

SECOND DIVISION

[G.R. No. 132305, December 04, 2001]

**IDA C. LABAGALA, PETITIONER, VS. NICOLASA T. SANTIAGO,
AMANDA T. SANTIAGO AND HON. COURT OF APPEALS,
RESPONDENTS.**

D E C I S I O N

QUISUMBING, J.:

This petition for review on certiorari seeks to annul the decision dated March 4, 1997,^[1] of the Court of Appeals in CA-G.R. CV No. 32817, which reversed and set aside the judgment dated October 17, 1990,^[2] of the Regional Trial Court of Manila, Branch 54, in Civil Case No. 87-41515, finding herein petitioner to be the owner of 1/3 *pro indiviso* share in a parcel of land.

The pertinent facts of the case, as borne by the records, are as follows:

Jose T. Santiago owned a parcel of land covered by TCT No. 64729, located in Rizal Avenue Extension, Sta. Cruz, Manila. Alleging that Jose had fraudulently registered it in his name alone, his sisters Nicolasa and Amanda (now respondents herein), sued Jose for recovery of 2/3 share of the property.^[3] On April 20, 1981, the trial court in that case decided in favor of the sisters, recognizing their right of ownership over portions of the property covered by TCT No. 64729. The Register of Deeds of Manila was required to include the names of Nicolasa and Amanda in the certificate of title to said property.^[4]

Jose died intestate on February 6, 1984. On August 5, 1987, respondents filed a complaint for recovery of title, ownership, and possession against herein petitioner, Ida C. Labagala, before the Regional Trial Court of Manila, to recover from her the 1/3 portion of said property pertaining to Jose but which came into petitioner's sole possession upon Jose's death.

Respondents alleged that Jose's share in the property belongs to them by operation of law, because they are the only legal heirs of their brother, who died intestate and without issue. They claimed that the purported sale of the property made by their brother to petitioner sometime in March 1979^[5] was executed through petitioner's machinations and with malicious intent, to enable her to secure the corresponding transfer certificate of title (TCT No. 172334^[6]) in petitioner's name alone.^[7]

Respondents insisted that the deed of sale was a forgery. The deed showed that Jose affixed his thumbmark thereon but respondents averred that, having been able to graduate from college, Jose never put his thumbmark on documents he executed but always signed his name in full. They claimed that Jose could not have sold the property belonging to his "poor and unschooled sisters who... sacrificed for his

studies and personal welfare."^[8] Respondents also pointed out that it is highly improbable for petitioner to have paid the supposed consideration of P150,000 for the sale of the subject property because petitioner was unemployed and without any visible means of livelihood at the time of the alleged sale. They also stressed that it was quite unusual and questionable that petitioner registered the deed of sale only on January 26, 1987, or almost eight years after the execution of the sale.^[9]

On the other hand, petitioner claimed that her true name is not Ida C. Labagala as claimed by respondent but Ida C. Santiago. She claimed not to know any person by the name of Ida C. Labagala. She claimed to be the daughter of Jose and thus entitled to his share in the subject property. She maintained that she had always stayed on the property, ever since she was a child. She argued that the purported sale of the property was in fact a donation to her, and that nothing could have precluded Jose from putting his thumbmark on the deed of sale instead of his signature. She pointed out that during his lifetime, Jose never acknowledged respondents' claim over the property such that respondents had to sue to claim portions thereof. She lamented that respondents had to disclaim her in their desire to obtain ownership of the whole property.

Petitioner revealed that respondents had in 1985 filed two ejectment cases against her and other occupants of the property. The first was decided in her and the other defendants' favor, while the second was dismissed. Yet respondents persisted and resorted to the present action.

Petitioner recognized respondents' ownership of 2/3 of the property as decreed by the RTC. But she averred that she caused the issuance of a title in her name alone, allegedly after respondents refused to take steps that would prevent the property from being sold by public auction for their failure to pay realty taxes thereon. She added that with a title issued in her name she could avail of a realty tax amnesty.

On October 17, 1990, the trial court ruled in favor of petitioner, decreeing thus:

WHEREFORE, judgment is hereby rendered recognizing the plaintiffs [herein respondents] as being entitled to the ownership and possession each of one-third (1/3) pro indiviso share of the property originally covered by Transfer Certificate of Title No. 64729, in the name of Jose T. Santiago and presently covered by Transfer Certificate of Title No. 172334, in the name of herein defendant [herein petitioner] and which is located at No. 3075-A Rizal Avenue Extension, Sta. Cruz, Manila, as per complaint, and the adjudication to plaintiffs per decision in Civil Case No. 56226 of this Court, Branch VI, and the remaining one-third (1/3) pro indiviso share adjudicated in said decision to defendant Jose T. Santiago in said case, is hereby adjudged and adjudicated to herein defendant as owner and entitled to possession of said share. The Court does not see fit to adjudge damages, attorney's fees and costs. Upon finality of this judgment, Transfer Certificate of Title No. 172334 is ordered cancelled and a new title issued in the names of the two (2) plaintiffs and the defendant as owners in equal shares, and the Register of Deeds of Manila is so directed to effect the same upon payment of the proper fees by the parties herein.

SO ORDERED.^[10]

According to the trial court, while there was indeed no consideration for the deed of sale executed by Jose in favor of petitioner, said deed constitutes a valid donation. Even if it were not, petitioner would still be entitled to Jose's 1/3 portion of the property as Jose's daughter. The trial court ruled that the following evidence shows petitioner to be the daughter of Jose: (1) the decisions in the two ejectment cases filed by respondents which stated that petitioner is Jose's daughter, and (2) Jose's income tax return which listed petitioner as his daughter. It further said that respondents knew of petitioner's existence and her being the daughter of Jose, per records of the earlier ejectment cases they filed against petitioner. According to the court, respondents were not candid with the court in refusing to recognize petitioner as Ida C. Santiago and insisting that she was Ida C. Labagala, thus affecting their credibility.

Respondents appealed to the Court of Appeals, which reversed the decision of the trial court.

WHEREFORE, the appealed decision is REVERSED and one is entered declaring the appellants Nicolasa and Amanda Santiago the co-owners in equal shares of the one-third (1/3) pro indiviso share of the late Jose Santiago in the land and building covered by TCT No. 172334. Accordingly, the Register of Deeds of Manila is directed to cancel said title and issue in its place a new one reflecting this decision.

SO ORDERED.

Apart from respondents' testimonies, the appellate court noted that the birth certificate of Ida Labagala presented by respondents showed that Ida was born of different parents, not Jose and his wife. It also took into account the statement made by Jose in Civil Case No. 56226 that he did not have any child.

Hence, the present petition wherein the following issues are raised for consideration:

1. Whether or not petitioner has adduced preponderant evidence to prove that she is the daughter of the late Jose T. Santiago, and
2. Whether or not respondents could still impugn the filiation of the petitioner as the daughter of the late Jose T. Santiago.

Petitioner contends that the trial court was correct in ruling that she had adduced sufficient evidence to prove her filiation by Jose Santiago, making her his sole heir and thus entitled to inherit his 1/3 portion. She points out that respondents had, before the filing of the instant case, previously "considered"^[11] her as the daughter of Jose who, during his lifetime, openly regarded her as his legitimate daughter. She asserts that her identification as Jose's daughter in his ITR outweighs the "strange" answers he gave when he testified in Civil Case No. 56226.

Petitioner asserts further that respondents cannot impugn her filiation collaterally, citing the case of *Sayson v. Court of Appeals*^[12] in which we held that "(t)he legitimacy of (a) child can be impugned only in a direct action brought for that

purpose, by the proper parties and within the period limited by law."^[13] Petitioner also cites Article 263 of the Civil Code in support of this contention.^[14]

For their part, respondents contend that petitioner is not the daughter of Jose, per her birth certificate that indicate her parents as Leo Labagala and Cornelia Cabrigas, instead of Jose Santiago and Esperanza Cabrigas.^[15] They argue that the provisions of Article 263 of the Civil Code do not apply to the present case since this is not an action impugning a child's legitimacy but one for recovery of title, ownership, and possession of property.

The issues for resolution in this case, to our mind, are (1) whether or not respondents may impugn petitioner's filiation in this action for recovery of title and possession; and (2) whether or not petitioner is entitled to Jose's 1/3 portion of the property he co-owned with respondents, through succession, sale, or donation.

On the first issue, we find petitioner's reliance on Article 263 of the Civil Code to be misplaced. Said article provides:

Art. 263. The action to impugn the legitimacy of the child shall be brought within one year from the recording of the birth in the Civil Register, if the husband should be in the same place, or in a proper case, any of his heirs.

If he or his heirs are absent, the period shall be eighteen months if they should reside in the Philippines; and two years if abroad. If the birth of the child has been concealed, the term shall be counted from the discovery of the fraud.

This article should be read in conjunction with the other articles in the same chapter on paternity and filiation in the Civil Code. A careful reading of said chapter would reveal that it contemplates situations where a doubt exists that a child is indeed a man's child by his wife, and the husband (or, in proper cases, his heirs) denies the child's filiation. It does not refer to situations where a child is alleged not to be the child at all of a particular couple.^[16]

Article 263 refers to an action to impugn the *legitimacy* of a child, to assert and prove that a person is not a man's child by his wife. However, the present case is not one impugning petitioner's legitimacy. Respondents are asserting not merely that petitioner is not a legitimate child of Jose, but that she is not a child of Jose at all.^[17] Moreover, the present action is one for recovery of title and possession, and thus outside the scope of Article 263 on prescriptive periods.

Petitioner's reliance on *Sayson* is likewise improper. The factual milieu present in *Sayson* does not obtain in the instant case. What was being challenged by petitioners in *Sayson* was (1) the validity of the adoption of Delia and Edmundo by the deceased Teodoro and Isabel Sayson, and (2) the legitimate status of Doribel Sayson. While asserting that Delia and Edmundo could not have been validly adopted since Doribel had already been born to the Sayson couple at the time, petitioners at the same time made the conflicting claim that Doribel was not the child of the couple. The Court ruled in that case that it was too late to question the decree of adoption that became final years before. Besides, such a challenge to the