



Republic of the Philippines  
Supreme Court  
Manila.

SECOND DIVISION

ROSARIO MATA CASTRO and G.R. No. 188801  
JOANNE BENEDICTA  
CHARISSIMA M. CASTRO, A.K.A. Present:  
"MARIA SOCORRO M. CASTRO"  
and "JAYROSE M. CASTRO,"  
Petitioners,

CARPIO, J., Chairperson,  
DEL CASTILLO,  
MENDOZA,  
REYES,\* and  
LEONEN, JJ.

-versus-

JOSE MARIA JED LEMUEL  
GREGORIO and ANA MARIA  
REGINA GREGORIO,  
Respondents.

Promulgated:

OCT 15 2014

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DECISION

LEONEN, J.:

The policy of the law is clear. In order to maintain harmony, there must be a showing of notice and consent. This cannot be defeated by mere procedural devices. In all instances where it appears that a spouse attempts to adopt a child out of wedlock, the other spouse and other legitimate children must be personally notified through personal service of summons. It is not enough that they be deemed notified through constructive service.

\* Designated acting member per Special Order No. 1844 dated October 14, 2014.

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This is a petition for review on certiorari<sup>1</sup> assailing the decision<sup>2</sup> of the Court of Appeals in CA-G.R. SP No. 101021, which denied the petition for annulment of judgment filed by petitioners. The petition before the appellate court sought to annul the judgment of the trial court that granted respondents' decree of adoption.<sup>3</sup>

The case originally stemmed from the adoption of Jose Maria Jed Lemuel Gregorio (Jed) and Ana Maria Regina Gregorio (Regina) by Atty. Jose G. Castro (Jose). Jose is the estranged husband of Rosario Mata Castro (Rosario) and the father of Joanne Benedicta Charissima M. Castro (Joanne), also known by her baptismal name, "Maria Socorro M. Castro" and her nickname, "Jayrose."

Rosario alleged that she and Jose were married on August 5, 1962 in Laoag City. Their marriage had allegedly been troubled. They had a child, Rose Marie, who was born in 1963, but succumbed to congenital heart disease and only lived for nine days. Rosario allegedly left Jose after a couple of months because of the incompatibilities between them.<sup>4</sup>

Rosario and Jose, however, briefly reconciled in 1969. Rosario gave birth to Joanne a year later. She and Jose allegedly lived as husband and wife for about a year even if she lived in Manila and Jose stayed in Laoag City. Jose would visit her in Manila during weekends. Afterwards, they separated permanently because Rosario alleged that Jose had homosexual tendencies.<sup>5</sup> She insisted, however, that they "remained friends for fifteen (15) years despite their separation(.)"<sup>6</sup>

On August 1, 2000, Jose filed a petition<sup>7</sup> for adoption before the Regional Trial Court of Batac, Ilocos Norte. In the petition, he alleged that Jed and Regina were his illegitimate children with Lilibeth Fernandez Gregorio (Lilibeth),<sup>8</sup> whom Rosario alleged was his erstwhile housekeeper.<sup>9</sup> At the time of the filing of the petition, Jose was 70 years old.<sup>10</sup>

According to the Home Study Report<sup>11</sup> conducted by the Social Welfare Officer of the trial court, Jose belongs to a prominent and respected family, being one of the three children of former Governor Mauricio Castro.

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<sup>1</sup> *Rollo*, pp. 3–29.

<sup>2</sup> *Id.* at 37–62. The decision was penned by Associate Justice Remedios A. Salazar-Fernando (Chairperson) and concurred in by Associate Justices Rebecca De Guia-Salvador and Rosalinda Asuncion Vicente of the Special Former Seventh Division.

<sup>3</sup> *Id.* at 37.

<sup>4</sup> *Id.* at 38–39 and 48.

<sup>5</sup> *Id.* at 39 and 48.

<sup>6</sup> *Id.* at 49.

<sup>7</sup> *Id.* at 109–110.

<sup>8</sup> *Id.* at 109.

<sup>9</sup> *Id.* at 52.

<sup>10</sup> *Id.* at 79.

<sup>11</sup> *Id.* at 79–82.

He was also a well-known lawyer in Manila and Ilocos Norte.<sup>12</sup> The report mentioned that he was once married to Rosario, but the marriage did not produce any children.<sup>13</sup> It also stated that he met and fell in love with Lilibeth in 1985, and Lilibeth was able to bear him two children, Jed on August 1987, and Regina on March 1989.<sup>14</sup> Under “Motivation for Adoption,” the social welfare officer noted:

Since, he has no child with his married [sic] to Rosario Mata, he was not able to fulfill his dreams to parent a child. However, with the presence of his 2 illegitimate children will fulfill his dreams [sic] and it is his intention to legalize their relationship and surname. . . .<sup>15</sup>

At the time of the report, Jose was said to be living with Jed and Regina temporarily in Batac, Ilocos Norte.<sup>16</sup> The children have allegedly been in his custody since Lilibeth’s death in July 1995.<sup>17</sup>

On October 16, 2000, the trial court approved the adoption,<sup>18</sup> having ruled that “[n]o opposition had been received by this Court from any person including the government which was represented by the Office of the Solicitor General.”<sup>19</sup> A certificate of finality<sup>20</sup> was issued on February 9, 2006.

Meanwhile, on July 3, 2006, Rosario, through her lawyer, Atty. Rene V. Saguisag, filed a complaint for disbarment against Jose with the Integrated Bar of the Philippines.<sup>21</sup> In her complaint, she alleged that Jose had been remiss in providing support for their daughter, Joanne, for the past 36 years.<sup>22</sup> She alleged that she single-handedly raised and provided financial support to Joanne while Jose had been showering gifts to his driver and alleged lover, Larry R. Rentegrado (Larry), and even went to the extent of adopting Larry’s two children, Jed and Regina, without her and Joanne’s knowledge and consent.<sup>23</sup> She also alleged that Jose made blatant lies to the trial court by alleging that Jed and Regina were his illegitimate children with Larry’s wife, Lilibeth, to cover up for his homosexual relationship with Larry.<sup>24</sup>

In his answer before the Integrated Bar of the Philippines, Jose denies

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<sup>12</sup> Id. at 80.

<sup>13</sup> Id. at 79–80.

<sup>14</sup> Id. at 80 and 83–84.

<sup>15</sup> Id. at 80.

<sup>16</sup> Id. at 81.

<sup>17</sup> Id. at 80.

<sup>18</sup> Id. at 87–90.

<sup>19</sup> Id. at 87.

<sup>20</sup> Id. at 91.

<sup>21</sup> Id. at 168–173.

<sup>22</sup> Id. at 168.

<sup>23</sup> Id. at 169–170.

<sup>24</sup> Id. at 171.

being remiss in his fatherly duties to Joanne during her minority. He alleged that he always offered help, but it was often declined.<sup>25</sup> He also alleged that he adopted Jed and Regina because they are his illegitimate children. He denied having committed any of the falsification alluded to by Rosario. He also stated that he had suffered a stroke in 1998 that left him paralyzed. He alleged that his income had been diminished because several properties had to be sold to pay for medical treatments.<sup>26</sup> He then implored the Integrated Bar of the Philippines to weigh on the case with “justice and equity.”<sup>27</sup>

On October 8, 2006, Jose died in Laoag City, Ilocos Norte.<sup>28</sup>

On October 18, 2007, Rosario and Joanne filed a petition for annulment of judgment under Rule 47 of the Rules of Civil Procedure with the Court of Appeals, seeking to annul the October 16, 2000 decision of the trial court approving Jed and Regina’s adoption.<sup>29</sup>

In their petition, Rosario and Joanne allege that they learned of the adoption sometime in 2005.<sup>30</sup> They allege that Rosario’s affidavit of consent, marked by the trial court as “Exh. K,”<sup>31</sup> was fraudulent.<sup>32</sup> They also allege that Jed and Regina’s birth certificates showed different sets of information, such as the age of their mother, Lilibeth, at the time she gave birth. They argue that one set of birth certificates states the father to be Jose and in another set of National Statistic Office certificates shows the father to be Larry, Jose’s driver and alleged lover.<sup>33</sup> It was further alleged that Jed and Regina are not actually Jose’s illegitimate children but the legitimate children of Lilibeth and Larry who were married at the time of their birth.<sup>34</sup>

On May 26, 2009, the Court of Appeals denied the petition.

While admittedly, no notice was given by the trial court to Rosario and Joanne of the adoption, the appellate court ruled that there is “no explicit provision in the rules that the spouse and legitimate child of the adopter . . . should be personally notified of the hearing.”<sup>35</sup>

The appellate court “abhor[red] the mind baffling scheme employed by [Jose] in obtaining an adoption decree in favor of [his illegitimate

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<sup>25</sup> Id. at 174.

<sup>26</sup> Id. at 175–176.

<sup>27</sup> Id. at 176.

<sup>28</sup> Id. at 122.

<sup>29</sup> Id. at 38.

<sup>30</sup> Id. at 9.

<sup>31</sup> Id. at 14.

<sup>32</sup> Id. at 40.

<sup>33</sup> Id. at 153–158 and 226–227.

<sup>34</sup> Id. at 41 and 136.

<sup>35</sup> Id. at 59.

children] to the prejudice of the interests of his legitimate heirs”<sup>36</sup> but stated that its hands were bound by the trial court decision that had already attained “finality and immutability.”<sup>37</sup>

The appellate court also ruled that the alleged fraudulent information contained in the different sets of birth certificates required the determination of the identities of the persons stated therein and was, therefore, beyond the scope of the action for annulment of judgment. The alleged fraud was also perpetrated during the trial and could not be classified as extrinsic fraud, which is required in an action for annulment of judgment.<sup>38</sup>

When Rosario and Joanne’s motion for reconsideration was denied on July 10, 2009,<sup>39</sup> they filed this petition.

The issue before this court is whether the Court of Appeals erred in denying the petition for annulment for failure of petitioners to (1) show that the trial court lacked jurisdiction and (2) show the existence of extrinsic fraud.

In their petition, petitioners argue that the appellate court erred in its application of the law on extrinsic fraud as ground to annul a judgment.<sup>40</sup> They argue that because of the fabricated consent obtained by Jose and the alleged false information shown in the birth certificates presented as evidence before the trial court,<sup>41</sup> they were not given the opportunity to oppose the petition since the entire proceedings were concealed from them.<sup>42</sup>

Petitioners also argue that the appellate court misunderstood and misapplied the law on jurisdiction despite the denial of due process, notice, and non-inclusion of indispensable parties.<sup>43</sup> They argue that the adoption of illegitimate children requires the consent, not only of the spouse, but also the legitimate children 10 years or over of the adopter, and such consent was never secured from Joanne.<sup>44</sup>

Respondents, however, argue in their comment that petitioners could not have been deprived of their day in court since their interest was “amply protected by the participation and representation of the Solicitor General through the deputized public prosecutor.”<sup>45</sup>

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<sup>36</sup> Id. at 59–60.

<sup>37</sup> Id. at 60.

<sup>38</sup> Id. at 60–61.

<sup>39</sup> Id. at 98–99.

<sup>40</sup> Id. at 13.

<sup>41</sup> Id. at 14–15.

<sup>42</sup> Id. at 18.

<sup>43</sup> Id. at 22.

<sup>44</sup> Id. at 26–27.

<sup>45</sup> Id. at 306.

Respondents also argue that there was constructive notice through publication for three consecutive weeks in a newspaper of general circulation, which constitutes not only notice to them but also notice to the world of the adoption proceedings.<sup>46</sup> They argue that since the alleged fraud was perpetrated during the trial, it cannot be said to be extrinsic fraud but intrinsic fraud, which is not a ground for annulment of judgment.<sup>47</sup> They also argue that petitioners were not indispensable parties because adoption is an action *in rem* and, as such, the only indispensable party is the state.<sup>48</sup>

The petition is granted.

### **Annulment of judgment under Rule 47 of the Rules of Civil Procedure**

Under Rule 47, Section 1 of the Rules of Civil Procedure, a party may file an action with the Court of Appeals to annul judgments or final orders and resolutions in civil actions of Regional Trial Courts. This remedy will only be available if “the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.”<sup>49</sup>

*In Dare Adventure Farm Corporation v. Court of Appeals:*<sup>50</sup>

*A petition for annulment of judgment is a remedy in equity so exceptional in nature that it may be availed of only when other remedies are wanting, and only if the judgment, final order or final resolution sought to be annulled was rendered by a court lacking jurisdiction or through extrinsic fraud. Yet, the remedy, being exceptional in character, is not allowed to be so easily and readily abused by parties aggrieved by the final judgments, orders or resolutions. The Court has thus instituted safeguards by limiting the grounds for the annulment to lack of jurisdiction and extrinsic fraud, and by prescribing in Section 1 of Rule 47 of the Rules of Court that the petitioner should show that the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner. A petition for annulment that ignores or disregards any of the safeguards cannot prosper.*

The attitude of judicial reluctance towards the annulment of a judgment, final order or final resolution is understandable, for the remedy disregards the time-honored doctrine of immutability and unalterability of final judgments, a solid corner stone in the dispensation of justice by the

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<sup>46</sup> Id. at 307.

<sup>47</sup> Id. at 311 and 313.

<sup>48</sup> Id. at 313.

<sup>49</sup> RULES OF CIVIL PROCEDURE, Rule 47, sec. 1.

<sup>50</sup> G.R. No. 161122, September 24, 2012, 681 SCRA 580 [Per J. Bersamin, First Division].

courts. The doctrine of immutability and unalterability serves a two-fold purpose, namely: (a) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (b) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why the courts exist. As to the first, a judgment that has acquired finality becomes immutable and unalterable and is no longer to be modified in any respect even if the modification is meant to correct an erroneous conclusion of fact or of law, and whether the modification is made by the court that rendered the decision or by the highest court of the land. As to the latter, controversies cannot drag on indefinitely because fundamental considerations of public policy and sound practice demand that the rights and obligations of every litigant must not hang in suspense for an indefinite period of time.<sup>51</sup> (Emphasis supplied)

Because of the exceptional nature of the remedy, there are only two grounds by which annulment of judgment may be availed of: extrinsic fraud, which must be brought four years from discovery, and lack of jurisdiction, which must be brought before it is barred by estoppel or laches.<sup>52</sup>

Lack of jurisdiction under this rule means lack of jurisdiction over the nature of the action or subject matter, or lack of jurisdiction over the parties.<sup>53</sup> Extrinsic fraud, on the other hand, is “[that which] prevents a party from having a trial or from presenting his entire case to the court, or [that which] operates upon matters pertaining not to the judgment itself but to the manner in which it is procured.”<sup>54</sup>

The grant of adoption over respondents should be annulled as the trial court did not validly acquire jurisdiction over the proceedings, and the favorable decision was obtained through extrinsic fraud.

### **Jurisdiction over adoption proceedings vis-à-vis the law on adoption**

Petitioners argue that they should have been given notice by the trial court of the adoption, as adoption laws require their consent as a requisite in the proceedings.

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<sup>51</sup> Id. at 586–587, citing *People v. Bitanga*, 552 Phil. 686, 693 (2007) [Per J. Austria-Martinez, Third Division]; *Fraginal v. Heirs of Toribia Belmonte Parañal*, 545 Phil. 425, 432 (2007) [Per J. Austria-Martinez, Third Division]; *Macalalag v. Ombudsman*, 468 Phil. 918, 923 (2004) [Per J. Vitug, Third Division]; *Apo Fruits Corporation v. Court of Appeals*, 622 Phil. 215, 231 (2009) [Per J. Bersamin, En Banc]; *Peña v. Government Service Insurance System (GSIS)*, 533 Phil. 670, 689–690 (2006) [Per J. Chico-Nazario, First Division]; *Gallardo-Corro v. Gallardo*, 403 Phil. 498, 511 (2001) [Per J. Bellosillo, Second Division].

<sup>52</sup> RULES OF CIVIL PROCEDURE, Rule 47, sec. 2 and sec. 3.

<sup>53</sup> *Barco v. Court of Appeals*, 465 Phil. 39, 57 (2004) [Per J. Tinga, Second Division].

<sup>54</sup> *Bulawan v. Aquende*, G.R. No. 182819, June 22, 2011, 652 SCRA 585, 594 [Per J. Carpio, Second Division], citing *Alaban v. Court of Appeals*, 507 Phil. 682, 694 (2005) [Per J. Tinga, Second Division].

Petitioners are correct.

It is settled that “the jurisdiction of the court is determined by the statute in force at the time of the commencement of the action.”<sup>55</sup> As Jose filed the petition for adoption on August 1, 2000, it is Republic Act No. 8552<sup>56</sup> which applies over the proceedings. The law on adoption requires that the adoption by the father of a child born out of wedlock obtain not only the consent of his wife but also the consent of his legitimate children.

Under Article III, Section 7 of Republic Act No. 8552, the husband must first obtain the consent of his wife if he seeks to adopt his own children born out of wedlock:

ARTICLE III  
ELIGIBILITY

SEC. 7. *Who May Adopt.* — The following may adopt:

. . . .

*Husband and wife shall jointly adopt, except in the following cases:*

- (i) if one spouse seeks to adopt the legitimate son/daughter of the other; or
- (ii) *if one spouse seeks to adopt his/her own illegitimate son/daughter: Provided, however, That the other spouse has signified his/her consent thereto; or*
- (iii) if the spouses are legally separated from each other. . .  
(Emphasis supplied)

The provision is mandatory. As a general rule, the husband and wife must file a joint petition for adoption. The rationale for this is stated in *In Re: Petition for Adoption of Michelle P. Lim*:<sup>57</sup>

The use of the word “shall” in the above-quoted provision means that joint adoption by the husband and the wife is mandatory. This is in consonance with the concept of joint parental authority over the child which is the ideal situation. As the child to be adopted is elevated to the level of a legitimate child, it is but natural to require the spouses to adopt jointly. The rule also insures harmony between the spouses.<sup>58</sup>

<sup>55</sup> *Republic v. Court of Appeals and Zenaida Bobiles*, G.R. No. 92326, January 24, 1992, 205 SCRA 356, 363 [Per J. Regalado, Second Division], *citing Ramos, et al. v. Central Bank of the Philippines*, 148-B Phil. 1047, 1066 (1971) [Per J. J.B.L. Reyes, En Banc].

<sup>56</sup> Domestic Adoption Act of 1998.

<sup>57</sup> 606 Phil. 82 (2009) [Per J. Carpio, First Division].

<sup>58</sup> *Id.* at 89–90, *citing Republic v. Toledano*, G.R. No. 94147, June 8, 1994, 233 SCRA 9, 13 [Per J. Puno, Second Division].



The law provides for several exceptions to the general rule, as in a situation where a spouse seeks to adopt his or her own children born out of wedlock. In this instance, joint adoption is not necessary. However, the spouse seeking to adopt must first obtain the consent of his or her spouse.

In the absence of any decree of legal separation or annulment, Jose and Rosario remained legally married despite their de facto separation. For Jose to be eligible to adopt Jed and Regina, Rosario must first signify her consent to the adoption. Jose, however, did not validly obtain Rosario's consent. His submission of a fraudulent affidavit of consent in her name cannot be considered compliance of the requisites of the law. Had Rosario been given notice by the trial court of the proceedings, she would have had a reasonable opportunity to contest the validity of the affidavit. Since her consent was not obtained, Jose was ineligible to adopt.

The law also requires the written consent of the adopter's children if they are 10 years old or older. In Article III, Section 9 of Republic Act No. 8552:

SEC. 9. *Whose Consent is Necessary to the Adoption.* — After being properly counseled and informed of his/her right to give or withhold his/her approval of the adoption, the written consent of the following to the adoption is hereby required:

....

(c) *The legitimate and adopted sons/daughters, ten (10) years of age or over, of the adopter(s) and adoptee, if any; (Emphasis supplied)*

The consent of the adopter's other children is necessary as it ensures harmony among the prospective siblings. It also sufficiently puts the other children on notice that they will have to share their parent's love and care, as well as their future legitimes, with another person.

It is undisputed that Joanne was Jose and Rosario's legitimate child and that she was over 10 years old at the time of the adoption proceedings. Her written consent, therefore, was necessary for the adoption to be valid.

To circumvent this requirement, however, Jose manifested to the trial court that he and Rosario were childless, thereby preventing Joanne from being notified of the proceedings. As her written consent was never obtained, the adoption was not valid.

For the adoption to be valid, petitioners' consent was required by Republic Act No. 8552. Personal service of summons should have been effected on the spouse and all legitimate children to ensure that their substantive rights are protected. It is not enough to rely on constructive notice as in this case. Surreptitious use of procedural technicalities cannot be privileged over substantive statutory rights.

Since the trial court failed to personally serve notice on Rosario and Joanne of the proceedings, it never validly acquired jurisdiction.

### **There was extrinsic fraud**

The appellate court, in denying the petition, ruled that while fraud may have been committed in this case, it was only intrinsic fraud, rather than extrinsic fraud. This is erroneous.

*In People v. Court of Appeals and Socorro Florece:*<sup>59</sup>

Extrinsic fraud refers to any fraudulent act of the prevailing party in litigation committed outside of the trial of the case, *whereby the defeated party is prevented from fully exhibiting his side of the case by fraud or deception practiced on him by his opponent, such as by keeping him away from court*, by giving him a false promise of a compromise, or where the defendant never had the knowledge of the suit, being kept in ignorance by the acts of the plaintiff, or where an attorney fraudulently or without authority connives at his defeat.<sup>60</sup> (Emphasis supplied)

An action for annulment based on extrinsic fraud must be brought within four years from discovery.<sup>61</sup> Petitioners alleged that they were made aware of the adoption only in 2005. The filing of this petition on October 18, 2007 is within the period allowed by the rules.

The badges of fraud are present in this case.

First, the petition for adoption was filed in a place that had no relation to any of the parties. Jose was a resident of Laoag City, Ilocos Norte.<sup>62</sup> Larry and Lilibeth were residents of Barangay 6, Laoag City.<sup>63</sup> Jed and Regina were born in San Nicolas, Ilocos Norte.<sup>64</sup> Rosario and Joanne were

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<sup>59</sup> G.R. No. 187409, November 16, 2011, 660 SCRA 323 [Per J. Reyes, Second Division].

<sup>60</sup> Id. at 327, citing *Amihan Bus Lines, Inc. v. Romars International Gases Corporation*, G.R. No. 180819, July 5, 2010, 623 SCRA 406, 411 [Per J. Nachura, Second Division].

<sup>61</sup> RULES OF CIVIL PROCEDURE, Rule 47, sec. 3.

<sup>62</sup> *Rollo*, p. 139.

<sup>63</sup> Id. at 138.

<sup>64</sup> Id. at 88.

residents of Parañaque City, Manila.<sup>65</sup> The petition for adoption, however, was filed in the Regional Trial Court of Batac, Ilocos Norte.<sup>66</sup> The trial court gave due course to the petition on Jose's bare allegation in his petition that he was a resident of Batac,<sup>67</sup> even though it is admitted in the Home Study Report that he was a practicing lawyer in Laoag City.<sup>68</sup>

Second, using the process of delayed registration,<sup>69</sup> Jose was able to secure birth certificates for Jed and Regina showing him to be the father and Larry as merely the informant.<sup>70</sup> Worse still is that two different sets of fraudulent certificates were procured: one showing that Jose and Lilibeth were married on December 4, 1986 in Manila,<sup>71</sup> and another wherein the portion for the mother's name was not filled in at all.<sup>72</sup> The birth certificates of Jed and Regina from the National Statistics Office, however, show that their father was Larry R. Rentegrado.<sup>73</sup> These certificates are in clear contradiction to the birth certificates submitted by Jose to the trial court in support of his petition for adoption.

Third, Jose blatantly lied to the trial court when he declared that his motivation for adoption was because he and his wife, Rosario, were childless,<sup>74</sup> to the prejudice of their daughter, Joanne. The consent of Rosario to the adoption was also disputed by Rosario and alleged to be fraudulent.<sup>75</sup>

All these tactics were employed by Jose, not only to induce the trial court in approving his petition, but also to prevent Rosario and Joanne from participating in the proceedings or opposing the petition.

The appellate court erroneously classified the fraud employed by Jose as intrinsic on the basis that they were "forged instruments or perjured testimonies"<sup>76</sup> presented during the trial. It failed to understand, however, that fraud is considered intrinsic when the other party was either present at the trial or was a participant in the proceedings when such instrument or testimony was presented in court, thus:

[I]ntrinsic fraud refers to the acts of a party at a trial that prevented a fair and just determination of the case, but the difference is that the acts

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<sup>65</sup> Id. at 4–5.

<sup>66</sup> Id. at 87–90.

<sup>67</sup> Id. at 109.

<sup>68</sup> Id. at 80.

<sup>69</sup> Id. at 155 and 158.

<sup>70</sup> Id. at 153 and 156.

<sup>71</sup> Id. at 154 and 157.

<sup>72</sup> Id. at 153 and 156.

<sup>73</sup> Id. at 226–227.

<sup>74</sup> Id. at 80.

<sup>75</sup> Id. at 14. The allegedly fraudulent affidavit of consent was not attached in the *rollo*.

<sup>76</sup> Id. at 61.

or things, like falsification and false testimony, could have been litigated and determined at the trial or adjudication of the case. In other words, *intrinsic fraud does not deprive the petitioner of his day in court because he can guard against that kind of fraud through so many means, including a thorough trial preparation, a skillful cross-examination, resorting to the modes of discovery, and proper scientific or forensic applications.* Indeed, forgery of documents and evidence for use at the trial and perjury in court testimony have been regarded as not preventing the participation of any party in the proceedings, and are not, therefore, constitutive of extrinsic fraud.<sup>77</sup> (Emphasis supplied)

When fraud is employed by a party precisely to prevent the participation of any other interested party, as in this case, then the fraud is extrinsic, regardless of whether the fraud was committed through the use of forged documents or perjured testimony during the trial.

Jose's actions prevented Rosario and Joanne from having a reasonable opportunity to contest the adoption. Had Rosario and Joanne been allowed to participate, the trial court would have hesitated to grant Jose's petition since he failed to fulfill the necessary requirements under the law. There can be no other conclusion than that because of Jose's acts, the trial court granted the decree of adoption under fraudulent circumstances.

The law itself provides for penal sanctions for those who violate its provisions. Under Article VII, Section 21 of Republic Act No. 8552:

ARTICLE VII  
VIOLATIONS AND PENALTIES

SEC. 21. *Violations and Penalties.* —

(a) *The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine not less than Fifty thousand pesos (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:*

(i) *obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;*

(ii) *non-compliance with the procedures and safeguards provided by the law for adoption; or*

(iii) *subjecting or exposing the child to be adopted to danger, abuse,*

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<sup>77</sup> *Pinausukan Seafood House v. Far East Bank and Trust*, G.R. No. 159926, January 20, 2014 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2014/january2014/159926.pdf>> [Per J. Bersamin, First Division], citing *Ybañez v. Court of Appeals*, 323 Phil. 643, 656 (1996) [Per J. Francisco, Third Division] and *Strait Times Inc. v. Court of Appeals*, 356 Phil. 217, 226 (1998) [Per J. Panganiban, First Division].

or exploitation.

- (b) *Any person who shall cause the fictitious registration of the birth of a child under the name(s) of a person(s) who is not his/her biological parent(s) shall be guilty of simulation of birth, and shall be punished by prison mayor in its medium period and a fine not exceeding Fifty thousand pesos (P50,000.00).* (Emphasis supplied)

Unfortunately, Jose's death carried with it the extinguishment of any of his criminal liabilities.<sup>78</sup> Republic Act No. 8552 also fails to provide any provision on the status of adoption decrees if the adoption is found to have been obtained fraudulently. Petitioners also cannot invoke Article VI, Section 19 of Republic Act No. 8552<sup>79</sup> since rescission of adoption can only be availed of by the adoptee. Petitioners, therefore, are left with no other remedy in law other than the annulment of the judgment.

The fraud employed in this case has been to Joanne's prejudice. There is reason to believe that Joanne has grown up having never experienced the love and care of a father, her parents having separated a year after her birth. She has never even benefited from any monetary support from her father. Despite all these adversities, Joanne was able to obtain a medical degree from the University of the Philippines College of Medicine<sup>80</sup> and is now working as a doctor in Canada.<sup>81</sup> These accomplishments, however, are poor substitutes if the injustice done upon her is allowed to continue.

**WHEREFORE**, the petition is **GRANTED**. The decision dated October 16, 2000 of the Regional Trial Court of Batac, Ilocos Norte, Branch 17 in SP. Proc. No. 3445-17 is rendered **NULL** and **VOID**.

**SO ORDERED.**

  
**MARVIC M.V. F. LEONEN**  
Associate Justice

<sup>78</sup> REV. PEN. CODE, art. 89.

<sup>79</sup> Article VI of Rep. Act. No. 8552 provides:

SEC. 19. *Grounds for Rescission of Adoption.* — Upon petition of the adoptee, with the assistance of the Department if a minor or if over eighteen (18) years of age but is incapacitated, as guardian/counsel, the adoption may be rescinded on any of the following grounds committed by the adopter(s): (a) repeated physical and verbal maltreatment by the adopter(s) despite having undergone counseling; (b) attempt on the life of the adoptee; (c) sexual assault or violence; or (d) abandonment and failure to comply with parental obligations.

Adoption, being in the best interest of the child, shall not be subject to rescission by the adopter(s). However, the adopter(s) may disinherit the adoptee for causes provided in Article 919 of the Civil Code.

<sup>80</sup> *Rollo*, p. 169.

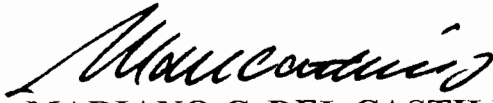
<sup>81</sup> *Id.* at 5.

WE CONCUR:



**ANTONIO T. CARPIO**

Associate Justice  
Chairperson



**MARIANO C. DEL CASTILLO**

Associate Justice



**JOSE CATRAL MENDOZA**

Associate Justice



**BIENVENIDO L. REYES**

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, Second Division

**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