CIVIL LAW — PART ONE

PERSONS AND FAMILY RELATIONS

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The decisions handed down last year by the Supreme Court in the field of *Persons and Family Relations,* while not momentous, were decidedly significant especially where these served to fill voids deliberately or inadvertently left by Congress and the judiciary.

NATURALIZATION AND CITIZENSHIP

Pursuant to its unwavering policy of granting the "inestimable boon" of Filipino citizenship only to the qualified and deserving, the Supreme Court took every opportunity to plug all possible loopholes through which the unscrupulous and sly alien could win the coveted status. While the main instrument utilized was its power of judicial interpretation and review especially as regards the possession of qualifications and disqualifications by an aspiring alien, the High Court likewise tightened its procedural safeguards. It also firmed up its position definitively adopted last year that an alien woman who marries a Filipino citizen would not automatically acquire her husband's citizenship but needs must undergo the usual procedure of naturalization.

The following is a run-down of naturalization and citizenship cases decided last year by the Supreme Court.

Judicial declaration of Filipino citizenship not allowed

In the case of *Singson v. Republic,*[1] it reiterated its stand in at least three previous cases[2] that the court cannot make a declaration that an applicant for naturalization is a Filipino citizen in the same naturalization proceedings if the evidence so warrants. Under our laws, there can be no action or proceeding for the judicial declaration of the citizenship of an individual. Only as an incident of the adjudication of the rights of the parties to a controversy may the court pass upon and make a pronouncement relative to an individual's status. Otherwise, such a pronouncement is beyond judicial power.

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[1] G.R. No. 21855, January 30, 1968, 64 O.G. 9316 (Sept., 1968).

[2] Suy Chan v. Republic, G.R. No. 14150, April 18, 1960; Yu Chin v. Republic, G.R. No. 15775, April 29, 1961; Santiago v. Commissioner of Immigration, G.R. No. 14653, January 31, 1963.

All earlier cases in support of the contrary ruling[3] are no longer controlling.

Indirect acquisition of citizenship illegal

Taking cognizance of the trend exhibited recently in the Chinese community for Chinese nationals to assert that they are not married to their Filipino wives to enable their children to claim Philippine citizenship on the principle that illegitimate offsprings follow the citizenship of their mothers, the Supreme Court again tried to block a device utilized by a mother to enable her children indirectly to acquire Philippine citizenship without undergoing naturalization proceedings.

In the case of *Basas v. Republic,*[4] petitioner applied for a change of name of her children, whom she alleged had been baptized under names different from those under which they had been registered upon birth at the Local Civil Registrar's Office. In denying the petition, the Supreme Court elucidated on the matter thus:

> "It can be presumed that Chinese children from abroad have been brought, and are being brought, into this country, either openly or surreptitiously, to assume the identity of children locally born. In most instances, discrepancies are bound to appear. This Court would not like to confirm that a child born under one name with an indicated father, and a child baptized with another name, and with another indicated father, is one and the same person, for the court might unwittingly give practical legality to a substitution of identity."

It was further pointed out that the relief prayed for is predicated upon an allegation of fact which cannot be determined without passing upon the filiation of the minors, in relation to a man who is not a party in these proceedings, without inquiring into the question whether he is guilty or not of concubinage, and without affecting, not only their civil status, but, also, their nationality.

In the light of the above reasoning, it was only to be expected that the Supreme Court, in a subsequent case[5], would promptly expose a petition for correction of an alleged error in the records of the Local Civil Registrar for what it really was — a subterfuge to bolster up petitioner's claim to Filipino nationality by making it appear that he is an illegitimate child of a Filipina.

Disqualifications interpreted

Among acts taken by the Supreme Court as evidence to show that the applicant for Filipino citizenship has not conducted himself in a

[3] Sy Quimsuan v. Republic, 92 Phil. 675 (1953); Palanca v. Republic, 80 Phil. 578 (1948); Santos Co v. Government, 52 Phil. 543 (1928); Serra v. Republic, G.R. No. 4223, May 12, 1952; Sen v. Republic, G.R. No. 6868, April 30, 1955.

[4] G.R. No. 23595, February 20, 1968.

[5] Lim v. Local Registrar of Manila, G.R. No. 24284, February 28, 1968

proper and irreproachable manner in relation to the community in which he lives and is therefore disqualified are:

1. Participation by an alien in both national and barrio elections, specifically such acts as driving a truck, hauling people to attend meetings, distributing drinks and offering them to the people who attended rallies. Elucidating on the subject, the High Tribunal stated "The political right of suffrage, so wisely reserved to Filipinos, is of such transcendental importance that its exercise by a foreigner is to be condemned. The deplorable practice of a non-citizen, whether by himself or in association with others, to exert pressure or influence on voters, direct or indirect, should not be countenanced."[6]

2. Violation of the Price Tag Law. Where at the hearing to determine applicant's fitness to be a Filipino citizen, he admitted having been fined for a violation of the Price Tag Law, the Supreme Court held the same as evidence of his failure to conduct himself in a proper and irreproachable manner.[7]

As to whether the offense involves moral turpitude or not, the Court called to mind a previous decision to the effect that "the point is of no decisive importance." It continued: "Conviction of a crime involving moral turpitude is one of the grounds upon which an alien is absolutely disqualified from becoming naturalized as a Filipino citizen, according to section 4 of the Revised Naturalization Law. However, it is not enough that an applicant be not disqualified under said provision; it is also required that he be possessed of the qualifications enumerated in section 2. And among those qualifications is that he must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living."[8]

3. Misrepresentations made before Philippine consular and administrative authorities by an alien to the effect that she came to the country for only a temporary visit, when in fact, her intention was to stay permanently; and also having intentionally delayed court processes the better to prolong her stay.[9]

As in the past, failure to allege the former places of residence in the petition was held fatal to the application for Filipino citizenship.[10]

[6] Yap v. Republic of the Philippines, G.R. No. 23385, February 27, 1968.
[7] Fong Choy v. Republic of the Philippines, G.R. No. 24687, September 21, 1968.
[8] Tio Tek Chai v. Republic of the Philippines, G.R. No. 19112, October 30, 1964.
[9] Vivo v. Cloribel, G.R. No. 25411, October 26, 1968.
[10] Chua Chu v. Republic of the Philippines, G.R. No. 24951, July 20, 1968.

Similarly, the use of an alias in violation of Commonwealth Act No. 142 was considered sufficient ground to deny the petition for naturalization "since the name Tan Kee Sing cannot be considered as just another way of spelling Tan Khe Shing; the difference of one letter may mean the distinction of identity of one person with that of another."[11]

Acquisition by alien women of Filipino citizenship

Alien women who sought to claim Filipino citizenship through section 15 of the Revised Naturalization Law were again rebuffed. Said provision states: Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines.

In one case, the alien wife pleaded for a relaxation of the doctrine which repudiates the theory favoring her automatic acquisition of her husband's Filipino citizenship. She reasoned out that while she is obliged to live with her husband who resides in the Philippines, she, as an alien would remain subject to deportation and thus subject to separation from, and denial of the love of, her consort.

In reply, the Supreme Court said that petitioner-appellee missed the nature of citizenship and the power of the state over it. The provisions of the Civil Code she relies upon govern the relations between husband and wife *inter se* but the law on citizenship is political in character[12] and the national policy is one for selective admission to Philippine citizenship.

Citizenship, it added, is not a right similar to those that exist between husband and wife or between private persons, but ". . . is a privilege which a sovereign government may confer on, or withhold from, an alien or grant to him on such conditions as it sees fit, without the support of any reason whatsoever."[13]

Another case involved a Chinese mother who, with her minor children, entered the Philippines as temporary visitors, and through various administrative and judicial maneuvers, managed to prolong her stay here in the expectation that her husband would soon take his oath of allegiance as a Filipino citizen. Once again, the Supreme Court had occasion to reiterate its firm stand that under section 15 of the Revised Naturalization Law, the alien wife does not automatically become a

[11] Tan Khe Shing v. Republic of the Philippines, G.R. No. 22390, February 29, 1968.

[12] Roa v. Collector of Customs, 23 Phil. 315 (1912).

[13] Lo Beng Ha Ong v. Republic of the Philippines, G.R. No. 24503, September 28, 1968.

Filipino citizen on account of her marriage to a naturalized Filipino citizen, since she must first prove that she possesses all the qualifications and none of the disqualifications for naturalization.[14]

Protracted stay in a foreign country or recognition by an alien father not grounds for loss of citizenship

Four brothers, all illegitimate children of a Filipina by her common-law husband, a Chinese, left for China while minors, stayed there for fifteen years during which time, they were recognized by their father and came back. These facts were borne out by the findings of the Philippine Consulate General in Hongkong after appropriate investigations, the Board of Special Inquiry which likewise investigated them upon their arrival in Manila, the Court of First Instance of Manila and the Court of Appeals.

The Court of First Instance, however, notwithstanding the above findings, dismissed the case holding that the petitioners therein are citizens of the Republic of China, having stayed therein for fifteen years before returning to the Philippines and because they were recognized by their alien father as his children, they became Chinese citizens under the Chinese law of nationality. It further added that the genuineness or falsity of the cable authorization of the Secretary of Foreign Affairs to the Commissioner of Immigration regarding certain documentation of theirs is immaterial for "if petitioners are Filipino citizens, they are entitled to remain within the territorial jurisdiction of the Republic in whatever way they might have entered."

The Court of Appeals reversed the lower court. The present appeal by the Board of Immigration Commissioners and the Commissioner of Immigration to the Supreme Court is based on the proposition that respondents have lost their Filipino citizenship and the cable authorization referred to being a forgery, all proceedings in connection therewith are void and as a result, the respondents must be deported as aliens not properly documented.

The Supreme Court, affirming the Court of Appeals and quoting extensively from its decision, ruled that the question as to whether respondents who were admittedly Filipino citizens at birth subsequently acquired Chinese citizenship under the Chinese Law of Nationality by reason of recognition or prolonged stay in China is a fit subject for the Chinese law and the Chinese law to determine. It cannot be resolved by a Philippine court without encroaching on the legal system of China.

[14] Vivo v. Cloribel, *supra*, note 9.

Besides, the status of Filipino citizens must be governed by Philippine law wherever they are as provided by article 15 of the Civil Code. Article IV, section 2 of the Philippine Constitution implies that the question of whether a Filipino has lost his Philippine citizenship shall be determined by no other than the Philippine law. Section 1 of Commonwealth Act No. 63 as amended by Republic Act No. 106 which enumerates the grounds under which one may lose his Filipino citizenship does not include recognition by an alien father. The only mode of losing Philippine citizenship closely bearing on respondents' case is renunciation, but the law requires an express renunciation. Mere protracted stay in a foreign country when respondents were brought there when they were still minors does not amount to renunciation. Even the eldest who had attained majority upon their return to the Philippines could not have been said to have renounced his Philippine citizenship for there was no manifestation by direct and appropriate language of a disclaimer; on the contrary, upon attaining the age of majority, he applied for registration as a Philippine citizen and sought entry into this country.

As regards the authenticity of the above-mentioned cablegram, the Supreme Court stated that even assuming that this was forged, it would not automatically render void the proceedings had before the Philippine Consulate in Hongkong and the Board of Special Inquiry, both of which ended with a definite finding that the respondents were Filipino citizens.[15]

Duty of judiciary in citizenship cases

In a case of first impression, the Supreme Court did not hesitate to make plain that where respondent judge refused to give due course to the appeal by the Government from an order allowing an applicant for naturalization to take his oath, on the ground that the Government had failed to file an opposition to the motion for oath-taking, such refusal constituted grave abuse of discretion correctible by certiorari, and petitioner was entitled to the remedy of mandamus.[16]

Underlying the pronouncement was the unwavering adherence manifested by the Court in several decisions that Filipino citizenship, being an inestimable boon and a priceless acquisition, one who seeks to enjoy its rights and privileges must not shirk the most exacting scrutiny as to his fulfilling the qualifications required by law. Such qualifications could be inquired into at any stage of the proceeding, whether it be

[15] Board of Immigration Commissioners v. Callano, G.R. No. 24530, October 31, 1968.

[16] Republic v. Santos, G.R. No. 23919, July 29, 1968.

in the course of the original petition or during the stage leading to his oath-taking pursuant to Republic Act No. 530.

And where the trial judge, in his decision did not consider the violation of the Price Tag Law by an alien as sufficient to disqualify the latter from acquiring Filipino citizenship, the Supreme Court sharply declared that he ought to have shown "greater awareness of the trend of decisions of this Tribunal which is rightfully insistent on the rigorous observance of each and every requisite indispensable for the acquisition of citizenship. Such should be the case if the boon of nationality which is the basis of political rights is to be accorded only to those who, by their exemplary behavior and conduct, have earned the title-deed to membership in our political community."[17]

The Supreme Court took the opportunity to declare in another case that where two of petitioners-appellants moved to withdraw and dismiss the appeal as to them on the ground that the matter had become moot and academic in view of a decision of another sala of the lower court declaring them citizens of the Philippines, entitling them to enroll in any school in the Philippines and to be credited for units passed by them, such motion for withdrawal and dismissal of appeal cannot be granted. Whatever stage of finality reached in that decision of another sala of the lower court cannot affect their status as aliens as the decision of this Supreme Court affirming the order of dismissal of their petition before the lower court is controlling in the premises.[18]

MARRIAGE

Presumption of legality of marriage upheld

The issue before the Supreme Court in the case of *Landicho v. Relova*,[19] was whether or not the existence of a civil suit for the annulment of a marriage at the instance of the second wife against the petitioner, with the latter in turn filing a third party complaint against the first spouse for the annulment of the first marriage, constituted a prejudicial question in a pending suit for bigamy against him. The Court, in sustaining respondent judge, stated that the mere fact that there are actions to annul the marriages entered into by the accused in a bigamy case does not mean that "prejudicial questions" are automatically raised in civil actions as to warrant the suspension of the criminal case.

[17] Fong Choy v. Republic of the Philippines, *supra*, note 7.

[18] Dy En Siu Co v. Local Civil Registrar of Manila, G.R. No. 20794, July 29, 1968.

[19] G.R. No. 22579, February 23, 1968.

In order that the case of annulment of marriage may be considered a prejudicial question to the bigamy case against the accused, it must be shown that the petitioner's consent to such marriage must be the one that was obtained by means of duress, force and intimidation to show that his act in the second marriage must be involuntary and cannot be the basis of his conviction for the crime of bigamy. The situation in the present case was markedly different for the fact that two marriage ceremonies had been contracted appeared to be indisputable.

Upholding the presumption of the legality of a marriage, the Court stressed the fact that parties to a marriage should not be permitted to judge for themselves its nullity, for the same must be submitted to the judgment of the competent courts. Only when the nullity of the marriage is so declared can it be held as void, and so long as there is no such declaration, the presumption is that the marriage exists. Therefore, he who contracts a second marriage before the judicial declaration of nullity of the first marriage assumes the risk of being prosecuted for bigamy.

Annulment of marriage on stipulation of facts not countenanced

The Court of Juvenile and Domestic Relations was upheld by the Supreme Court when it denied a motion for summary judgment in view of the first paragraph of articles 88 and 191 of the Civil Code which expressly prohibit the rendition of a decree of annulment of a marriage upon a stipulation of facts or a confession of judgment. The affidavits annexed to the petition for summary judgment amounted to these methods which are not countenanced by the Civil Code.[20]

THE CONJUGAL PARTNERTSHIP

Separation of spouses irrelevant to husband's duty to support family

In a case brought against the spouses for the recovery of a sum of money representing the sale of plaintiff's jewelries, the petitioner husband interposed the defense that he had been living separately from his wife and under article 113 (2) of the Civil Code, could not be joined in the suit against his wife.

The Supreme Court held that since he had promised to pay for the jewelries, it was totally irrelevant that he should have been living apart from his wife. Petitioner was held responsible for the portion of the amount which was used by his wife to support herself and her

[20] Jocson v. Robles, G.R. No. 23433, February 10, 1968.

children since under article 161 (5), support of the family is one of the items chargeable against the conjugal partnership.[21]

Administration of conjugal partnership by the husband

The right of the husband to administer the conjugal properties is explicitly provided for by articles 165 and 112 of the Civil Code. This power cannot be taken from him by his wife upon the mere filing of a bond or a naked averment that he has forfeited the same.

Evidence of abuse by the husband was not shown in the case of *Ysasi v. Fernandez*[22] so that when respondent judge herein dissolved a preliminary mandatory injunction which he was ordered to issue by the Supreme Court, he in effect allowed administration by the wife upon mere filing of a bond pending presentation of evidence on maladministration by the husband. Bond was held to be no substitute for proof of maladministration.

Judicial separation of properties

As to what constitutes such abuse on the part of the husband as to warrant a division of the matrimonial assets, the Court stated in the case of *De la Cruz v. De la Cruz*[23] that it connotes "wilful and utter disregard of the interests of the partnership evidenced by a repetition of deliberate acts and/or omissions prejudicial to the latter."

The defendant husband's failure and/or refusal to inform his wife of the state of their business enterprises did not constitute abuse of his powers of administration of the conjugal partnership. It was not enough that the husband performed acts prejudicial to the wife or that he committed acts injurious to the partnership, for these may have been the result of mere inefficiency or negligent administration.

The Supreme Court in the same case clarified the meaning of "abandonment" for purposes of justifying a separation of the conjugal partnership properties pursuant to article 178. It opined that the fact that the husband herein continued to give support to his family despite his absence from the conjugal home, negatives any intent on his part not to return to the conjugal abode and resume his marital rights and duties. To entitle the wife to any of the extraordinary remedies afforded to her when she has been abandoned by the husband for at least one year, there must be real abandonment and not mere separation; not only physical estrangement but financial and moral

[21] Garcia v. Cruz, G.R. No. 25790, September 27, 1968.
[22] G.R. No. 28593, December 16, 1968.
[23] G.R. No. 19565, January 30, 1968, 64 O.G. 10324 (Oct., 1968).

desertion. In other words, there must be absolute cessation of marital relations and duties and rights, with the intention of perpetual separation.

A judgment ordering the division of conjugal assets where there has been no real abandonment, the separation not being wanton or absolute, may altogether slam shut the door for possible reconciliation. In view of the basic policy of the law to promote healthy family life and to preserve the union of the spouses in person, in spirit and in property, courts must needs exercise judicial restraint and reasoned hesitance in ordering the separation of conjugal properties.

Conjugal dwellings on paraphernal lot held under co-ownership

The second paragraph of article 158 of the Civil Code constituting an exception to the general rule that the accession follows the principal, provides: Buildings constructed, at the expense of the partnership, during the marriage on land belonging to one of the spouses, also pertain to the partnership, but the value of the land shall be reimbursed to the spouse who owns the same.

The key question resolved in the case of *Diversified Credit Corp. v. Rosado*[24] was whether the construction of a house at the expense of the conjugal partnership on lot owned by the wife in common with others converted her 1/13 undivided share therein into property of the community in accordance with the above-cited provision.

In the affirmative, the sale of said portion to appellee-corporation would have been void due to the non-participation of the husband in the transaction. Invoking the basic principle in the law of co-ownership that no individual co-owner can claim title to any definite portion of the land since he merely owns an ideal or abstract quota, the Supreme Court held that it could not be validly claimed that the house constructed by the husband was built on land belonging to the wife. On her 1/13 ideal or abstract individual share, no house could be erected. Hence, the claim of conversion of the wife's share in the lot from paraphernal to conjugal in character as a result of the construction was rejected for lack of factual or legal basis.

Support not proper subject of compromise

Article 222 of the Civil Code, in order to foster family solidarity, requires that: "No suit shall be filed or maintained between members of the same family unless it should appear that earnest efforts towards a compromise have been made, but that the same have failed, subject to the limitations in Art. 2035". This requirement is given more teeth

[24] G.R. No. 27933, December 24, 1968.

in section 1(j), Rule 16 of the Rules of Court specifying as a ground for the motion to dismiss that "the suit is between members of the same family and no earnest efforts towards a compromise have been made." The cumulative effect of the statute and the rule is that earnest efforts to reach a compromise and failure thereof must ordinarily be alleged in the complaint. Does this apply to actions for support?

The Supreme Court pointed out in the case of *Wainwright v. Verzosa*[25] that article 2035 (4) precisely excepts future support from those matters which may be settled by compromise. It follows logically that a showing of failure to resolve a suit for support through compromise is not a condition precedent to the filing of the same and need not be alleged in the complaint.

PATERNITY AND FILIATION

Acknowledgment

In the case of *Cid v. Burnaman*[26], the Supreme Court had to inquire into the question of whether plaintiff's mother could properly be an heir of the original owner in order that plaintiff could in turn inherit from his mother. Ruling against plaintiff's claim, the Supreme Court found that his mother was an illegitimate child, never having been recognized, voluntarily or compulsorily, by her own mother; that while it is true that the child was named as an issue of the original owner in her baptismal certificate in the parish records and that such certificate was a public document before General Order No. 68 and Act 190 took effect, this baptismal certificate did not constitute a sufficient act of acknowledgment inasmuch as an acknowledgment must be executed by the child's father or mother and the parish priest cannot acknowledge in their stead.

The admission by her mother that they are siblings was not an admission that she was also acknowledged by their common mother. For acknowledgment is not a consequence of filiation.

Recognition of illegitimate children, natural and spurious

In a suit brought by plaintiff for compulsory recognition as a natural child when she was over 47 years of age, the Supreme Court struck down the defendant's defense of laches since the case was filed during the lifetime of the presumed parent, Filemon Sotto. An action for recognition, if brought during the lifetime of the presumed parents, is imprescriptible. The status of persons is outside the commerce of man. Hence, it cannot be acquired or lost by prescription.

[25] G.R. No. 25609, November 27, 1968.
[26] G.R. No. 24414, July 31, 1968.

There was no reason why the complaint should be dismissed when the defendant died after the case was submitted for decision. All that the codal provision exacts from a child seeking recognition is to bring the action "during the lifetime of the presumed parents" and nothing more. If the reason behind this requirement is to give the alleged parents an opportunity to be heard, then, such an opportunity had been given and, from the factual point of view, taken advantage of by Filemon Sotto.[27]

Is the same period of time granted the illegitimate child, commonly called "spurious", who seeks to secure a judicial investigation and declaration of his paternity? This problem, not expressly provided for in the Civil Code has not been met squarely heretofore by the Supreme Court. Two contradictory *obiter dicta*[28] have only served to muddle the issue further.

Last year, the Supreme Court finally laid the matter at rest by categorically ruling that said period cannot go beyond the time limit prescribed in article 285 for natural children, and that is, only during the lifetime of the presumed parents.

The reasons relied upon by the Court were: (a) Both the actions to establish the paternity of natural and spurious children are substantially identical in nature and purpose: Both seek to establish a generative link between the claimant and the alleged parent. While one action is designated as one for compulsory acknowledgment while the other is labeled for declaration of paternity, the distinction is purely nominal, for the purpose in either case is to have the Court investigate and determine if plaintiff is *in fact* the child of the defendant, provided any of the circumstances required by Articles 283 and 284 are present.

(b) The considerations of fairness and justice that underlie the time limit fixed in article 285 for actions seeking compulsory acknowledgment of natural children are fully applicable, if not more, to actions to investigate and declare the paternity of illegitimate children that are not natural. Illegitimate paternity, natural or not natural, is not paraded for everyone to see but is normally enshrouded in secrecy and kept hidden from the members of the legitimate family. The latter are not in a position to explain or contradict the circumstances surrounding the procreation of the illegitimate progeny. To inquire into those circumstances after the parent has died, is to penalize unnecessarily the legitimate family.

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[27] Pahang v. Sotto, G.R. No. 21175, July 15, 1968.

[28] Reyes v. Zuzuarregui, 102 Phil. 346 (1957) and Barles v. Ponce Enrile G.R. No. 12894, September 30, 1960, 60 O.G. 4258 (July, 1964).

(c) Furthermore, to allow the one who claims illegitimate filiation to wait for the death of the putative parent, when he had opportunity to confront the latter while alive, is to encourage blackmailing suits. And as illegitimate, not natural, paternity presupposes either adultery (concubinage) or incest or murder, the magnitude of the threatened scandal is a weapon that becomes more difficult to resist for the legitimate family that desires to protect the memory of the deceased.

(d) The present Civil Code, as with the Spanish Code of 1889, establishes a gradation in the rights of children such that the greatest sum of rights corresponds to the legitimate, then to the illegitimate who are natural children actually or by fiction, and the least rights to the illegitimate not natural, adulterous or incestuous. This gradation may be observed in the proportion of the legitime accruing to each category of offspring. Similarly, it should be followed in the period of time within which to exercise such rights as those to claim paternity.

The rights of action to claim legitimacy lasts during the whole lifetime of the child and can be brought even against the parent's heirs if said parents are no longer alive. However, the action to compel acknowledgment of an illegitimate natural child may be brought only during the lifetime of the presumed parents and therefore not against the parent's heirs, generally speaking. To hold that an illegitimate child not natural, already over 21 years of age, at the death of its alleged parent, may still implead the latter's heirs, would not only place the spurious child on a more advantageous position vis-a-vis the illegitimate but natural child, but actually place him on an equal footing with legitimates; and this advantage would be granted them on no other basis than the mere *silence* of the Code when the legitimate children's rights had to be expressly conferred by article 268.[29]

The Civil Register

Corrections of entries in the civil register

Where the changes and corrections sought to be accomplished by the plaintiffs in a proceeding under article 412 of the Civil Code were substantial in nature affecting the legitimacy and the nationality of the petitioners, the lower court did not err in dismissing the case. In this case, petitioners sought to correct the entries in the Local Civil Registry of the City of Manila, thus: (1) to change the civil status of their mother from "married" to "single," and her citizenship from "Chinese" to "Filipino"; and (2) the status of the plaintiffs to be changed from "legitimate" to "illegitimate" and their citizenship from "Chinese" to "Filipino."[30]

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[29] Clemeña v. Clemeña, G.R. No. 24845, August 22, 1968.
[30] Dy En Siu Co v. Local Civil Registrar of Manila, *supra*, note 18.