

I am your sister, don't you know?

You have always known that you are the only child of your deceased parents. Then someone who has lived with you in your parents' house suddenly claims that she is your sister and even presents a birth certificate with the signature of your mother to boot.

You get the surprise of your life. You not only find yourself with a sibling but a co-heir to the estate of your parents as well.

What would you do?

To answer this, let us take the case of Teresita Herbosa (not the real name).

Teresita Herbosa claimed that she is also the daughter of the late spouses Eugenio and Hermogena Herbosa, who died on May 26, 1996 and July 6, 1990 respectively. To prove her claim, Teresita showed her birth certificate with the names of Eugenio and Hermogena Herbosa indicated as her father and mother, respectively and bearing the signature of Hermogena at the bottom.

This was contested by Princess Herbosa who asserted that apart from her, Eugenio and Hermogena had no other child.

The Supreme Court held that while it is true that an official document such as a birth certificate enjoys the presumption of regularity, the specific facts attendant in the case at bar, as well as the totality of the evidence presented during trial, sufficiently negate such presumption.

First, there were already irregularities regarding the birth certificate itself as it was not signed by the local civil registrar. Also, it was observed that the mother's signature therein was different from her signatures in other documents presented during the trial.

Second, the circumstances surrounding the birth of petitioner show that Hermogena could not be Teresita's real mother. For one, there was no evidence of Hermogena's pregnancy, such as medical records and doctors' prescriptions, other than the birth certificate itself. In fact, no witness was presented to attest to the pregnancy of Hermogena during the period that she was allegedly carrying a child. Moreover, at the time of Teresita's supposed birth, Hermogena was already 54 years old, way beyond the normal age for women to be pregnant or deliver. Even if it were possible for her to have given birth at such a late age, it was highly suspicious that she did so in her own home, when her advanced age necessitated proper medical care normally available only in a hospital.

The most significant piece of evidence, however, was the deposition of Hermogena Herbosa before she passed away, where she stated in no uncertain terms that Teresita was not her and her husband's child. She said that Teresita was indeed born in their house, the child of their house helper and was never treated ever as a daughter by herself and her husband.

Relying merely on the assumption of validity of the birth certificate, petitioner has presented no other evidence other than the said document to show that she is really Hermogenas child. Neither has she provided any reason why her supposed mother would make a deposition stating that the former was not the latter's child at all.

Thus, Princess was able to keep her parent's estate all to herself.

(Based on Supreme Court decision G.R. No. 138493. June 15, 2000)