

AMADEA ANGELA K. AQUINO v. RODOLFO C. AQUINO and ABDULAH C. AQUINO

G.R. No. 208912, 07 December 2021, *EN BANC*, (Leonen, J.)

RODOLFO C. AQUINO v. AMADEA ANGELA K. AQUINO

G.R. No. 209018, 07 December 2021, *EN BANC*, (Leonen, J.)

DOCTRINE OF THE CASE

A child whose parents did not marry each other can inherit from their grandparent by their right of representation, regardless of the grandparent's marital status at the birth of the child's parent. The Court abandoned the presumption that nonmarital children are products of illicit relationships or that they are automatically placed in a hostile environment perpetrated by the marital family. The Court is not duty bound to uncritically parrot archaic prejudices and cruelties, to mirror and amplify oppressive and regressive ideas about the status of children and family life. The best interest of the child should prevail.

The Court adopts a construction of Art. 992 of the Civil Code that makes children, regardless of the circumstances of their births, qualified to inherit from their direct ascendants—such as their grandparent—by their right of representation. Both marital and nonmarital children, whether born from a marital or nonmarital child, are blood relatives of their parents and other ascendants.

Here, Angela claims to be a nonmarital child of Arturo, who was a marital child of Miguel Aquino, Angela's grandparent. Angela seeks to inherit from the estate of Miguel through her right of representation, hence, Article 982 of the Civil Code—which does not make any distinctions or qualifications as to the birth status of the “grandchildren and other descendants”—shall apply. However, the application of Article 982 does not automatically give Angela the right to inherit from Miguel's estate. Angela must still prove her filiation.

FACTS

Miguel Aquino (Miguel) died intestate leaving personal and real properties. The estate of his first wife, Amadea Aquino (Amadea), was already settled. Miguel was survived by: (1) Enerie Aquino, his second wife; (2) Abdulah Aquino (Abdulah) and Rodolfo Aquino (Rodolfo), his sons with Amadea; and (3) the heirs of Wilfredo Aquino, his son with Amadea who also died earlier. Miguel was also predeceased by another son with Amadea, Arturo Aquino (Arturo).

On July 2, 2003, Amadea Angela Aquino (Angela) moved that she be included in the distribution and partition of Miguel's estate. She alleged that she was Arturo's only child as evidenced by a hospital Certification stating that she was Arturo and Susan Kuan's daughter.

Angela stated Arturo died before she was born on October 9, 1978. While her parents were not married, they did not suffer from any impediment to marry. Her parents were planning to marry before Arturo died.

Angela further claimed that her grandfather, Miguel, took care of her mother's expenses during her pregnancy with her. Angela also lived with her mother and the Aquino family at their ancestral home. Since her birth, her father's relatives had continuously recognized her as Arturo's natural child. Abdulah, her father's brother, was even her godfather. In support of this, Angela presented her baptismal certificate stating that she was Arturo's daughter.

Angela even claimed that Miguel provided for her needs and supported her education. Miguel also further instructed the distribution of his properties, wherein Angela was among the heirs who would receive portions of Miguel's estate. Miguel gave her a commercial lot, which rentals were now paid to her.

Later, Angela filed a Motion for Distribution of Residue of Estate or for Allowance to the Heirs. She alleged that as Arturo's natural child, she has a legal right to a monthly allowance like those given to Miguel's other heirs.

The Regional Trial Court (RTC) granted Angela's motions. Rodolfo filed a petition for certiorari before the Court of Appeals (CA) which was denied. Meanwhile, Abdulah appealed the RTC's orders before the CA, claiming that Angela failed to prove her filiation and, in any case, Angela could not inherit from Miguel ab intestato. The CA rendered a decision in favor of Abdulah.

ISSUES

- (1) Can Angela, an alleged nonmarital child of Miguel's marital child, inherit from her grandfather's estate?
- (2) Can Angela automatically inherit from Miguel's estate?

RULING

- (1) **YES.** Intestate succession is based on the decedent's presumed will. Article 992 of the Civil Code assumes that the decedent's disposition of their property would not have included any nonmarital children, due to a supposed hostility between the marital family and the nonmarital child because the latter was the outcome of an extramarital affair.

However, a nonmarital child is not defined that way. Nonmarital children or "illegitimate children" as used under Article 165 of the Family Code are "children conceived and born outside a valid marriage." The phrase "outside a valid marriage" does not necessarily mean an extramarital affair. Parents may choose not to get married despite having no legal impediment to marry.

If there is a legal impediment, it does not necessarily follow that the impediment is that either or both parents are married to another person. It is entirely possible that one or both of them are below marriageable age. Another reason why a child could have been born "outside a valid marriage" is because their mother was a victim of sexual assault who did not marry the perpetrator. There are also times when

the father of an unborn child may have died before being able to marry the child's mother, as what has been alleged in Angela's case.

Children born from these circumstances are also considered "illegitimate." Yet, there may be no "antagonism or incompatibility," "hate," or "disgraceful looks" to speak of. If Art. 992 of the Civil Code merely recognizes existing conditions, then it should be construed to account for other circumstances of birth and family dynamics.

The Court abandoned the presumption that nonmarital children are products of illicit relationships or that they are automatically placed in a hostile environment perpetrated by the marital family. The Court is not duty bound to uncritically parrot archaic prejudices and cruelties, to mirror and amplify oppressive and regressive ideas about the status of children and family life. The best interest of the child should prevail.

The Court adopts a construction of Art. 992 of the Civil Code that makes children, regardless of the circumstances of their births, qualified to inherit from their direct ascendants—such as their grandparent—by their right of representation. Both marital and nonmarital children, whether born from a marital or nonmarital child, are blood relatives of their parents and other ascendants.

This interpretation likewise makes Art. 992 of the Civil Code more consistent with the changes introduced by the Family Code on obligations of support among and between the direct line of blood relatives.

Accordingly, when a nonmarital child seeks to represent their deceased parent to succeed in their grandparent's estate, Article 982 of the Civil Code shall apply. The said article provides:

ARTICLE 982. The grandchildren and other descendants shall inherit by right of representation, and if any one of them should have died, leaving several heirs, the portion pertaining to him shall be divided among the latter in equal portions.

The language of Art. 982 of the Civil Code does not make any distinctions or qualifications as to the birth status of the "grandchildren and other descendants" granted the right of representation. Moreover, to allow grandchildren and other descendants, regardless of their birth status, to inherit by right of representation will protect the legitime of the compulsory heir they represent; otherwise, the legitime will be impaired, contrary to protections granted to this legitime in other areas of the law on succession.

This ruling will only apply when the nonmarital child has a right of representation to their parent's share in her grandparent's legitime. It is silent on collateral relatives where the nonmarital child may inherit by themselves. The Court is not ruling on the extent of the right of a nonmarital child to inherit in their own right. Those will be the subject of a proper case.

(2) **NO.** The application of Article 982 does not automatically give Angela the right to inherit from Miguel's estate. Angela must still prove her filiation.

Jurisprudence dictates illegitimate children who were still minors at the time the Family Code took effect and whose putative parent died during their minority are given the right to seek recognition under Article

285 of the Civil Code for a period of up to four (4) years from attaining majority age. This vested right was not impaired by the passage of the Family Code.

Hence, Angela, who was not yet born when the Family Code took effect, has the right to prove that she was her father's daughter under Article 285 of the Civil Code within four years from attaining the age of majority. Under Article 402 of the Civil Code, the age of majority is 21 years old. Angela attained majority on October 9, 1999. She had until October 9, 2003 to assert her right to prove her filiation with Arturo. Thus, when she moved to be included in the distribution and partition of Miguel's estate on July 17, 2003, she was not yet barred from claiming her filiation.

However, resolving several factual matters raised in the parties' pleadings and during the oral arguments requires receiving additional evidence, which the Court is not equipped to do. Documents may need to be presented and authenticated; witnesses' testimonies received and examined; and DNA testing ordered and conducted, to determine the truth or falsity of the allegations raised by the parties before the Court. The Court finds it prudent to remand the cases to their court of origin for reception of evidence, in conformity with the legal principles articulated in the present case.