

FIRST DIVISION

[G.R. No. 202578, September 27, 2017]

HEIRS OF GILBERTO ROLDAN, NAMELY: ADELINA ROLDAN, ROLANDO ROLDAN, GILBERTO ROLDAN, JR., MARIO ROLDAN, DANNY ROLDAN, LEONARDO ROLDAN, ELSA ROLDAN, ERLINDA ROLDAN-CARAOS, THELMA ROLDAN-MASINSIN, GILDA ROLDAN-DAWAL AND RHODORA ROLDAN-ICAMINA, PETITIONERS, VS. HEIRS OF SILVELA ROLDAN, NAMELY: ANTONIO R. DE GUZMAN, AUGUSTO R. DE GUZMAN, ALICIA R. VALDORIA-PINEDA, AND SALLY R. VALDORIA, AND HEIRS OF LEOPOLDO MAGTULIS, NAMELY: CYNTHIA YORAC-MAGTULIS, LEA JOYCE MAGTULIS-MALABORBOR, DHANCY MAGTULIS, FRANCES DIANE MAGTULIS, AND JULIERTO MAGTULIS-PLACER, RESPONDENTS.

DECISION

SERENO, C.J.:

Before this Court is a Petition for Review on Certiorari^[1] assailing the Court of Appeals (CA) Decision^[2] and Resolution,^[3] which affirmed the Decision^[4] of the Regional Trial Court (RTC). The RTC ruled that petitioner heirs of Gilberto Roldan, respondent heirs of Silvela Roldan,^[5] and respondent heirs of Leopoldo Magtulis are co-owners of Lot No. 4696.

FACTS OF THE CASE

Natalia Magtulis^[6] owned Lot No. 4696, an agricultural land in Kalibo, Aklan, which had an area of 21,739 square meters, and was covered by Original Certificate of Title No. P-7711.^[7] Her heirs included Gilberto Roldan and Silvela Roldan, her two children by her first marriage; and, allegedly, Leopolda Magtulis her child with another man named Juan Aguirre.^[8] After her death in 1961, Natalia left the lot to her children. However, Gilberto and his heirs took possession of the property to the exclusion of respondents.

On 19 May 2003, respondents filed before the RTC a Complaint for Partition and Damages against petitioners.^[9] The latter refused to yield the property on these grounds: (1) respondent heirs of Silvela had already sold her share to Gilberto; and (2) respondent heirs of Leopolda had no cause of action, given that he was not a child of Natalia.

During trial, petitioners failed to show any document evidencing the sale of Silvela's share to Gilberto. Thus, in its Decision dated 14 December 2007, the RTC ruled that the heirs of Silvela remained co-owners of the property they had inherited from Natalia. As regards Leopoldo Magtulis, the trial court concluded that he was a son of Natalia based on his Certificate of Baptism^[10] and Marriage Contract.^[11]

Considering that Gilberto, Silvela, and Leopoldo were all descendants of Natalia, the RTC declared each set of their respective heirs entitled to one-third share of the property. Consequently, it ordered petitioners to account and deliver to respondents their equal share to the produce of the land.

Petitioners appealed to the CA. They reiterated that Silvela had sold her share of the property to her brother Gilberto. They asserted that the RTC could not have considered Leopoldo the son of Natalia on the mere basis of his Certificate of Baptism. Emphasizing that filiation required a high standard of proof, petitioners argued that the baptismal certificate of Leopoldo served only as evidence of the administration of the sacrament.

In its Decision dated 20 December 2011, the CA affirmed the ruling of the RTC that Gilberto, Silvela, and Leopoldo remained co-owners of Lot No. 4696. The appellate court refused to conclude that Silvela had sold her shares to Gilberto without any document evidencing a sales transaction. It also held that Leopoldo was the son of Natalia, since his Certificate of Baptism and Marriage Contract indicated her as his mother.

Petitioner heirs of Gilberto moved for reconsideration,^[12] but to no avail. Before this Court, they reiterate that Silvela sold her shares to Gilberto, and that Leopoldo was not the son of Natalia. They emphasize that the certificates of baptism and marriage do not prove Natalia to be the mother of Leopoldo since these documents were executed without her participation.

Petitioners additionally contend that respondents lost their rights over the property, since the action for partition was lodged before the RTC only in 2003, or 42 years since Gilberto occupied the property in 1961. For the heirs of Gilberto, prescription and laches already preclude the heirs of Silvela and the heirs of Leopoldo from claiming co-ownership over Lot No. 4696.

In their Comment,^[13] respondents assert that the arguments raised by petitioners involve questions of fact not cognizable by this Court. As regards the issue of prescription and laches, they insist that petitioners cannot invoke a new theory for the first time on appeal.

ISSUES OF THE CASE

The following issues are presented to this Court for resolution:

1. Whether the CA erred in affirming the RTC's finding that Silvela did not sell her share of the property to Gilberto
2. Whether the courts *a quo* correctly appreciated Leopoldo to be the son of Natalia based on his baptismal and marriage certificates
3. Whether prescription and laches bar respondents from claiming co-ownership over Lot No. 4696

RULING OF THE COURT

Sale of the Shares of Silvela to Gilberto

Petitioners argue before us that Silvela had a perfected contract of sale with Gilberto over her shares of Lot No. 4696. That argument is obviously a question of fact,^[14] as it delves into the truth of whether she conveyed her rights in favor of her brother.

The assessment of the existence of the sale requires the calibration of the evidence on record and the probative weight thereof. The RTC, as affirmed by the CA, already performed its function and found that the heirs of Gilberto had not presented any document or witness to prove the fact of sale.

The factual determination of courts, when adopted and confirmed by the CA, is final and conclusive on this Court except if unsupported by the evidence on record.^[15] In this case, the exception does not apply, as petitioners merely alleged that Silvela "sold, transferred and conveyed her share in the land in question to Gilberto Roldan for a valuable consideration" without particularizing the details or referring to any proof of the transaction.^[16] Therefore, we sustain the conclusion that she remains co-owner of Lot No. 4696.

Filiation of Leopoldo to Natalia

In resolving the issue of filiation, the RTC and the CA referred to Articles 172 and 175 of the Family Code, viz.:

Art. 172. The filiation of legitimate children is established by any of the following:

- (1) The record of birth appearing in the civil register or a final judgment;
or
- (2) An admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned.

In the absence of the foregoing evidence, the legitimate filiation shall be proved by:

- (1) The open and continuous possession of the status of a legitimate child; or
- (2) Any other means allowed by the Rules of Court and special laws.

Art. 175. Illegitimate children may establish their illegitimate filiation in the same way and on the same evidence as legitimate children.

The action must be brought within the same period specified in Article 173, except when the action is based on the second paragraph of Article 172, in which case the action may be brought during the lifetime of the alleged parent.

The parties concede that there is no record of Leopolda's birth in either the National Statistics Office^[17] or in the Office of the Municipal Registrar of Kalibo, Aklan.^[18] The RTC and the CA then referred to other means to prove the status of Leopoldo: his Certificate of Baptism and his Marriage Contract. Since both documents indicate

Natalia as the mother of Leopoldo, the courts *a quo* concluded that respondent heirs of Leopoldo had sufficiently proven the filiation of their ancestor to the original owner of Lot No. 4696. For this reason, the RTC and the CA maintained that the heirs of Leopoldo are entitled to an equal share of the property, together with the heirs of Gilberto and heirs of Silvela.

We disagree.

Jurisprudence has already assessed the probative value of baptismal certificates. In *Fernandez v. Court of Appeals*,^[19] which referred to our earlier rulings in *Berciles v. Government Service Insurance System*^[20] and *Macadangdang v. Court of Appeals*,^[21] the Court explained that because the putative parent has no hand in the preparation of a baptismal certificate, that document has scant evidentiary value. The canonical certificate is simply a proof of the act to which the priest may certify, i.e., the administration of the sacrament. In other words, a baptismal certificate is "no proof of the declarations in the record with respect to the parentage of the child baptized, or of prior and distinct facts which require separate and concrete evidence."^[22]

In cases that followed *Fernandez*, we reiterated that a baptismal certificate is insufficient to prove filiation.^[23] But in *Makati Shangri-La Hotel and Resort, Inc. v. Harper*,^[24] this Court clarified that a baptismal certificate has evidentiary value to prove kinship "if considered alongside other evidence of filiation."^[25] Therefore, to resolve one's lineage, courts must peruse other pieces of evidence instead of relying only on a canonical record. By way of example, we have considered the combination of testimonial evidence,^[26] family pictures,^[27] as well as family books or charts,^[28] alongside the baptismal certificates of the claimants, in proving kinship.

In this case, the courts below did not appreciate any other material proof related to the baptismal certificate of Leopoldo that would establish his filiation with Natalia, whether as a legitimate or as an illegitimate son.

The only other document considered by the RTC and the CA was the Marriage Contract of Leopoldo. But, like his baptismal certificate, his Marriage Contract also lacks probative value as the latter was prepared without the participation of Natalia. In *Reyes v. Court of Appeals*,^[29] we held that even if the marriage contract therein stated that the alleged father of the bride was the bride's father, that document could not be taken as evidence of filiation, because it was not signed by the alleged father of the bride.

The instant case is similar to an issue raised in *Paa v. Chan*.^[30] The claimant in that case relied upon baptismal and marriage certificates to argue filiation. The Court said:

As regards the baptismal and marriage certificates of Leoncio Chan, the same are not competent evidence to prove that he was the illegitimate child of Bartola Maglaya by a Chinese father. While these certificates may be considered public documents, they are evidence only to prove the administration of the sacraments on the dates therein specified - which in this case were the baptism and marriage, respectively, of Leoncio Chan -