



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RODOLFO S. AGUILAR,
Petitioner.

G.R. No. 200169

Present:

- versus -

CARPIO, *Chairperson*,
VELASCO, JR.,
DEL CASTILLO,
MENDOZA, *and*
LEONEN, *JJ.*

EDNA G. SIASAT,
Respondent.

Promulgated:
JAN 28 2015

X ----- *HUCabala* X

DECISION

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*¹ seeks to set aside the August 30, 2006 Decision² and December 20, 2011 Resolution³ of the Court of Appeals (CA) in CA-G.R. CEB-CV No. 64229 affirming the August 17, 1999 Decision⁴ 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)

* Per Special Order No. 1910 dated January 12, 2015.

¹ *Rollo*, pp. 3-17.

² *Id.* at 21-36; penned by Associate Justice Priscilla Baltazar-Padilla and concurred in by Associate Justices Isaías P. Dicedican and Romeo F. Barza.

³ *Id.* at 51-52; penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Pampio A. Abarintos and Myra V. Garcia-Fernandez.

⁴ *CA rollo*, pp. 41-47; penned by Judge Othello M. Villanueva.

⁵ *Rollo*, pp. 37-44.

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 Complaint⁷ 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

⁶ Id. at 6, 22; CA *rollo*, p. 41.

⁷ Records, pp. 1-6.

⁸ Id. at 22-29.

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

⁹ Id. at 203; *rollo*, pp. 29-30; *CA rollo*, pp. 43-44.

¹⁰ *Rollo*, pp. 24-25; *CA rollo*, pp. 44-45.

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

¹¹ Id. at 26-27; id. at 45-46.

¹² Id. at 27; id. at 45.

¹³ CA *rollo*, pp. 46-47.

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 1945-1946¹⁶ 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."

¹⁴ Id. at 23-40.

¹⁵ Art. 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
(2) Any other means allowed by the Rules of Court and special laws. (265a, 266a, 267a)

¹⁶ Petitioner was born on March 5, 1945.

¹⁷ CA rollo, p. 38.

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.

ACCORDINGLY, in line with the foregoing disquisition, the appeal is hereby DENIED. The impugned Decision of the trial court is AFFIRMED IN TOTO.

SO ORDERED.¹⁸

Petitioner filed a Motion for Reconsideration,¹⁹ but in a December 20, 2011 Resolution, the CA held its ground. Hence, the present Petition.

Issues

In an August 28, 2013 Resolution,²⁰ this Court resolved to give due course to the Petition, which raises the following issues:

In issuing the assailed DECISION affirming in toto the Decision of RTC Branch 49, Bacolod City, and the Resolution denying petitioner's Motion for Reconsideration, the Honorable Court of Appeals committed reversible error [in] not taking into consideration petitioner's Exhibit "G" (SSS E-1 acknowledged and notarized before a notary public, executed by Alfredo Aguilar, recognizing the petitioner as his son) as public document that satisfies the requirement of Article 172 of the [Family] Code in the establishment of the legitimate filiation of the petitioner with his father, Alfredo Aguilar.

The herein [P]etition raises the issue of pure question of law with respect to the application of Article 172 of the Family Code particularly [paragraph] 3 thereof in conjunction with Section 19 and Section 23, Rule 132 of the Rules of Court relating to public document which is substantial enough to merit consideration of this Honorable Court as it will enrich jurisprudence and forestall future litigation.²¹

Petitioner's Arguments

In his Petition and Reply²² seeking to reverse and set aside the assailed CA dispositions and praying that judgment be rendered ordering respondent to surrender the owner's duplicates of Transfer Certificates of Title Nos. T-25896 and T-(15462) 1070, petitioner argues that Alfredo Aguilar's SSS Form E-1 (Exhibit "G") satisfies the requirement for proof of filiation and relationship to the

¹⁸ *Rollo*, pp. 31-35.

¹⁹ *Id.* at 37-43.

²⁰ *Id.* at 72-73.

²¹ *Id.* at 5-6.

²² *Id.* at 67-69.

Aguilar spouses under Article 172 of the Family Code. Petitioner contends that said SSS Form E-1 is a declaration under oath by his father, Alfredo Aguilar, of his status as the latter's son; this recognition should be accorded more weight than the presumption of legitimacy, since Article 172 itself declares that said evidence establishes legitimate filiation without need of court action. He adds that in contemplation of law, recognition in a public instrument such as the SSS Form E-1 is the "highest form of recognition which partake (sic) of the nature of a complete act of recognition bestowed upon" him as the son of the late Alfredo Aguilar; that respondent has no personality to impugn his legitimacy and cannot collaterally attack his legitimacy; that the action to impugn his legitimacy has already prescribed pursuant to Articles 170 and 171 of the Family Code;²³ and that having proved his filiation, mandatory injunction should issue, and an award of damages is in order.

Respondent's Arguments

In her Comment²⁴ and Memorandum,²⁵ respondent simply echoes the pronouncements of the CA, adding that the Petition is a mere rehash of the CA appeal which has been passed upon succinctly by the appellate court.

Our Ruling

The Court grants the Petition.

This Court, speaking in *De Jesus v. Estate of Dizon*,²⁶ has held that –

The filiation of illegitimate children, like legitimate children, is established by (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 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

²³ Art. 170. The action to impugn the legitimacy of the child shall be brought within one year from the knowledge of the birth or its recording in the civil register, if the husband or, in a proper case, any of his heirs, should reside in the city or municipality where the birth took place or was recorded.

If the husband or, in his default, all of his heirs do not reside at the place of birth as defined in the first paragraph or where it was recorded, the period shall be two years if they should reside in the Philippines; and three years if abroad. If the birth of the child has been concealed from or was unknown to the husband or his heirs, the period shall be counted from the discovery or knowledge of the birth of the child or of the fact of registration of said birth, whichever is earlier. (263a)

Art. 171. The heirs of the husband may impugn the filiation of the child within the period prescribed in the preceding article only in the following cases:

- (1) If the husband should die before the expiration of the period fixed for bringing his action;
- (2) If he should die after the filing of the complaint without having desisted therefrom; or
- (3) If the child was born after the death of the husband. (262a)

²⁴ *Rollo*, pp. 56-59.

²⁵ *Id.* at 84-91.

²⁶ 418 Phil. 768 (2001).

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 acknowledgment 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 order to establish the child's acknowledgment.

A scrutiny of the records would show that petitioners were **born during the marriage of their parents.** The certificates of live birth would also identify Danilo de Jesus as being their father.

There is perhaps no presumption of the law more firmly established and founded on sounder morality and more convincing reason than the presumption that children born in wedlock are legitimate. This presumption indeed becomes conclusive in the absence of proof that there is physical impossibility of access between the spouses during the first 120 days of the 300 days which immediately precedes the birth of the child due to (a) the physical incapacity of the husband to have sexual intercourse with his wife; (b) the fact that the husband and wife are living separately in such a way that sexual intercourse is not possible; or (c) serious illness of the husband, which absolutely prevents sexual intercourse. Quite remarkably, upon the expiration of the periods set forth in Article 170, and in proper cases Article 171, of the Family Code (which took effect on 03 August 1988), the action to impugn the legitimacy of a child would no longer be legally feasible and the status conferred by the presumption becomes fixed and unassailable.²⁷ (Emphasis supplied)

Thus, applying the foregoing pronouncement to the instant case, it must be concluded that petitioner – who was born on March 5, 1945, or during the marriage of Alfredo Aguilar and Candelaria Siasat-Aguilar²⁸ and before their respective deaths²⁹ – has sufficiently proved that he is the legitimate issue of the Aguilar spouses. As petitioner correctly argues, Alfredo Aguilar's SSS Form E-1 (Exhibit "G") satisfies the requirement for proof of filiation and relationship to the Aguilar spouses under Article 172 of the Family Code; by itself, said document constitutes an "admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned."

Petitioner has shown that he cannot produce his Certificate of Live Birth since all the records covering the period 1945-1946 of the Local Civil Registry of Bacolod City were destroyed, which necessitated the introduction of other documentary evidence – particularly Alfredo Aguilar's SSS Form E-1 (Exhibit "G") – to prove filiation. It was erroneous for the CA to treat said document as

²⁷ Id. at 772-775.

²⁸ The Aguilar spouses were married on June 22, 1933.

²⁹ Alfredo Aguilar passed away on August 26, 1983; Candelaria Siasat-Aguilar died on February 8, 1994.

mere proof of open and continuous possession of the status of a legitimate child under the second paragraph of Article 172 of the Family Code; it is evidence of filiation under the first paragraph thereof, the same being an express recognition in a public instrument.

To repeat what was stated in *De Jesus*, filiation may be proved by an admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned, and such due recognition in any authentic writing is, in itself, a consummated act of acknowledgment of the child, and no further court action is required. And, relative to said form of acknowledgment, the Court has further held that:

In view of the pronouncements herein made, the Court sees it fit to adopt the following rules respecting the requirement of affixing the signature of the acknowledging parent in any private handwritten instrument wherein an admission of filiation of a legitimate or illegitimate child is made:

1) Where the private handwritten instrument is the lone piece of evidence submitted to prove filiation, there should be strict compliance with the requirement that the same must be signed by the acknowledging parent; and

2) Where the private handwritten instrument is accompanied by other relevant and competent evidence, it suffices that the claim of filiation therein be shown to have been made and handwritten by the acknowledging parent as it is merely corroborative of such other evidence.

Our laws instruct that the welfare of the child shall be the “paramount consideration” in resolving questions affecting him. Article 3(1) of the United Nations Convention on the Rights of a Child of which the Philippines is a signatory is similarly emphatic:

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

It is thus “(t)he policy of the Family Code to liberalize the rule on the investigation of the paternity and filiation of children, especially of illegitimate children x x x.” Too, “(t)he State as *parens patriae* affords special protection to children from abuse, exploitation and other conditions prejudicial to their development.”³⁰ (Emphasis supplied)

This case should not have been so difficult for petitioner if only he obtained a copy of his Certificate of Live Birth from the National Statistics Office (NSO), since the Bacolod City Civil Registry copy thereof was destroyed. He would not

³⁰ *Dela Cruz v. Gracia*, 612 Phil. 167, 179-180 (2009).

have had to go through the trouble of presenting other documentary evidence; the NSO copy would have sufficed. This fact is not lost on petitioner; the Certification dated January 27, 1996 issued by the Bacolod City Civil Registry (Exhibit "Q") contained just such an advice for petitioner to proceed to the Office of the Civil Registrar General at the NSO in Manila to secure a copy of his Certificate of Live Birth, since for every registered birth in the country, a copy of the Certificate of Live Birth is submitted to said office.

As to petitioner's argument that respondent has no personality to impugn his legitimacy and cannot collaterally attack his legitimacy, and that the action to impugn his legitimacy has already prescribed pursuant to Articles 170 and 171 of the Family Code, the Court has held before that –

Article 263³¹ 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.³²

Finally, if petitioner has shown that he is the legitimate issue of the Aguilar spouses, then he is as well heir to the latter's estate. Respondent is then left with no right to inherit from her aunt Candelaria Siasat-Aguilar's estate, since succession pertains, in the first place, to the descending direct line.³³

WHEREFORE, the Petition is **GRANTED**. The August 30, 2006 Decision and December 20, 2011 Resolution of the Court of Appeals in CA-G.R. CEB-CV No. 64229, as well as the August 17, 1999 Decision of the Regional Trial Court of Bacolod City, Branch 49 in Civil Case No. 96-9591 are **REVERSED** and **SET ASIDE**. Respondent Edna G. Siasat is hereby ordered to **SURRENDER** to the petitioner Rodolfo S. Aguilar the owner's duplicates of Transfer Certificates of Title Nos. T-25896 and T-(15462) 1070.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

³¹ Of the CIVIL CODE, now Art. 170 of the FAMILY CODE.

³² *Labagala v. Santiago*, 422 Phil. 699, 708 (2001).


³³ CIVIL CODE, Article 978.

WE CONCUR:



ANTONIO T. CARPIO

Associate Justice
Chairperson



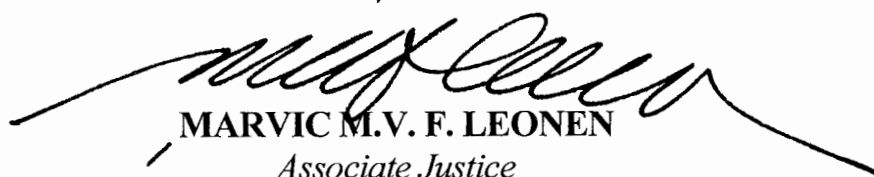
PRESBITERO J. VELASCO, JR.

Associate Justice



JOSE CATRAL MENDOZA

Associate Justice



MARVIC M.V. F. LEONEN

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.



ANTONIO T. CARPIO

Associate Justice
Chairperson



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.



MARIA LOURDES P. A. SERENO

Chief Justice

