



Republic of the Philippines
Supreme Court
 Baguio City

THIRD DIVISION

**CONCEPCION A. VIZCARRA,
 FELICIANO A. VIZCARRA
 married to MARIA LUISA A.
 VIZCARRA, VICTOR A.
 VIZCARRA, EVARISTA A.
 VIZCARRA, AND DIONISIO A.
 VIZCARRA,**

Petitioners,

- versus -

**LILIA VIZCARRA-NOCILLADO,
 ANTONIO A. VIZCARRA, NORMA
 VIZCARRA-SANCHEZ,
 RIZALINA VIZCARRA-HINKLEY,
 AND JULIETA V. HUNTER-
 SUTTON,**

Respondents.

G.R. No. 205241

Present:

CAGUIOA, J.,
Chairperson,
 INTING,
 GAERLAN,
 DIMAAMPAO, *and*
 SINGH, JJ.

Promulgated:
January 11, 2023

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DECISION

GAERLAN, J.:

This is a Petition for Review on *Certiorari*¹ dated March 4, 2013 filed by Concepcion A. Vizcarra (Concepcion), Feliciano A. Vizcarra (Feliciano) married to Maria Luisa A. Vizcara (Maria), Victor A. Vizcarra, Evarista A. Vizcarra, and Dionisio A. Vizcarra (collectively, petitioners) assailing the Decision² dated October 4, 2012 and the Resolution³ dated January 14, 2013 of the Court of Appeals (CA) in CA-G.R. CV No. 97945, affirming the Decision⁴ dated September 22, 2011 of the Regional Trial Court (RTC) of Parañaque City, Branch 274.

¹ *Rollo*, pp. 8-22.

² Id. at 27-41. Penned by Associate Justice Andres B. Reyes, Jr. (former Member of this Court), with Associate Justices Ramon M. Bato, Jr. and Rodil V. Zalameda (now a Member of this Court), concurring.

³ Id. at 44-48.

⁴ Id. at 69-78. Penned by Presiding Judge Fortunito L. Madrona.

The RTC, in its Decision, ruled in favor of the plaintiffs (herein respondents) and declared null and void the Extra Judicial Settlement of the Estate of Ireneo Vizcarra,⁵ Constancio F. Vizcarra (Constancio), and Purificacion F. Vizcarra (Purificacion) dated December 31, 2006.

Antecedents

Ireneo Vizcara (Ireneo) is the registered owner in fee simple of parcels of land located in Parañaque City, containing an area of 96 square meters and 61 square meters, covered by Transfer Certificate of Title (TCT) No. 63087.⁶

On September 5, 1993, Ireneo died and was survived by Constancio and Purificacion.

On August 18, 2004, Constancio died and was survived by his heirs, namely, his wife, Concepcion, and their children: (1) Feliciano married to Maria; (2) Victor A. Vizcarra; (3) Evarista A. Vizcarra; and (4) Dionisio A. Vizcarra (collectively, Heirs of Constancio)⁷. Meanwhile, Purificacion died on November 19, 2006 without any legitimate issues.⁸

On December 31, 2006, the Heirs of Constancio executed an “Extra Judicial Settlement of the Estate of Ireneo Vizcarra, Constancio F. Vizcarra and Purificacion Vizcarra” (Extrajudicial Settlement).⁹ By virtue of the Extrajudicial Settlement, the Heirs of Constancio were able to cause the cancellation of TCT No. 63087 registered in the name of Ireneo and subsequent partition of the said property. Thus, on January 20, 2007, new certificates of title were issued in the name of the Heirs of Constancio.¹⁰

Accordingly, On October 4, 2007, respondents filed a complaint before the RTC of Parañaque City praying for the declaration of nullity of the Extrajudicial Settlement and the subsequent cancellation of the certificates of title issued in the name of the Heirs of Constancio.¹¹

⁵ “Ireneo” in some parts of the records.

⁶ *Rollo*, p. 69.

⁷ *Id.* at 9.

⁸ *Id.* at 28.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 62-63.

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In their Complaint, respondents alleged that they are the heirs of Silvestre F. Vizcarra (Silvestre). According to respondents, Silvestre was born on December 31, 1920. He was the son of Ireneo with a woman named Rosalia Ferrer, and as such, he was entitled a share in the estate of Ireneo. However, Silvestre predeceased Ireneo, thus, respondents filed the complaint in representation of their father, Silvestre, to claim and assert their right as heirs of Ireneo.¹²

To prove Silvestre's filiation with Ireneo, respondents presented the following documents: (1) a Certificate dated September 11, 2007 issued by the National Statistics Office (NSO), wherein it was indicated that Silvestre's father was a certain "Ireneo Vizcarra;" (2) a Certification dated August 3, 1978 (1978 Certification) issued by the Office of the Local Civil Registrar of Parañaque, wherein it stated that according to its Register of Births, Silvestre was born to "Ireneo Vizcarra" and "Rosalia Ferrer"; and (3) the Marriage Contract between Silvestre and Trinidad Agner, wherein it was indicated that Ireneo was the father of Silvestre.

Ruling of the RTC

After trial, the RTC ruled in favor of respondents, declared null and void the Extrajudicial Settlement executed by petitioners, and ordered the cancellation of the subsequently issued TCT. The dispositive portion of the Decision¹³ of the RTC reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the plaintiffs and against the defendants as follows:

1. Declaring the "Extra Judicial Settlement of the Estate of Ireneo Vizcarra, Constancio F. Vizcarra and Purificacion F. Vizcarra dated December 31, 2006 as null and void;

2. Ordering the Registry of Deeds of Parañaque City to cancel Transfer Certificate of Title No. 172560 issued in the name of defendants and to reinstate Transfer Certificate of Title No. 63087 issued in the name of Ireneo Vizcarra;

3. Ordering all the defendants to reconvey the title and ownership of the property made subject of and covered by Transfer Certificate of Title No. 172560 as now ordered cancelled to the estate of Ireneo Vizcarra;

¹² Id. at 59-60.

¹³ Id. at 69-78.

4. Ordering the defendants to pay jointly and solidarily the amount of Php50,000.00 and Php4,000.00 for every court appearance as attorney's fees[; and]

5. Ordering the defendants jointly and solidarily [to pay] the costs of suit.

SO ORDERED.¹⁴ (Emphasis in the original)

The RTC after considering the pieces of evidence presented by both parties ruled that respondents were able to prove by preponderance of evidence that Ireneo was the father of Silvestre.¹⁵ In arriving at the foregoing conclusion, the RTC highlighted the NSO Certificate, which indicated that the father of Silvestre was Ireneo. The RTC then pointed out that petitioners failed to present any countervailing evidence to rebut the said certificate.¹⁶

Aggrieved, respondents filed a Notice of Appeal before the RTC.¹⁷

Ruling of the CA

In its Decision dated October 4, 2012, the Court of Appeals affirmed the decision of the RTC similarly relying on the NSO Certificate as sufficient proof of filiation of Silvestre to Ireneo. The dispositive portion of Decision of the CA reads:¹⁸

WHEREFORE, premises considered, the appeal is hereby **DENIED**. Accordingly, assailed Decision dated 22 September 2011 of the RTC of Parañaque City, Branch 274, is hereby **AFFIRMED**.

SO ORDERED. (Emphases in the original)

In its appeal, petitioners assailed the validity and authenticity of the NSO Certificate on which the RTC based its findings of filiation. According to petitioners, the said certificate was a reconstruction of Silvestre's Certificate of Birth made on the basis of the 1978 Certification issued by the Office of the Local Civil Registrar of Parañaque. However, petitioners cast doubt as to the validity of the NSO Certificate considering the same was not reconstructed on the basis of the 1920 Record Book of the Civil Registrar (1920 Record Book),

¹⁴ Id. at 77-78.

¹⁵ Id. at 75.

¹⁶ Id. at 76.

¹⁷ Id. at 31.

¹⁸ Id. at 41.

as the same was no longer available.¹⁹ Accordingly, petitioners contended that the NSO Certificate was highly suspect and was not conclusive to establish the filiation between Silvestre and Ireneo.²⁰

In its discussion, the CA focused on the validity of the NSO Certificate and that petitioners failed to overcome the presumption of regularity and validity enjoyed by public documents.²¹ The CA held that the NSO Certificate was a valid reconstruction of Silvestre's birth records even though it was made on the basis of the 1978 Certification and not from the 1920 Record Book.²² In arriving at its conclusion, the CA relied on the testimony of Vivian Cruz, the representative of the Local Civil Registrar, who testified that before reconstruction, they must first examine the authenticity and validity of the document on which the reconstruction is based. In the case of Silvestre, Vivian Cruz testified that the signatures appearing on the 1978 Certification – on which the NSO Certificate was based – were indeed authentic.²³

Petitioners, thereafter, filed their Motion for Reconsideration, which was eventually denied by the CA in its Resolution dated January 14, 2013.²⁴

Hence, the present Petition for Review on *Certiorari*.²⁵

The Present Petition

Petitioners now come before this Court challenging the Decision of the CA, arguing in the main that the CA and the RTC committed grave error when they relied on the NSO Certificate as proof of Silvestre's filiation with Ireneo. Petitioners incessantly claim that the certificate was highly suspect as the same was issued not on the basis of the 1920 Record Book, which should contain the details of Silvestre's birth, but was issued based on another issuance – the 1978 Certification. Petitioners allege that it was respondents that requested for the reconstruction of Silvestre's birth records and in support thereof submitted the 1978 Certification. However, petitioners claim that the 1978 Certification submitted by respondents was a mere photocopy.²⁶ Furthermore, petitioners argue that in any case, it does not appear that the alleged father, Ireneo, did not intervene in the birth certificate of Silvestre, thus, such is not evidence of

¹⁹ Id. at 32.

²⁰ Id. at 33.

²¹ Id.

²² Id. at 34.

²³ Id. at 34-35.

²⁴ Id. at 44.

²⁵ Id. at 8-22.

²⁶ Id. at 15.

paternity. Petitioners, likewise, assail the use of the marriage contract of Silvestre, wherein Ireneo was indicated as the father considering the same merely proves the celebration of his marriage, but does not establish his relationship to Ireneo.²⁷

On July 29, 2019, respondents submitted their Comment²⁸ arguing that petitioners failed to impeach the genuineness and authenticity of the NSO Certificate, which indicated that Ireneo was the father of Silvestre. Accordingly, respondents maintain that the NSO Certificate was *prima facie* evidence of the facts stated therein, in particular, Silvestre's filiation with Ireneo.²⁹

On February 12, 2014, petitioners filed their Reply³⁰ reiterating their arguments impeaching the genuineness and authenticity of the NSO Certificate.

On March 21, 2014, respondents filed a Supplement to the Comment³¹ essentially restating the findings of fact of the RTC.

Issue

The primordial issue before this Court is whether the CA, in affirming the Decision of the RTC was correct in concluding that respondents were able to establish the filiation of Silvestre so as to entitle respondents a share in the estate of Ireneo.

Ruling of the Court

At the outset, We must stress that the remedy under Rule 45 is generally limited to questions of law, and thus, this Court is not duty bound to analyze and weigh all over again the evidence presented in the proceedings *a quo*.³² This rule finds more reason when the factual findings are affirmed by the CA.³³

²⁷ Id. at 16.

²⁸ Id. at 183-192.

²⁹ Id. at 190.

³⁰ Id. at 204-217.

³¹ Id. at 224-254.

³² *Rep. of Phils. v. De Borja*, 803 Phil. 8, 17 (2017).

³³ *Navales v. Navales*, 578 Phil. 826, 840 (2008).

However, the foregoing rule admits certain exceptions.³⁴ Thus, when the judgment is based on a misapprehension of facts, this Court will not hesitate to exercise its authority to review and rectify any errors of the lower courts.³⁵ After a judicious reading of the records and the submissions of the parties, We find compelling reason to review the factual findings of the lower courts.

At its core, the matters raised by the parties could simply be addressed by weighing the evidence presented by the parties in the proceedings before the RTC. To recall, respondents filed a complaint for the declaration of nullity of the Extrajudicial Settlement executed by petitioners. The thrust of their contention is that they are the descendants of Ireneo, the registered owner of a parcel of land located in Parañaque, and that they were allegedly deprived of their legal share in the estate of Ireneo. According to respondents, their father, Silvestre was the son of Ireneo and a woman named Rosalia. As proof of their claims, respondents presented an NSO Certificate which contained Silvestre's record of birth, wherein it was indicated that his father is Ireneo Vizcarra. The NSO Certificate indicates that Silvestre's record of birth was reconstructed pursuant to an endorsement from the Office of the City Civil Registrar of Parañaque City through Civil Registry Form No. 1A dated September 2007. In turn, this endorsement from the Civil Registrar of Parañaque City was based on the 1978 Certification as the 1920 Registry Book was no longer available. It is this NSO Certificate that is sought to be impeached by petitioners as it is through this document that respondents primarily establish Silvestre's filiation to Ireneo.

Notably, respondents never alleged nor adduced any proof that Ireneo was married to Silvestre's mother, a woman named Rosalia. Thus, no presumption of legitimacy³⁶ arose in favor of Silvestre. Accordingly, while the complaint filed by respondents was for the nullification of the Extrajudicial Settlement executed by petitioners, considering that respondent's claim is

³⁴ In *Medina v. Mayor Asistio, Jr.*, 269 Phil. 225, 232 (1990), the Court recognized the following exceptions to the general rule that only questions of law can be reviewed by the Court:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures;
- (2) When the inference made is manifestly mistaken, absurd or impossible;
- (3) Where there is a grave abuse of discretion;
- (4) When the judgment is based on a misapprehension of facts;
- (5) When the findings of fact are conflicting;
- (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
- (7) The findings of the Court of Appeals are contrary to those of the trial court;
- (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
- (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and
- (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.

³⁵ *Cabatania v. Court of Appeals*, 484 Phil. 42, 49 (2004).

³⁶ FAMILY CODE OF THE PHILIPPINES, Article 167, in relation to Article 164.

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anchored on their alleged right to represent Silvestre, it became incumbent upon them to first establish the illegitimate filiation of Silvestre to Ireneo.

After a review of the records, We find compelling reason to reverse the findings of the lower court and resolve to grant the petition.

The burden of proving paternity is on the person who alleges that the putative father is the biological father of the child.³⁷ Time and again, this Court has ruled that a high standard of proof is required to establish paternity and filiation.³⁸ If petitions for recognition and support are dismissed for failure to meet such high standard, with more reason that the court cannot declare a person to be an illegitimate heir of a decedent without any evidence to support such declaration in a proceeding for declaration of nullity of documents.³⁹

Illegitimate children may establish their illegitimate filiation in the same way and on the same evidence as legitimate children⁴⁰ in accordance with Article 172 of the Family Code. Such action to establish illegitimate filiation 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.⁴¹

Article 172 of the Family Code provides the means by which filiation may be established:

Article 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

³⁷ *Herrera v. Alba*, 499 Phil. 185, 191 (2005).

³⁸ *Cabatania v. Court of Appeals*, supra note 36, 50 (2004).

³⁹ *Hilario v. Miranda*, 844 Phil. 30, 43 (2018).

⁴⁰ FAMILY CODE OF THE PHILIPPINES, Article 175.

⁴¹ FAMILY CODE OF THE PHILIPPINES, Article 175.

(2) Any other means allowed by the Rules of Court and special laws.

On the other hand, Article 173 of the Family Code provides that an action to claim legitimacy may be brought by the child during his or her lifetime. However, such right to establish filiation may be transferred to the heirs of the child whose filiation is questioned should the child die during minority or in a state of insanity.⁴²

In the instant case, respondents, as the heirs of Silvestre, sought to establish his filiation to Ireneo. However, none of the circumstances enumerated under Article 173 of the Family Code is present in this case to allow respondents to establish Silvestre's filiation. Simply, the right to claim the filiation of Silvestre to Ireneo was not transferred to respondents, depriving them a standing to file the action in the first place.

In any event, We are not convinced that the NSO Certificate was sufficient to establish Silvestre's filiation to Ireneo.

The NSO Certificate was a reconstruction of Silvestre's birth records showing the details therein, including the name of his father and mother. Pertinently, the name of the father indicated therein is a certain "Ireneo Vizcarra" which is different from the putative father, "Ireneo Vizcarra." Although seemingly innocuous the difference is in fact crucial in establishing the identity of Silvestre's father. Absent any other proof that the "Ireneo Vizcarra" indicated in Silvestre's NSO Certificate is the same "Ireneo Vizcarra" from whom respondents are claiming to be the heirs of, this Court cannot make the conclusion that they are indeed one and the same person.

Even assuming that the "Ireneo Vizcarra" indicated in the NSO Certificate refers to the putative father, Ireneo, the same is not conclusive as to Silvestre's filiation absent Ireneo's intervention in its preparation. In this regard, the issue of genuineness and authenticity of the NSO Certificate becomes irrelevant if it does not appear therein that Ireneo had a hand in the preparation of Silvestre's record of birth.

True, birth certificates offer prima facie evidence of filiation. To overthrow the presumption of truth contained in a birth certificate, a high

⁴² Article 173. The action to claim legitimacy may be brought by the child during his or her lifetime and shall be transmitted to the heirs should the child die during minority or in a state of insanity. In these cases, the heirs shall have a period of five years within which to institute the action.

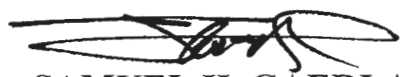
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degree of proof is needed.⁴³ However, We have consistently ruled in a catena of cases that “[a] certificate of live birth purportedly identifying the putative father is not competent evidence of paternity when there is no showing that the putative father had a hand in the preparation of said certificate.”⁴⁴ Thus, if the alleged father did not intervene in the birth certificate, *e. g.*, supplying the information himself, the inscription of his name by the mother or doctor or registrar is null and void; the mere certificate by the registrar without the signature of the father is not proof of voluntary acknowledgment on the latter’s part.⁴⁵

In the instant case, respondents presented an NSO Certificate which was based on the reconstruction of Silvestre’s 1920 birth records. However, a careful examination of the said NSO Certificate does not reveal if the putative father, Ireneo had a hand in its preparation. It did not bear his signature nor was there anything in the remarks portion, which would indicate that Ireneo had supplied any information or intervened in its preparation. Accordingly, the NSO Certificate has no probative value to prove the filiation of Silvestre to Ireneo.

WHEREFORE, the Petition for Review on *Certiorari* dated March 4, 2013 is **GRANTED**. The assailed Decision dated October 4, 2012 and the Resolution dated January 14, 2013 of the Court of Appeals in CA-G.R. CV. No. 97945 are **REVERSED** and **SET ASIDE**. The Decision dated September 22, 2011 of the Regional Trial Court of Parañaque City, Branch 274 in Civil Case No. 07-0313 is **VACATED**. A new one is entered **DISMISSING** the Complaint dated September 1, 2007.

SO ORDERED.

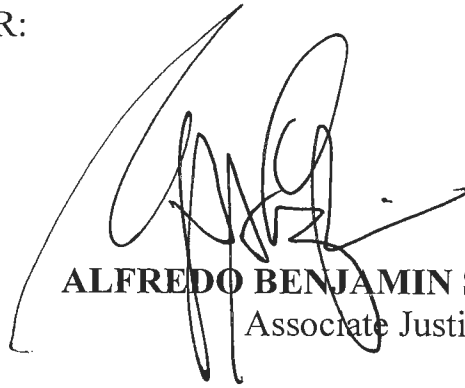

SAMUEL H. GAERLAN
Associate Justice

⁴³ *Ara v. Pizarro*, 805 Phil. 759, 773 (2017), citing *Heirs of Cabais v. Court of Appeals*, 374 Phil. 681, 688 (1999).


⁴⁴ See *Perla v. Baring*, 698 Phil. 323, 334 (2012); *Cabatania v. Court of Appeals*, supra note 36, 51 (2004); *Fernandez v. Court of Appeals*, 300 Phil. 131 (1994); *Roces v. Local Civil Registrar*, 102 Phil. 1050 (1958).

⁴⁵ *Jison v. Court of Appeals*, 350 Phil. 138, 176 (1998).

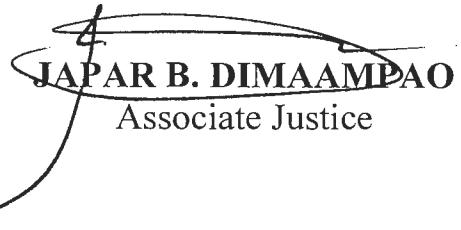
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



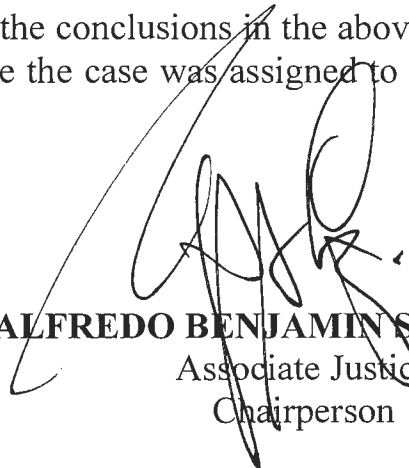
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

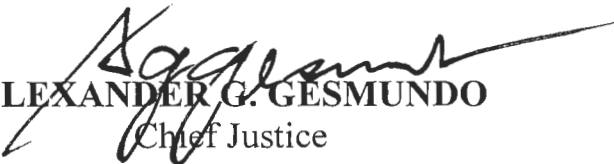


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson

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CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice