

JOSE RIVERA, PETITIONER, VS. INTERMEDIATE APPELLATE COURT AND ADELAIDO J. RIVERA, RESPONDENTS.

G.R. Nos. 75005-06. February 15, 1990

Ponente: CRUZ, J.

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CRUZ, J.:

Was there only one Venancio Rivera in Mabalacat, Pampanga, or were there two? On May 30, 1975, a prominent and wealthy resident of that town named Venancio Rivera died. On July 28, 1975, Jose Rivera, claiming to be the only surviving legitimate son of the deceased, filed a petition for the issuance of letters of administration over Venancio's estate. Docketed as SP No. 1076, this petition was opposed by Adelaido J. Rivera, who denied that Jose was the son of the decedent. Adelaido averred that Venancio was his father and did not die intestate but in fact left two holographic wills.[1]

On November 7, 1975, Adelaido J. Rivera filed, also with the Regional Trial Court of Angeles City, a petition for the probate of the holographic wills. Docketed as SP No. 1091, this petition was in turn opposed by Jose Rivera, who reiterated that he was the sole heir of Venancio's intestate estate.[2]

On November 11, 1975, the two cases were consolidated. Adelaido J. Rivera was later appointed special administrator. After joint trial, Judge Eliodoro B. Guinto found that Jose Rivera was not the son of the decedent but of a different Venancio Rivera who was married to Maria Vital. The Venancio Rivera whose estate was in question was married to Maria Jocson, by whom he had seven children, including Adelaido. Jose Rivera had no claim to this estate because the decedent was not his father. The holographic wills were also admitted to probate.[3]

On appeal, the decision of the trial court was affirmed by the then Intermediate Appellate Court.[4] Its decision is now the subject of this petition, which urges the reversal of the respondent court.

In support of his claim that he was the sole heir of the late Venancio Rivera, Jose sought to show that the said person was married in 1928 to Maria Vital, who was his mother. He submitted for this purpose Exhibit A, the marriage certificate of the couple and Exhibit B, his own baptismal certificate where the couple was indicated as his parents. The petitioner also presented Domingo Santos, who testified that Jose was indeed the son of the couple and that he saw Venancio and Jose together several times.[5] Jose himself stressed that Adelaido considered him a half-brother and kissed his hand as a sign of respect whenever they met. He insisted that Adelaido and his brothers and sisters were illegitimate children, sired by Venancio with Maria Jocson.[6]

Adelaido, for his part, maintained that he and his brothers and sisters were born to Venancio Rivera and Maria Jocson, who were legally married and lived as such for many years. He explained that he could not present his parents' marriage certificate because the record of marriages for 1942 in Mabalacat were destroyed when the town was burned during the war, as certified by Exhibit 6.[7] He also submitted his own birth certificate and those of his sisters Zenaída and Yolanda Rivera, who were each described therein as the legitimate children of Venancio Rivera and Maria Jocson.[8] Atty. Regalado P. Morales, then 71 years of age, affirmed that he knew the deceased

and his parents, Magno Rivera and Gertrudes de los Reyes, and it was during the Japanese occupation that Venancio introduced to him Maria Jocson as his wife.[9] To prove that there were in fact two persons by the same name of Venancio Rivera, Adelaido offered Venancio Rivera's baptismal certificate showing that his parents were Magno Rivera and Gertrudes de los Reyes,[10] as contrasted with the marriage certificate submitted by Jose, which indicated that the Venancio Rivera subject thereof was the son of Florencio Rivera and Estrudez Reyes.[11] He also denied kissing Jose's hand or recognizing him as a brother.[12]

We find in favor of Adelaido J. Rivera.

It is true that Adelaido could not present his parents' marriage certificate because, as he explained it, the marriage records for 1942 in the Mabalacat civil registry were burned during the war. Even so, he could still rely on the presumption of marriage, since it is not denied that Venancio Rivera and Maria Jocson lived together as husband and wife for many years, begetting seven children in all during that time.

According to Article 220 of the Civil Code:

In case of doubt, all presumptions favor the solidarity of the family. Thus every intendment of the law or fact leans toward the validity of marriage, the indissolubility of the marriage bonds, the legitimacy of children, x x x.

The Rules of Court, in Rule 131, provides:

SEC. 3. Disputable presumptions. — The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

xxx xxx xxx

(aa) That a man and woman depicting themselves as husband and wife have entered into a lawful contract of marriage.

By contrast, although Jose did present his parents' marriage certificate, Venancio was described therein as the son of Florencio Rivera. Presumably, he was not the same Venancio Rivera described in Exhibit 4, his baptismal certificate, as the son of Magno Rivera. While we realize that such baptismal certificate is not conclusive evidence of Venancio's filiation (which is not the issue here) it may nonetheless be considered to determine his real identity. Jose insists that Magno and Florencio are one and the same person, arguing that it is not uncommon for a person to be called by different names. The Court is not convinced. There is no evidence that Venancio's father was called either Magno or Florencio. What is more likely is that two or more persons may live at the same time and bear the same name, even in the same community. That is what the courts below found in the cases at bar.

What this Court considers particularly intriguing is why, if it is true that he was the legitimate son of Venancio Rivera, Jose did not assert his right as such when his father was still alive. By his own account, Jose supported himself — and presumably also his mother Maria Vital — as a gasoline attendant and driver for many years. All the time, his father was residing in the same town — and obviously prospering — and available for support. His alleged father was openly living with another woman and raising another family, but this was apparently accepted by Jose without protest, taking no step whatsoever to invoke his status. If, as he insists, he and Venancio Rivera were on cordial terms, there is no reason why the father did not help the son and instead left Jose to fend for himself as a humble worker while his other children by Maria Jocson enjoyed a comfortable life. Such paternal discrimination is difficult to understand, especially if it is considered — assuming the claims to be true — that Jose was the oldest and, by his own account, the only legitimate child of Venancio Rivera.

And there is also Maria Vital, whose attitude is no less incomprehensible. As Venancio's legitimate wife — if

indeed she was — she should have objected when her husband abandoned her and founded another family by another woman, and in the same town at that. Seeing that the children of Maria Jocson were being raised well while her own son Jose was practically ignored and neglected, she nevertheless did not demand for him at least support, if not better treatment, from his legitimate father. It is unnatural for a lawful wife to say nothing if she is deserted in favor of another woman and for a caring mother not to protect her son's interests from his wayward father's neglect. The fact is that this forsaken wife never demanded support from her wealthy if errant husband. She did not file a complaint for bigamy or concubinage against Venancio Rivera and Maria Jocson, the alleged partners in crime and sin. Maria Vital was completely passive and complaisant.

Significantly, as noted by the respondent court, Maria Vital was not even presented at the trial to support her son's allegations that she was the decedent's lawful wife. Jose says this was not done because she was already old and bedridden then. But there was no impediment to the taking of her deposition in her own house. No effort was made toward this end although her testimony was vital to the petitioner's cause. Jose dismisses such testimony as merely "cumulative," but this Court does not agree. Having alleged that Maria Jocson's marriage to Venancio Rivera was null and void, Jose had the burden of proving that serious allegation.

We find from the evidence of record that the respondent court did not err in holding that the Venancio Rivera who married Maria Jocson in 1942 was not the same person who married Maria Vital, Jose's legitimate mother, in 1928. Jose belonged to a humbler family which had no relation whatsoever with the family of Venancio Rivera and Maria Vital. This was more prosperous and prominent. Except for the curious identity of names of the head of each, there is no evidence linking the two families or showing that the deceased Venancio Rivera was the head of both.

Now for the holographic wills. The respondent court considered them valid because it found them to have been written, dated and signed by the testator himself in accordance with Article 810 of the Civil Code. It also held there was no necessity of presenting the three witnesses required under Article 811 because the authenticity of the wills had not been questioned.

The existence and therefore also the authenticity of the holographic wills were questioned by Jose Rivera. In his own petition in SP No. 1076, he declared that Venancio Rivera died intestate; and in SP No. 1091, he denied the existence of the holographic wills presented by Adelaido Rivera for probate. In both proceedings, Jose Rivera opposed the holographic wills submitted by Adelaido Rivera and claimed that they were spurious. Consequently, it may be argued, the respondent court should have applied Article 811 of the Civil Code, providing as follows:

In the probate of a holographic will, it shall be necessary that at least one witness who knows the handwriting and signature of the testator explicitly declare that the will and the signature are in the handwriting of the testator. If the will is contested, at least three of such witnesses shall be required.

The flaw in this argument is that, as we have already determined, Jose Rivera is not the son of the deceased Venancio Rivera whose estate is in question. Hence, being a mere stranger, he had no personality to contest the wills and his opposition thereto did not have the legal effect of requiring the three witnesses. The testimony of Zenaida and Venancio Rivera, Jr., who authenticated the wills as having been written and signed by their father, was sufficient

WHEREFORE, the petition is DENIED and the challenged decision is AFFIRMED, with costs against the petitioner.

SO ORDERED.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Original Records, Vol. I, pp. 11-13.

[2] Original Records, Vol. II, pp. 15-16.

[3] Record on Appeal, pp. 161-172.

[4] Coquia, J., ponente, with Castro-Bartolome and Jurado, JJ., concurring.

[5] TSN, March 18, 1982, pp. 18-21.

[6] Ibid., pp. 9-12.

[7] TSN, Dec. 2, 1982, pp. 20-21.

[8] Folder of Exhibits, pp. 10, 11, 13.

[9] TSN, Sept. 15, 1983, pp. 4-5, 15-25.

[10] TSN, Nov. 4, 1982, pp. 17-23.

[11] TSN, Dec. 2, 1982, pp. 9-15.

[12] Ibid., p. 7.

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