged in their Complaint in Civil Case No. T-1283, and that Civil Case No. T-1284 is barred by Civil Case No. 567, which had been previously dismissed.

In due time, the two cases were jointly tried and on September 28, 1989, the lower court came out with a Joint Decision upholding the view of petitioners, quieting their title over the contested lot; ordering the respondents to vacate the same, to pay the rents thereon to petitioners until they leave the place, apart from litigation expenses. The trial court ruled that res judicata barred the institution of Civil Case No. T-1284 by reason of the prior dismissal of Civil Case No. T-567.

Respondents seasonably presented a motion for reconsideration of the said disposition, which the trial court granted[7] on November 26, 1989, upon the reasoning that res judicata as alluded to in the decision did not apply and that the baptismal certificate of Felipa C. Buesa does not show her to be the daughter of Eustaquia Cañeta. From such adverse action against them, petitioners went to the Court of Appeals which rendered the assailed decision on November 13, 1991, affirming the decision of the lower court. Petitioners filed a motion for reconsideration but the same was denied in the Resolution dated July 9, 1992.

Undaunted, petitioners have come to this Court for relief.

The main issue for resolution here is whether or not the Order of the lower court reconsidering its Joint Decision was proper. Firstly, petitioners maintain that the lower court erred in relying on the Baptismal Certificate[8] of Felipa C. Buesa to establish the parentage and filiation of Pedro Cabais. They contend that the grant of the motion for reconsideration and reversal of its own decision were without legal basis. It is also petitioners' submission that the dismissal of Civil Case No. 567 constituted a bar to Civil Case No. T-1284 on the ground of res judicata.

The petition is impressed with merit.

The Order under attack disregarded the limited evidentiary value of a baptismal certificate in this jurisdiction vis-à-vis a birth certificate.

A birth certificate, being a public document, offers prima facie evidence of filiation[9] and a high degree of proof is needed to overthrow the presumption of truth contained in such public document.[10] This is pursuant to the rule that entries in official records made in the performance of his duty by a public officer are prima facie evidence of the facts therein stated.[11] The evidentiary nature of such document must, therefore, be sustained in the absence of strong, complete and conclusive proof of its falsity or nullity.[12]

On the contrary, a baptismal certificate, a private document, which, being hearsay, is not a conclusive proof of filiation.[13] It does not have the same probative value as a record of birth, an official or public document.[14] In US vs. Evangelista, this Court held that church registers of births, marriages, and deaths made subsequent to the promulgation of General Orders No. 68[15] and the passage of Act No. 190,[16] are no longer public writings, nor are they kept by duly authorized public officials.[17] Thus, in this jurisdiction, a certificate of baptism such as the one herein under controversy is no longer regarded with the same evidentiary value as official records of birth. Moreover, on this score, jurisprudence is consistent and uniform in ruling that the canonical certificate of baptism

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is not sufficient to prove recognition.[18]

The unjustified failure to present the birth certificate instead of the baptismal certificate now under consideration or to otherwise prove filiation by any of the means recognized by law weigh heavily against respondents. In Macadangdang vs. Court of Appeals, et al.,[19] this Court declared that a baptismal certificate is evidence only to prove the administration of the sacrament on the dates therein specified, but not the veracity of the declarations therein stated with respect to his kinsfolk. The same is conclusive only of the baptism administered, according to the rites of the Catholic Church, by the priest who baptized subject child, but it does not prove the veracity of the declarations and statements contained in the certificate concerning the relationship of the person baptized.[20] It is indispensable that such declarations and statements are shown by proof recognized by law.[21]

There is thus no reason to further sustain respondents stance in the face of the aforecited rulings explaining the significance of baptismal certificates. The lower court erred in giving too much credence on the baptismal certificate of Felipa Cañeta Buesa to prove that Felipa was the daughter of one Gregoria Cañeta and not of Eustaquia Cañeta, the original registered owner of the property under controversy.

The grant by the lower court of the motion for reconsideration from its own decision, quieting the title of Pedro Cabais (and consequently of herein petitioners-successors in interest) to the said property, on the basis mainly of such proof was unwarranted. To repeat, a baptismal certificate, like all documents in general, attests the fact leading to its execution and the date thereof, the administration of the sacrament on the day therein specified, but not to the veracity of the statements therein contained regarding the kinsfolk of the person baptized.[22]

Furthermore, the above findings of the courts below relying on the baptismal certificate in question to establish the filiation of Pedro Cabais' mother must of necessity yield to the inherent inconsistency and unbelievable nature of the baptismal certificate in question. It appears that said baptismal certificate of Felipa C. Buesa states that she was born on September 13, 1899, while the baptismal certificate of Gregoria Cañeta, the supposed mother of Felipa, indicated that Gregoria was born on May 9, 1898, or only a little more than one year ahead of her alleged daughter.

This Court need not overstress the point that it is simply improbable under the above circumstances for Gregoria to have been the mother of Felipa, and thus, to have been the real grandmother of Pedro. The lower court should have readily taken judicial notice of this fact, being one of those matters which come to the ordinary experiences of life and which is generally accepted as true and is capable of ready and unquestioned demonstration.[23]

However, as regards the contention that Civil Case No. 567 barred the filing of Civil Case No. T-1284, the Court holds that the Court of Appeals erred not. Thus, in ruling on the inapplicability of res judicata, it ratiocinated:

> "Nor would the defense of res judicata prosper. For the doctrine of res Judicata to apply, (1) the judgment or order must be final; (2) the court rendering it must have jurisdiction over the subject matter and of the parties; (3) it must be a judgment on the merits; and (4) there must be identity of parties, subject matter and cause of action.
>
> While We agree with appellants that the dismissal of Civil Case No. T-567 for non-suit is an adjudication on the merits, the fourth element, particularly the identity of causes of action, is absent in the case at bar. Civil Case No. T-567 was an action for partition and accounting, while the instant case is an action for the annulment of T.C.T. No. 55640. The evidence needed to sustain both the former and the present causes of action are not the same."[24]

Be that as it may, the said pronouncement by the Court of Appeals is rendered moot and academic by the finding here that there was no basis for the grant by the trial court of the motion for reconsideration of its Joint Decision of September 20, 1989.

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WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CV Nos. 28109 and 28110 is SET ASIDE, and the Joint Decision of the Regional Trial Court of origin in Civil Case Nos. T-1283 and T-1284, dated September 20, 1989, REINSTATED. No pronouncement as to costs.

SO ORDERED.

Melo, (Acting Chief Justice), and Gonzaga-Reyes, JJ., concur.

Vitug, and Panganiban, JJ., concur in the result.

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[1] Penned by Justice Rodolfo A. Nocon and concurred in by Associate Justices Antonio M. Martinez and Asaali S. Isnani; Rollo p. 37-38.

[2] Penned by Associate Justice Antonio M. Martinez and concurred in by Associate Justices Asaali S. Isnani and Segundino G. Chua; Rollo, p. 43.

[3] Lot No. 2119 of the Tabaco Cadastral Survey.

[4] By her husband Antonio Buesa; Rollo, p. 2.

[5] Published in the Bicol Chronicle on July 29, August 5 and 12, 1979; Rollo, p. 10.

[6] Branch 17 of the Regional Trial Court in Baguio.

[7] Rollo, pp. 19-21.

[8] Exhibit No. 6.

[9] Sayson et al. vs. Court of Appeals et al., 205 SCRA 321, 328.

[10] People vs. Fabro, 277 SCRA 19, 37.

[11] Section 44, Rule 130.

[12] Legaspi vs. Court of Appeals, 142 SCRA 82, 89.

[13] Canales vs. Arrogante, 91 Phil. 5, citing Malonda vs. Malonda, 81 Phil. 149.

[14] In the Matter of the Petition for Change of Name Mario Pabellar, petitioner-appellee, vs. Republic of the Philippines, oppositor-appellant, 70 SCRA 16, 19.

[15] Promulgated on December 18, 1989.

[16] Enacted on August 7, 1901.

[17] 29 Phil 215.

[18] Mendoza, et al. vs. Hon. Intermediate Appellate Court, G.R. No. L-63132, July 30, 1987.

[19] 100 SCRA 73, 84; Citing Paa vs. Chan, 21 SCRA 753, 758.

[20] Fortus vs. Novero, 23 SCRA 1330, 1340; Citing Adreano vs. de Jesus, 23 Phil. 353.

[21] Ibid.

[22] Adriano vs. De Jesus, et al., supra, p.353-354.

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[23] State Prosecutors vs. Judge Manuel T. Muro; 236 SCRA 505, 522; Citing Roden vs. Connecticut Co., et al., 155 A. 721.2

[24] Court of Appeals Decision; Rollo, p. 37.

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