Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

In the matter of the intestate of the late JUAN " JHONNY" LOCSIN, SR., LUCY A. SOLINAP (Daughter of the late Maria Locsin Araneta), the successors of the late LOURDES C. LOCSIN, MANUEL C. LOCSIN, ESTER LOCSIN JARANTILLA and the intestate estate of the late JOSE C. LOCSIN, JR., Petitioners, -versus- JUAN C. LOCSIN, JR., Respondent.	G.R. NO. 146737 Present: Melo, Chairman Vitug, Panganiban, Sandoval-Gutierrez, and Carpio, JJ. Promulgated: DECEMBER 10, 2001

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D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

A Certificate of Live Birth duly recorded in the Local Civil Registry, a copy of which is transmitted to the Civil Registry General pursuant to the Civil Registry Law, is *prima facie* evidence of the facts therein stated. However, if there are materials discrepancies between them, the one entered in the Civil Registry General prevails.

This is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking the reversal of the September 13, 2000 Decision of the Court of Appeals in CA-G.R. CV No. 57708 which affirmed *in toto* the September 13, 1996 order of the Regional Trial Court, Branch 30, of Iloilo City in Special Proceeding No. 4742. The September 13 order of the trial court appointed Juan E. Locsin, Jr., respondent, as the sole administrator of the Intestate Estate of the late Juan "Jhonny" Locsin, Sr.

Records show that on November 11, 1991, or eleven (11) months after Juan "Jhonny" Locsin, Sr.[1] died intestate on December 11, 1990, respondent Juan E. Locsin, Jr. filed with the Regional Trial Court of Iloilo City, Branch [1]30, a "Petition for Letters of Administration" (docketed as Special Proceeding No. 4742) praying that he be appointed Administrator of the Intestate Estate of the deceased. He alleged, among others, (a) that he is an acknowledged natural child of the late Juan C. Locsin; (b) that during his lifetime, the deceased owned personal properties which include undetermined savings, current and time deposits with various banks, and 1/6 portion of the undivided mass of real properties owned by him and his siblings, namely: Jose Locsin, Jr., Manuel Locsin, Maria Locsin Yulo, Lourdes Locsin and Ester Locsin; and (c) that he is the only surviving legal heir of the decedent.

[1] Alternatively referred to as Juan C. Locsin or the deceased.

On November 13, 1991, the trial court issued an order setting the petition for hearing on January 13, 1992, which order was duly published,[2] thereby giving notice to all persons who may have opposition to the said petition.

Before the scheduled hearing, or on January 10, 1992, the heirs of Jose Locsin, Jr., the heirs of Maria Locsin, Manuel Locsin and Ester Jarantilla, claiming to be the lawful heirs of the deceased, filed an opposition to respondent's petition for letters of administration. They averred that respondent is not a child or an acknowledged natural child of the late Juan C. Locsin, who during his lifetime, never affixed "Sr." in his name.

On January 5, 1993, another opposition to the petition was filed by Lucy Salinop (sole heir of the late Maria Locsin Vda. De Araneta, sister of the deceased), Manuel Locsin and the successors of the late Lourdes C. Locsin Alleging that respondent's claim as a natural child is barred by prescription or the statute of limitations.

The Intestate Estate of the late Jose Locsin, Jr. (brother of the deceased) also entered its appearance in the estate proceedings, joining the earlier oppositors. This was followed by an appearance and opposition dated January 26, 1993 of Ester Locsin Jarantilla (another sister of Juan C. Locsin),

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[2] Publication was made once a week for three consecutive weeks in the Visayan Progress Recorder, a weekly newspaper edited and published in Iloilo City with general circulation in Western Visayas, Capiz, Guimaras and Negros

likewise stating that there is no filial relationship between herein respondent and the deceased.

Thereupon, the trial court conducted hearings.

To support his claim that he is an acknowledged natural child of the deceased and, therefore, entitled to be appointed administrator of the intestate estate, respondent submitted a machine copy (marked as Exhibit "D")[3] of his Certificate of Live Birth No. 477 found in the bound volume of birth records in the Office of the Local Civil Registrar of Iloilo City. Exhibit "D" contains the information that respondent's father is Juan C. Locsin, Sr. and that he was the informant of the facts stated therein, as evidenced by his signatures (Exhibit "D-2" and "D-3"). To prove the existence and authenticity of Certificate of Live Birth No. 477 from which Exhibit "D" was machine copied, respondent presented Rosita J. Vencer, the Local Civil Registrar of Iloilo City. She produced and identified in court the bound volume of 1957 records of birth where the alleged original of Certificate of Live Birth No. 477 is included.

Respondent also offered in evidence a photograph (Exhibit "C")[4] showing him and his mother, Amparo Escamilla, in front of a coffin bearing Juan C. Locsin's dead body. The photograph, respondent claims, shows that he and his mother have been recognized as family members of the deceased.

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[3] Folder of RTC Exhibits, p. 7.
[4] *Ibid*., p. 6.

In their oppositions, petitioners claimed that Certificate of Live Birth No. 477 (Exhibit "D") is spurious. They submitted a certified true copy of Certificate of Live Birth No. 477 found in the Civil Registrar General, Metro Manila, marked as Exhibit "8",[5] indicating that the birth of respondent was reported by his mother, Amparo Escamilla, and that the same does not contain the signature of the late Juan C. Locsin. They observed as anomalous the fact that while respondent was born on October 22, 1956 and his birth was recorded on January 30, 1957, however, his Certificate of Live Birth No. 477 (Exhibit "D") was recorded on December 1, 1958 revised form. Upon the other hand, Exhibit "8" appears on a July 1956 form, already used before respondent's birth. This scenario clearly suggests that Exhibit "D" was falsified. Petitioners presented as witness, Col. Pedro L. Elvas, a handwriting expert. He testified that the signatures of Juan C. Locsin and Emilio G. Tomesa (then Civil Registrar of Iloilo City) appearing in Certificate of Live Birt No. 477 (Exhibit "D") are forgeries. He thus concluded that the said Certificate is a spurious document surreptitiously inserted into the bound volume of birth records of the Local Civil Registrar of Iloilo City.

After hearing, the trial court, finding that Certificate of Live Birth No. 477 (Exhibit "D") and the photograph (Exhibit "C") are sufficient proofs of respondent's illegitimate filiation with the deceased, issued on September 13, 1996 an order, the dispositive portion of which reads:

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[5] *Ibid*., p. 60.

> "WHEREFORE, premises considered, this PETITION is hereby GRANTED and the petitioner Juan E. Locsin, Jr. is hereby appointed Administrator of the Intestate Estate of the late Juan "Johnny" Locsin, Sr.
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> "Let Letters of Administration be issued in his favor, upon his filing of a bond in the sum of FIFTY THOUSAND PESOS (P50,000.00) to be approved by this Court.
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> "SO ORDERED".[6]

On appeal, the court of Appeals rendered the challenged Decision affirming *in toto* the order of the trial court dated September 13, 1996. Petitioners moved for a reconsideration, while respondent filed a motion for execution pending appeal. Both motions were, however, denied by the Appellate Court in its Resolution dated January 10, 2001.

Hence, the instant petition for review on certiorari by petitioners.

The focal issue for our resolution is which of the two documents Certificate of Live Birth No. 477 (Exhibit "D") and Certificate of Live Birth No. 477 (Exhibit "8") is genuine.

The rule that factual findings of the trial court, adopted and confirmed by the Court of Appeals, are final and conclusive and may not be reviewed on appeal[7] **does not apply** when there appears in the record of the case some facts or circumstances of weight and influence which have been overlooked, or the significance of which have been misinterpreted, that if considered,

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[6] Rollo, p. 194
[7] GSIS V. Court of Appeals, 287 SCRA 204 (1998).

would affect the result of the case.[8] Here, the trial court failed to appreciate facts and circumstances that would have altered its conclusion.

Section 6, Rule 78 of the Revised Rules of Court lays down the persons preferred who are entitled to the issuance of letters of administration, thus:

> "Section 6. **When and to whom letters of administration granted**. – If no executor is named in the will, or the executor or executors are incompetent, refuse the trust, or fail to give bond, or a person dies intestate, administration shall be granted:
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> (a) To the surviving husband or wife, as the case maybe, or next of kin, or both, in the discretion of the court, or to such person as such surviving husband or wife, or next of kin, requests to have appointed, if competent and willing to serve;
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> (b) If such surviving husband or wife, as the case may be, or next of kin, or the person selected by them, be incompetent or unwilling, or if the husband or widow, or next of kin, neglects for thirty (30) days after the death of a person to apply for administration or to request that administration be granted to some other person, it may be granted to one or more of the principal creditors, if competent and willing to serve;
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> (c) If there is no such creditor competent and willing to serve, it may be granted to such other person as the court may select." (Emphasis ours)

Upon the other hand, Section 2 of Rule 79 provides that a petition for letters of administration must be filed by an interested person, thus:

> "Sec.2 **Contents of petition for letters of administration**. – A petition for letters of administration must be filed by an **Interested person** and must show, so far as known to the petitioner:
>
> (a) The jurisdictional facts; x x x" (Emphasis ours)

An "interested party", in estate proceedings, is one who would be benefited in the estate, such as an heir, or one who has a claim against the

[8] Lee v. Court of Appeals, 201 SCRA 405 (1991); Reyes v. Court of Appeals, 258 SCRA 651 (1996)

estate, such as creditor.[9] Also, in estate proceedings, the phrase "next of kin" refers to those whose relationship with the decedent is such that they are entitled to share in the estate as distributees.[10] In *Gabriel v. Court of Appeals*,[11] this Court held that in the appointment of the administrator of the estate of a deceased person, the principal consideration reckoned with is the **interest** in said estate of the one to be appointed administrator.

Here, undisputed is the fact that the deceased, Juan C. Locsin, was not survived by a spouse. In his petition for issuance of letters of administration, respondent alleged that the he is an **acknowledged natural son** of the deceased, implying that he is an **interested person** in the estate and is considered as **next of kin**. But has respondent established that he is an acknowledged natural son of the deceased? On this point, this Court, through Mr. Justice Jose C. Vitug, held:

> "The filiation of illegitimate children, like legitimate children, **is established** by (1) the record of birth appearing in the civil register or a final judgement; 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 thereof, 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. The due recognition of an illegitimate child in a record of birth, a will, a statement before a court of record, or in any authentic writing is, in itself, a consummated act of acknowledgement of the child, and no further court action is required. In fact, any authentic writing is treated not just a ground for compulsory recognition; it is in itself a voluntary recognition that does not require a separate action for judicial approval. Where, instead, a claim for recognition is predicated on other evidence merely tending to prove paternity, i.e., outside of a record of birth, a will, a statement before a court of record or an authentic writing, judicial action within the applicable statute of limitations is essential in

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[9] Saguinsin v. Lindayag, 6 SCRA 874 (1962); Teotico v. del Val, 13 SCRA 406 (1965).
[10] Tavera v. el Hogar fil., Inc., 98 Phil. 481 (1956).
[11] 212 SCRA 413, G.R. No. 101512, August 7, 1992.

> order to establish the child's acknowledgement."[12] (Emphasis ours)

Here, respondent, in order to establish his filiation with the deceased, presented to the trial court his Certificate of Live Birth No. 477 (Exhibit "D") and a photograph (Exhibit "C") taken during the burial of the deceased.

Regarding the genuineness and prohibitive value of Exhibit "D", the trial court made the following findings, affirmed by the Appellate Court:

> "It was duly established in the Court that the Certificate of Live Birth No. 477 in the name of Juan E. Locsin, Jr., the original having been testified to by Rosita Vencer, exists in the files of the Local Civil Registrar of Iloilo. Petitioner since birth enjoyed the open and continuous status of an acknowledged natural child of Juan C. Locsin, Sr., he together with his mother was summoned to attend to the burial as evidence by a picture of relatives facing the coffin of the deceased with petitioner and his mother in the picture. x x x. It was duly proven at the trial that the standard signatures presented by oppositors were not in public document and may also be called questioned document whereas in the certificate of live birth No. 477, the signature of Juan C. Locsin, Sr. was the original or primary evidence. The anomalous and suspicious characteristic of the bound volume where the certificate of live birth as alleged by oppositors was found was testified to and explained by Rosita Vencer of the Office of the Local Civil Registrar that they run out of forms in 1957 and requisitioned forms. However, the forms sent to them was the 1958 revised form and that she said their office usually paste the pages of the bound volume if destroyed. All the doubts regarding the authenticity and genuineness of the signatures of Juan C. Locsin, Sr. and Emilio Tomesa, and the suspicious circumstances of the bound volume were erased due to the explanation of Rosita Vencer."

This Court cannot subscribe to the above findings.

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[12] Jinkie Christie A. De Jesus, et al. vs. The Estate of Decedent Juan Gamba Dizon, el., G.R. No. 142877, October, 2001, citing Article 172, family code; *Gono-Javier vs. Court Appeals*, 239 SCRA 593 (1994); and Divinagracia vs. Bellosillo, 143 SCRA 356 (1986).

Pursuant to Section 12 of Act 3733 (An Act to Establish a Civil Register), the records of births from all cities and municipalities in the Philippines are officially and regularly forwarded to the Civil Registrar General in Metro Manila by the Local Civil Registrars. Since the records of births cover several decades and come from all parts of the country, to merely access them in the Civil Registry General requires expertise. To locate one single birth record from the mass, a regular employee, if not more, has to be engaged. It is highly unlikely that any of these employees in Metro Manila would have reason to falsify a particular 1957 birth record originating from the Local Civil Registry of Iloilo City.

With respect to Local Civil Registries, access thereto by interested parties is obviously easier. Thus, in proving the authenticity of Exhibit "D", more convincing evidence than those considered by the trial court should have been presented by respondent.

The trial court held that the doubts respecting the genuine nature of Exhibit "D" are dispelled by the testimony of Rosita Vencer, Local Civil Registrar of Iloilo City.

The event about which she testified on March 7, 1994 was the record of respondent's birth which took place on October 22, 1956, on 37 or 38 years ago. The Local Civil Registrar of Iloilo City at that time was Emilio G. Tomesa. Necessarily, Vencer's knowledge of respondent's birth record allegedly made and entered in the Local Civil Registry in January, 1957 was based merely on her general impressions of the existing records in the Office.

When entries in the Certificate of Live Birth recorded in the Local Civil Registry vary from those appearing in the copy transmitted to the Civil Registry General, pursuant to the civil Registry Law, the variance has to be clarified in more persuasive and rational manner. In this regard, we find Vencer's explanation not convincing.

Respondent's Certificate of Live Birth No. 477 (Exhibit "D") was recorded in a December 1, 1958 revised form. Asked how a **1958 form** could be used in **1957** when respondent's birth was recorded, Vencer answered that "xxx during that time, **maybe** the forms in 1956 were already exhausted so the former Civil Registrar had requested for a new form and they sent us the 1958 Revised Form." [13]

The answer is a "maybe", a mere supposition of an event. It does not satisfactorily explain how a **Revised Form dated December 1, 1958** could have been used **on January 30, 1957 or almost (2) years earlier**.

Upon the other hand, Exhibit "8" of the petitioners found in the Civil Registrar General in Metro Manila is on Municipal form No. 102**, revised in July, 1956**. We find no irregularity here. Indeed, it is logical to assume that the 1956 forms would continue to be used several years thereafter**. But for a 1958 form to be used in 1957 is unlikely**.

There are other indications of irregularity relative to Exhibit "D." The back cover of the 1957 bound volume in the Local civil Registry of

[13] Respondent reproduces Vencer's testimony in his April 30, 2001 Comment at pp. 11 to 14.

Iloilo is torn. Exhibit "D" is merely pasted with the bound volume, not sewn like the other entries.

The documents bound into one volume are original copies. Exhibit "D" is a **carbon copy** of the alleged original and sticks out like a sore thumb because the entries therein are typewritten, while the records of all other certificates are handwritten. Unlike the contents of those other certificates, Exhibit "D" does not indicate important particulars, such as the alleged father's religion, race, occupation, address and business. The space which calls for an entry of the legitimacy of the child is blank. On the back page of Exhibit "D", there is a purported signature of the alleged father, but the blanks calling for the date and other details of his Residence Certificate were not filled up.

When asked to explain the torn back cover of the bound volume, Vencer had no answer except to state, "I am not aware of this because I am not a bookbinder." As to why Exhibit "D" was not sewn or bound into the volume, she explained as follows:

> "COURT:
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> I will butt in. Are these instances where your employees would only paste a document like this Certificate of Live Birth?
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> WITNESS:
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> Yes, Your Honor, we are pasting some of the leaves just to replace the record. Sometimes we just have it pasted in the record when the leaves were taken.
>
> ATTY. TIROL:
>
> You mean to say you allow the leaves of the bound volume to be taken out?

> A: No sir. **It is because sometimes the leaves are detached so we have to paste them**."[14](Emphasis ours)

There is no explanation why out of so many certificates, this vital document, Exhibit "D", was merely pasted with the volume.

Vencer's testimony suffers from infirmities. Far from the explaining the anomalous circumstances surrounding Exhibit "D", she actually highlighted the suspicious circumstances surrounding its existence.

The records of the instant case adequately support a finding that Exhibit "8" for the petitioners, not respondent's Exhibit "D", should have been given more faith and credence by the courts below.

The Civil Registry Law requires, *inter alia*, the Local civil Registrar to send copies of registrable certificates and documents presented to them for entry to the Civil Registrar General, thus:

> "**Duties of Local Civil Registrar**. - Local civil registrars shall (a) file registrable certificates and documents presented to them for entry; (b) compile the same monthly and prepare and send any information required of them by the Civil-Registrar; (c) issue certified transcripts or copies of any document registered upon payment of proper fees; (d) order the binding, properly classified, of all certificates or documents registered during the year; (e) **send to the Civil Registrar-General, during the first ten days of each month, a copy of the entries made during the preceding month, for filing**; (f) index the same to facilitate search and identification in case any information is required; and (g) administer oaths, free of charge, for civil register purposes"[15] (Emphasis ours)

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[14] Decision, p. 14, Rollo, p.23.
[15] Section 12, Act No. 3753, "An Act to Establish a Civil Register."

In light of the above provisions, a copy of the document sent by the Local Civil Registrar to the Civil Registrar General should be identical in form and in substance with the copy being kept by the latter. In the instant case, Exhibit "8", as transmitted to the Civil Registrar General is not identical with Exhibit "D" as appearing in the records of the Local Civil Registrar of Iloilo City. Such circumstance should have aroused the suspicion of the both the trial court and the Court of Appeals and should have impelled them to declare Exhibit "D" a suspicious document.

Exhibit "8" shows that respondent's record of birth was made by his mother. In the same Exhibit "8", the signature and name of Juan C. Locsin listed as respondent's father and the entry that he and Amparo Escamilla were married in Oton, Iloilo on November 28, 1954 do not appear.

In this connection, we echo this Court's pronouncement in *Roces vs. Local Civil Registrar*[16] that:

> "Section 5 Act No. 3753 and Article 280 of the Civil Code of the Philippines x x x explicitly prohibit, not only the naming of the father of the child born out of wedlock**, when the birth certificate, or the recognition, is not filed or made by him**, but also, the statement of any information or circumstances by which he could be identified. Accordingly, the Local Civil Registrar had no authority to make or record that paternity of an illegitimate child upon the information of a third person and **the certificate of birth of an illegitimate child, when signed only by the mother of the latter, is incompetent evidence of fathership of said child. "** (Emphasis ours)

The *Roces* ruling regarding illegitimate filiation is further elucidated in *Fernandez vs. court of Appeals*[17] where this Court said that "a birth

[16] 102 Phil. 1050 (1958).
[17] 230 SCRA 130 (1994), citing Berciles v. Government Service Insurance System, 128 SCRA 53 (1984).

certificate not signed by the alleged father (who had no hand in its preparation) is not competent evidence of paternity."

A birth certificate is a formidable piece of evidence prescribed by both the Civil Code and Article 172 of the Family Code for purposes of recognition and filiation. However, birth certificate offers only *prima facie* evidence of filiation and may be refuted by contrary evidence.[18] Its evidentiary worth cannot be sustained where there exists strong, complete and conclusive proof of its falsity or nullity. In this case, respondent's Certificate of Live Birth No. 477 entered in the records of the Local Civil Registry (from which Exhibit "D" was machine copied) had all the badges of nullity. Without doubt, the authentic copy on file in that office was removed and substituted with a falsified Certificate of Live Birth.

At this point, it bears stressing the provision of Section 23, Rule 132 of the Revised Rules of Court that "(d)ocuments consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated." In this case, the glaring discrepancies between the two Certificates of Live Birth (Exhibits "D" and "8") have overturned the genuineness of Exhibit "D" entered in the Local Civil Registry. What is authentic is Exhibit "8" recorded in the Civil Registry General.

Incidentally, respondent's photograph with his mother near the coffin of the late Juan C. Locsin cannot and will not constitute proof of filiation,[19]

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[18] Sayson v. Court of Appeals, 205 SCRA 321 (1992).
[19] Berciles v. Government Service Insurance System, supra.

lest we recklessly set a very dangerous precedent that would encourage and sanction fraudulent claims. Anybody can have a picture taken while standing before a coffin with others and thereafter utilize it is claiming the estate of the deceased.

Respondent Juan C. Locsin, Jr. failed to prove his filiation with the late Juan C. Locsin, Sr.. His Certificate of Live Birth No. 477 (Exhibit "D") is spurious. Indeed, respondent is not an **interested person** within the meaning of Section 2, rule 79 of the Revised Rules of Court entitled to the issuance of letters of administration.

WHEREFORE, the petition is hereby **GRANTED**. The challenged Decision and Resolution of the Court of Appeals in CA-G.R. No. 57708 are **REVERSED** and **SET ASIDE**. Respondent's petition for issuance of letters of administration is **ORDERED DISMISSED**.

SO ORDERED.

ANGELINA SANDOVAL-GUTIERREZ
Associate Justice

WE CONCUR:

JOSE A.R. MELO
Associate Justice
Chairman

JOSE C. VITUG
Associate Justice

ARTEMIO V. PANGANIBAN
Associate Justice

ANTONIO T. CARPIO
Associate Justice

ATTESTATION

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

JOSE A.R. MELO
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairman's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the court.

HILARIO G. DAVIDE, JR.
Chief, Justice