

MAURICIO SAYSON, ROSARIO SAYSON-MALONDA, BASILISA SAYSON-LIRIO, REMEDIOS SAYSON-REYES AND JUANA C. BAUTISTA, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS, DELIA SAYSON, ASSIS...

G.R. Nos. 89224-25. January 23, 1992

Ponente: CRUZ, J.

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CRUZ, J.:

At issue in this case is the status of the private respondents and their capacity to inherit from their alleged parents and grandparents. The petitioners deny them that right, asserting it for themselves to the exclusion of all others.

The relevant genealogical facts are as follows.

Eleno and Rafaela Sayson begot five children, namely, Mauricio, Rosario, Basilisa, Remedios and Teodoro. Eleno died on November 10, 1952, and Rafaela on May 15, 1976. Teodoro, who had married Isabel Bautista, died on March 23, 1972. His wife died nine years later, on March 26, 1981. Their properties were left in the possession of Delia, Edmundo, and Doribel, all surnamed Sayson, who claim to be their children.

On April 25, 1983, Mauricio, Rosario, Basilisa, and Remedios, together with Juana C. Bautista, Isabel's mother, filed a complaint for partition and accounting of the intestate estate of Teodoro and Isabel Sayson. It was docketed as Civil Case No. 1030 in Branch 13 of the Regional Trial Court of Albay. The action was resisted by Delia, Edmundo and Doribel Sayson, who alleged successional rights to the disputed estate as the decedents' lawful descendants.

On July 11, 1983, Delia, Edmundo and Doribel filed their own complaint, this time for the accounting and partition of the intestate estate of Eleno and Rafaela Sayson, against the couple's four surviving children. This was docketed as Civil Case No. 1042 in the Regional Trial Court of Albay, Branch 12. The complainants asserted the defense they raised in Civil Case No. 1030, to wit, that Delia and Edmundo were the adopted children and Doribel was the legitimate daughter of Teodoro and Isabel. As such, they were entitled to inherit. Teodoro's share in his parents' estate by right of representation.

Both cases were decided in favor of the herein private respondents on the basis of practically the same evidence.

Judge Rafael P. Santelices declared in his decision dated May 26, 1986,[1] that Delia and Edmundo were the legally adopted children of Teodoro and Isabel Sayson by virtue of the decree of adoption dated March 9, 1967.[2] Doribel was their legitimate daughter as evidenced by her birth certificate dated February 27, 1967.[3] Consequently, the three children were entitled to inherit from Eleno and Rafaela by right of representation.

In his decision dated September 30, 1986,[4] Judge Jose S. Sañez dismissed Civil Case. No. 1030, holding that the defendants, being the legitimate heirs of Teodoro and Isabel as established by the aforementioned evidence, excluded the plaintiffs from sharing in their estate.

Both cases were appealed to the Court of Appeals, where they were consolidated. In its own decision dated February 28, 1989,[5] the respondent court disposed as follows:

WHEREFORE, in Civil Case No. 1030 (CA-G.R. No. 11541), the appealed decision is hereby AFFIRMED. In Civil case No. 1042 (CA-G.R. No. 12364), the appealed decision is MODIFIED in that Delia and Edmundo Sayson are disqualified from inheriting from the estate of the deceased spouses Eleno and Rafaela Sayson, but is affirmed in all other respects.

SO ORDERED.

That judgment is now before us in this petition for review by certiorari. Reversal of the respondent court is sought on the ground that it disregarded the evidence of the petitioners and misapplied the pertinent law and jurisprudence when it declared the private respondents as the exclusive heirs of Teodoro and Isabel Sayson.

The contention of the petitioners is that Delia and Edmundo were not legally adopted because Doribel had already been born on February 27, 1967, when the decree of adoption was issued on March 9, 1967. The birth of Doribel disqualified her parents from adopting. The pertinent provision is Article 335 of the Civil Code, naming among those who cannot adopt "(1) Those who have legitimate, legitimated, acknowledged natural children, or natural children by legal fiction."

Curiously enough, the petitioners also argue that Doribel herself is not the legitimate daughter of Teodoro and Isabel but was in fact born to one Edita Abila, who manifested in a petition for guardianship of the child that she was her natural mother.[6]

The inconsistency of this position is immediately apparent. The petitioners seek to annul the adoption of Delia and Edmundo on the ground that Teodoro and Isabel already, had a legitimate daughter at the time but in the same breath try to demolish this argument by denying that Doribel was born to the couple.

On top of this, there is the vital question of timeliness. It is too late now to challenge the decree of adoption, years after it became final and executory. That was way back in 1967.[7] Assuming that the petitioners were proper parties, what they should have done was seasonably appeal the decree of adoption, pointing to the birth of Doribel that disqualified Teodoro and Isabel from adopting Delia and Edmundo. They did not. In fact, they should have done this earlier, before the decree of adoption was issued. They did not, although Mauricio claimed he had personal knowledge of such birth.

As the respondent court correctly observed:

When Doribel was born on, February 27, 1967, or about TEN (10) days before the issuance of the Order of Adoption, the petitioners could have notified the court about the fact of birth of DORIBEL and perhaps withdrew the petition or perhaps petitioners could have filed a petition for the revocation or rescission of the adoption (although the birth of a child is not one of those provided by law for the revocation or rescission of an adoption). The court is of the considered opinion that the adoption of the plaintiffs DELIA and EDMUNDO SAYSON is valid, outstanding and binding to the present, the same not having been revoked or rescinded.

Not having any information of Doribel's birth to Teodoro and Isabel Sayson, the trial judge cannot be faulted for granting the petition for adoption on the finding inter alia that the adopting parents were not disqualified.

A no less important argument against the petitioners is that their challenge to the validity of the adoption cannot be made collaterally, as in their action for partition, but in a direct proceeding frontally addressing the issue.

The settled rule is that a finding that the requisite jurisdictional facts exists, whether erroneous or not, cannot be

questioned in a collateral proceeding, for a presumption arises in such cases where the validity of the judgment is thus attacked that the necessary jurisdictional facts were proven (Freeman on Judgments, Vol. I, Sec. 350, pp. 719-720). (Emphasis supplied.)

In the case of Santos v. Aranzanso,[8] this Court declared:

Anent this point, the rulings are summed up in 2 American Jurisprudence, 2nd Series, Adoption, Sec. 75, p. 922, thus:

An adoption order implies the finding of the necessary facts and the burden of proof is on the party attacking it; it cannot be considered void merely because the fact needed to show statutory compliance is obscure. While a judicial determination of some particular fact, such as the abandonment of his next of kin to the adoption, may be essential to the exercise of jurisdiction to enter the order of adoption, this does not make it essential to the jurisdictional validity of the decree that the fact be determined upon proper evidence, or necessarily in accordance with the truth; a mere error cannot affect the jurisdiction, and the determination must stand until reversed on appeal, and hence cannot be collaterally attacked. If this were not the rule, the status of adopted children would always be uncertain, since the evidence might not be the same at all investigations, and might be regarded with different effect by different tribunals, and the adoption might be held by one court to have been valid, while another court would hold it to have been of no avail. (Emphasis supplied.)

On the question of Doribel's legitimacy, we hold that the findings of the trial courts as affirmed by the respondent court must be sustained. Doribel's birth certificate is a formidable piece of evidence. It is one of the prescribed means of recognition under Article 265 of the Civil Code and Article 172 of the Family Code. It is true, as the petitioners stress, that the birth certificate offers only prima facie evidence[9] of filiation and may be refuted by contrary evidence. However, such evidence is lacking in the case at bar.

Mauricio's testimony that he was present when Doribel was born to Edita Abila was understandably suspect, coming as it did from an interested party. The affidavit of Abila[10] denying her earlier statement in the petition for the guardianship of Doribel is of course hearsay, let alone the fact that it was never offered in evidence in the lower courts. Even without it, however, the birth certificate must be upheld in line with Legaspi v. Court of Appeals,[11] where we ruled that "the evidentiary nature of public documents must be sustained in the absence of strong, complete and conclusive proof of its falsity or nullity."

Another reason why the petitioners' challenge must fail is the impropriety of the present proceedings for that purpose. Doribel's legitimacy cannot be questioned in a complaint for partition and accounting but in a direct action seasonably filed by the proper party.

The presumption of legitimacy in the Civil Code x x x does not have this purely evidential character. It serves a more fundamental purpose. It actually fixes a civil status for the child born in wedlock, and that civil status cannot be attacked collaterally. The legitimacy of the child can be impugned only in a direct action brought for that purpose, by the proper parties, and within the period limited by law.

The legitimacy of the child cannot be contested by way of defense or as a collateral issue in another action for a different purpose. x x x.[12] (Emphasis supplied.)

In consequence of the above observations, we hold that Doribel, as the legitimate daughter of Teodoro and Isabel Sayson, and Delia and Edmundo, as their adopted children, are the exclusive heirs to the intestate estate of the deceased couple, conformably to the following Article 979 of the Civil Code:

Art. 979. Legitimate children and their descendants succeed the parents and other ascendants, without distinction

as to sex or age, and even if they should come from different marriages.

An adopted child succeeds to the property of the adopting parents in the same manner as a legitimate child.

The philosophy underlying this article is that a person's love descends first to his children and grandchildren before it ascends to his parents and thereafter spreads among his collateral relatives. It is also supposed that one of his purposes in acquiring properties is to leave them eventually to his children as a token of his love for them and as a provision for their continued care even after he is gone from this earth.

Coming now to the right of representation, we stress first the following pertinent provisions of the Civil Code:

Art. 970. Representation is a right created by fiction of law, by virtue of which the representative is raised to the place and the degree of the person represented, and acquires the rights which the latter would have if he were living or if he could have inherited.

Art. 971. The representative is called to the succession by the law and not by the person represented. The representative does not succeed the person represented but the one whom the person represented would have succeeded.

Art. 981. Should children of the deceased and descendants of other children who are dead, survive, the former shall inherit in their own right, and the latter by right of representation.

There is no question that as the legitimate daughter of Teodoro and thus the granddaughter of Eleno and Rafaela, Doribel has a right to represent her deceased father in the distribution of the intestate estate of her grandparents. Under Article 981, quoted above, she is entitled to the share her father would have directly inherited had he survived, which shall be equal to the shares of her grandparents' other children.[13]

But a different conclusion must be reached in the case of Delia and Edmundo, to whom in the grandparents were total strangers. While it is true that the adopted child shall be deemed to be a legitimate child and have the same rights as the latter, these rights do not include the right of representation. The relationship created by the adoption is between only the adopting parents and the adopted child and does not extend to the blood relatives of either party.[14]

In sum, we agree with the lower courts that Delia and Edmundo as the adopted children and Doribel as the legitimate daughter of Teodoro Sayson and Isabel Bautista, are their exclusive heirs and are under no obligation to share the estate of their parents with the petitioners. The Court of Appeals was correct, however, in holding that only Doribel has the right of representation in the inheritance of her grandparents' intestate estate, the other private respondents being only the adoptive children of the deceased Teodoro.

WHEREFORE, the petition is DENIED, and the challenged decision of the Court of Appeals is AFFIRMED in toto, with costs against the petitioners.

Narvasa, C.J., Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, pp. 66-71.

[2] Exhibit C.

[3] Exhibit B.

[4] Rollo, pp. 60-64.

[5] Martinez, J., ponente, with Castro-Bartolome and Elbinias, JJ., concurring.

[6] Original Records of Civil Case No. 1042, pp. 115-117.

[7] Exhibit C.

[8] 16 SCRA 344.

[9] Rule 131, Sec. 5(m), which provides the disputable presumption that official duty has been regularly performed; Article 410 of the Civil Code, which provides: "The books making up the civil register and all documents relating thereto shall be considered public documents and shall be prima facie evidence of the facts therein contained."

[10] Rollo, pp. 52-53.

[11] 142 SCRA 82. -

[12] Tolentino, Civil Code of the Philippines, Vol. 1, p. 559.

[13] Article 972, Civil Code.

[14] Teotico v. Del Val, 13 SCRA 406.

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