

SECOND DIVISION

[G.R. No. 200169, January 28, 2015]

**RODOLFO S. AGUILAR, PETITIONER. VS. EDNA G. SIASAT,
RESPONDENT.**

D E C I S I O N

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] seeks to set aside the August 30, 2006 Decision^[2] and December 20, 2011 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. CEB-CV No. 64229 affirming the August 17, 1999 Decision^[4] of the Regional Trial Court (RTC) of Bacolod City, Branch 49 in Civil Case No. 96-9591 and denying petitioner's Motion for Reconsideration.^[5]

Factual Antecedents

Spouses Alfredo Aguilar and Candelaria Siasat-Aguilar (the Aguilar spouses) died, intestate and without debts, on August 26, 1983 and February 8, 1994, respectively. Included in their estate are two parcels of land (herein subject properties) covered by Transfer Certificates of Title Nos. T-25896 and T-(15462) 1070 of the Registries of Deeds of Bago and Bacolod (the subject titles).^[6]

In June 1996, petitioner Rodolfo S. Aguilar filed with the RTC of Bacolod City (Bacolod RTC) a civil case for mandatory injunction with damages against respondent Edna G. Siasat. Docketed as Civil Case No. 96-9591 and assigned to Branch 49 of the Bacolod RTC, the Complaint^[7] alleged that petitioner is the only son and sole surviving heir of the Aguilar spouses; that he (petitioner) discovered that the subject titles were missing, and thus he suspected that someone from the Siasat clan could have stolen the same; that he executed affidavits of loss of the subject titles and filed the same with the Registries of Deeds of Bacolod and Bago; that on June 22, 1996, he filed before the Bacolod RTC a Petition for the issuance of second owner's copy of Certificate of Title No. T-25896, which respondent opposed; and that during the hearing of the said Petition, respondent presented the two missing owner's duplicate copies of the subject titles. Petitioner thus prayed for mandatory injunctive relief, in that respondent be ordered to surrender to him the owner's duplicate copies of the subject titles in her possession; and that damages, attorney's fees, and costs of suit be awarded to him.

In her Answer,^[8] respondent claimed that petitioner is not the son and sole surviving heir of the Aguilar spouses, but a mere stranger who was raised by the Aguilar spouses out of generosity and kindness of heart; that petitioner is not a natural or adopted child of the Aguilar spouses; that since Alfredo Aguilar predeceased his wife, Candelaria Siasat-Aguilar, the latter inherited the conjugal share of the former; that upon the death of Candelaria Siasat-Aguilar, her brothers

and sisters inherited her estate as she had no issue; and that the subject titles were not stolen, but entrusted to her for safekeeping by Candelaria Siasat-Aguilar, who is her aunt. By way of counterclaim, respondent prayed for an award of moral and exemplary damages, and attorney's fees.

During trial, petitioner testified and affirmed his relationship to the Aguilar spouses as their son. To prove filiation, he presented the following documents, among others:

1. His school records at the Don J.A. Araneta Elementary School, Purok No. 2, Bacolod-Murcia Milling Company (BMMC), Bacolod City (Exhibit "C" and submarkings), wherein it is stated that Alfredo Aguilar is petitioner's parent;
2. His Individual Income Tax Return (Exhibit "F"), which indicated that Candelaria Siasat-Aguilar is his mother;
3. Alfredo Aguilar's Social Security System (SSS) Form E-1 dated October 10, 1957 (Exhibit "G"), a public instrument subscribed and made under oath by Alfredo Aguilar during his employment with BMMC, which bears his signature and thumb marks and indicates that petitioner, who was born on March 5, 1945, is his son and dependent;
4. Alfredo Aguilar's Information Sheet of Employment with BMMC dated October 29, 1954 (Exhibit "L"), indicating that petitioner is his son;
5. Petitioner's Certificate of Marriage to Luz Abendan (Exhibit "M"), where it is declared that the Aguilar spouses are his parents; and
6. Letter of the BMMC Secretary (Exhibit "O") addressed to a BMMC supervisor introducing petitioner as Alfredo Aguilar's son and recommending him for employment.
7. Certification dated January 27, 1996 issued by the Bacolod City Civil Registry to the effect that the record of births during the period 1945 to 1946 were "all destroyed by nature," hence no true copies of the Certificate of Live Birth of petitioner could be issued as requested (Exhibit "Q").^[9]

Petitioner also offered the testimonies of his wife, Luz Marie Abendan-Aguilar (Abendan-Aguilar), and Ester Aguilar-Pailano (Aguilar-Pailano), his aunt and sister of Alfredo Aguilar. Abendan-Aguilar confirmed petitioner's identity, and she testified that petitioner is the son of the Aguilar spouses and that during her marriage to petitioner, she lived with the latter in the Aguilar spouses' conjugal home built on one of the subject properties. On the other hand, 81-year old Aguilar-Pailano testified that she is the sister of Alfredo Aguilar; that the Aguilar spouses have only one son – herein petitioner – who was born at BMMC; that after the death of the Aguilar spouses, she and her siblings did not claim ownership of the subject properties because they recognized petitioner as the Aguilar spouses' sole child and heir; that petitioner was charged with murder, convicted, imprisoned, and later on paroled; and that after he was discharged on parole, petitioner continued to live with his mother Candelaria Siasat-Aguilar in one of the subject properties, and

continues to live there with his family.^[10]

For her evidence, respondent testified among others that she is a retired teacher; that she does not know petitioner very well, but only heard his name from her aunt Candelaria Siasat-Aguilar; that she is not related by consanguinity or affinity to petitioner; that she attended to Candelaria Siasat-Aguilar while the latter was under medication in a hospital until her death; that Candelaria Siasat-Aguilar's hospital and funeral expenses were paid for by Nancy Vingno; that Candelaria Siasat-Aguilar executed an affidavit to the effect that she had no issue and that she is the sole heir to her husband Alfredo Aguilar's estate; that she did not steal the subject titles, but that the same were entrusted to her by Candelaria Siasat-Aguilar; that a prior planned sale of the subject properties did not push through because when petitioner's opinion thereto was solicited, he expressed disagreement as to the agreed price.^[11]

Respondent likewise offered the testimony of Aurea Siasat-Nicavera (Siasat-Nicavera), 74 years old, who stated that the Aguilar spouses were married on June 22, 1933 in Miag-ao, Iloilo; that she is the sister of Candelaria Siasat-Aguilar; that she does not know petitioner, although she admitted that she knew a certain "Rodolfo" whose nickname was "Mait"; that petitioner is not the son of the Aguilar spouses; and that Alfredo Aguilar has a sister named Ester Aguilar-Pailano.^[12]

Respondent also offered an Affidavit previously executed by Candelaria Siasat-Aguilar (Exhibit "2") announcing among others that she and Alfredo have no issue, and that she is the sole heir to Alfredo's estate.

Ruling of the Regional Trial Court

On August 17, 1999, the Bacolod RTC issued its Decision, decreeing as follows:

From the evidence thus adduced before this Court, no solid evidence attesting to the fact that plaintiff herein is either a biological son or a legally adopted one was ever presented. Neither was a certificate of live birth of plaintiff ever introduced confirming his biological relationship as a son to the deceased spouses Alfredo and Candelaria S. Aguilar. As a matter of fact, in the affidavit of Candelaria S. Aguilar (Exhibit 2) she expressly announced under oath that Alfredo and she have no issue and that she is the sole heir to the estate of Alfredo is (sic) concrete proof that plaintiff herein was never a son by consanguinity nor a legally adopted one of the deceased spouses Alfredo and Candelaria Aguilar.

This being the case, Petitioner is not deemed vested with sufficient interest in this action to be considered qualified or entitled to the issuance of the writ of mandatory injunction and damages prayed for.

WHEREFORE, judgment is hereby rendered dismissing plaintiff's complaint with cost.

The counterclaim of the defendant is likewise dismissed for lack of legal basis.

SO ORDERED.^[13]

Ruling of the Court of Appeals

Petitioner filed an appeal with the CA.^[14] Docketed as CA-G.R. CEB-CV No. 64229, the appeal essentially argued that petitioner is indeed the Aguilar spouses' son; that under Article 172 of the Family Code,^[15] an admission of legitimate filiation in a public document or a private handwritten instrument signed by the parent concerned constitutes proof of filiation; that through the documentary evidence presented, petitioner has shown that he is the legitimate biological son of the Aguilar spouses and the sole heir to their estate. He argued that he cannot present his Certificate of Live Birth as all the records covering the period 1945-1946^[16] of the Local Civil Registry of Bacolod City were destroyed as shown by Exhibits "Q" to "Q-3"; for this reason, he presented the foregoing documentary evidence to prove his relationship to the Aguilar spouses. Petitioner made particular reference to, among others, Alfredo Aguilar's SSS Form E-1 (Exhibit "G"), arguing that the same was made under oath and thus sufficient under Article 172 of the Family Code to establish that he is a child and heir of the Aguilar spouses. Finally, petitioner questioned the trial court's reliance upon Candelaria Siasat-Aguilar's affidavit (Exhibit "2") attesting that she and Alfredo have no children and that she is the sole heir to the estate of Alfredo, when such piece of evidence has been discarded by the trial court in a previous Order dated April 1, 1998, stating thus:

Except for defendant's Exhibit "2", all other Exhibits, Exhibits "1", "3", "4" and "5", together with their submarkings, are all admitted in evidence.
^[17]

On August 30, 2006, the CA issued the assailed Decision affirming the trial court's August 17, 1999 Decision, pronouncing thus:

The exhibits relied upon by plaintiff-appellant to establish his filiation with the deceased spouses Aguilar deserve scant consideration by this Court. The Elementary School Permanent Record of plaintiff-appellant cannot be considered as proof of filiation. As enunciated by the Supreme Court in the case of Reyes vs. Court of Appeals, 135 SCRA 439:

"Student record or other writing not signed by alleged father do not constitute evidence of filiation."

As regards the Income Tax Return of plaintiff-appellant filed with the Bureau of Internal Revenue, WE hold that it cannot be considered as evidence of filiation. As stated by the Supreme Court in the case of Labagala vs. Santiago, 371 SCRA 360:

"A baptismal certificate, a private document is not conclusive proof of filiation. More so are the entries made in an income tax return, which only shows that income tax has been paid and the amount thereof."

With respect to the Certificate of Marriage x x x wherein it is shown that the parents of the former are Alfredo and Candelaria Siasat Aguilar does not prove filiation. The Highest Tribunal declared that a marriage contract not signed by the alleged father of bride is not competent evidence of filiation nor is a marriage contract recognition in a public instrument.

The rest of the exhibits offered x x x, except the Social Security Form E-1 (Exhibit "G") and the Information Sheet of Employment of Alfredo Aguilar (Exhibit "L"), allegedly tend to establish that plaintiff-appellant has been and is presently known as Rodolfo Siasat Aguilar and he has been bearing the surname of his alleged parents.

WE cannot sustain plaintiff-appellant's argument. Use of a family surname certainly does not establish pedigree.

Insofar as the SSS Form E-1 and Information Sheet of Employment of Alfredo Aguilar are concerned, WE cannot accept them as sufficient proof to establish and prove the filiation of plaintiff-appellant to the deceased Aguilar spouses. While the former is a public instrument and the latter bears the signature of Alfredo Aguilar, they do not constitute clear and convincing evidence to show filiation based on open and continuous possession of the status of a legitimate child. Filiation is a serious matter that must be resolved according to the requirements of the law.

All told, plaintiff-appellant's evidence failed to hurdle the "high standard of proof" required for the success of an action to establish one's legitimate filiation when relying upon the provisions regarding open and continuous possession or any other means allowed by the Rules of Court and special laws.

Having resolved that plaintiff-appellant is not an heir of the deceased spouses Aguilar, thereby negating his right to demand the delivery of the subject TCTs in his favor, this Court cannot grant the writ of mandatory injunction being prayed for.

x x x x

In the present case, plaintiff-appellant failed to show that he has a clear and unmistakable right that has been violated. Neither had he shown permanent and urgent necessity for the issuance of the writ.

With respect to the damages prayed for, WE sustain the trial court in denying the same. Aside from the fact that plaintiff-appellant failed to show his clear right over the subject parcels of land so that he has not sustained any damage by reason of the withholding of the TCTs from him, there is no clear testimony on the anguish or anxiety he allegedly suffered as a result thereof. Well entrenched in law and jurisprudence is the principle that the grant of moral damages is expressly allowed by law in instances where proofs of the mental anguish, serious anxiety and moral shock were shown.