



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

MIGUEL D. GOCOLAY,
Petitioner,

G.R. No. 220606

Present:

-versus-

LEONEN, J., *Chairperson*,
HERNANDO,
INTING,
DELOS SANTOS, and
ROSARIO, JJ.

MICHAEL BENJO GOCOLAY,
Respondent.

Promulgated:
January 11, 2021
MisDcBatt

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DECISION

LEONEN, J.:

For a supervening event to stay a final and executory order, the event must be shown to have materially changed the parties' situation or altered the order's substance, rendering execution inequitable.

This is a Petition for Review on Certiorari¹ assailing the Decision² and Resolution³ of the Court of Appeals in CA-G.R. SP No. 137096. The Court of Appeals annulled and set aside the Regional Trial Court's March 31, 2014 and June 20, 2014 Orders, which granted Miguel Gocolay's motion to dismiss or recall the trial court's April 21, 2008 and April 1, 2009 Orders

¹ *Rollo*, pp. 25–50. Filed under Rule 45 of the Rules of Court.

² *Id.* at 52–61. The May 28, 2015 Decision was penned by Associate Justice Ramon R. Garcia, and concurred in by Associate Justices Leoncia R. Dimagiba and Ramon A. Cruz of the Seventeenth Division of the Court of Appeals, Manila.

³ *Id.* at 63–64. The September 7, 2015 Resolution was penned by Associate Justice Ramon R. Garcia, and concurred in by Associate Justices Leoncia R. Dimagiba and Ramon A. Cruz of the Former Seventeenth Division of the Court of Appeals, Manila.

requiring him to undergo DNA testing to determine Michael Gocolay's paternity.

In 2005, Michael Benjo Gocolay (Michael) filed with the Regional Trial Court a petition for paternity, seeking to be recognized as a biological and nonmarital⁴ son of Miguel Gocolay (Miguel). According to Michael, his mother Priscilla Castor (Priscilla) met Miguel in 1976, and had a romantic relationship with him which resulted in a pregnancy. When Michael was born, Miguel allegedly promised to support him and Priscilla, but he never did. In support of his petition, Michael presented his birth certificate, which named Miguel as his father and stated that Priscilla and Miguel were married.⁵

In Miguel's answer, he denied having a child with Priscilla. He also claimed that the statements in Michael's birth certificate regarding Michael's father and his and Priscilla's marital status were falsified.⁶

During the trial, Michael filed a Motion for DNA Examination/Testing, which Miguel opposed on the ground that DNA testing would violate his right against involuntary servitude and self-incrimination. The Regional Trial Court granted the motion, which Miguel appealed, until the case reached this Court, which ultimately affirmed the grant in 2012.⁷

Then, on November 18, 2013, Miguel filed a motion to dismiss or to recall the orders allowing the conduct of DNA testing. In his motion, he alleged that a supervening event occurred in that Priscilla had been charged and pled guilty of violating Presidential Decree No. 651,⁸ for making false entries in Michael's birth certificate. To Miguel, Priscilla's conviction showed that the birth certificate could no longer be used to establish a *prima facie* case for paternity that would support DNA testing.⁹

On March 31, 2014, the Regional Trial Court issued an Order granting Miguel's motion. It found that Michael's birth certificate could no longer be relied upon as basis for ordering Miguel to undergo DNA testing. As such, there was no *prima facie* case in Michael's favor. Michael's motion for partial reconsideration was denied on June 20, 2014.¹⁰

Upon appeal, the Court of Appeals reversed and set aside the Regional

⁴ To obviate the derogatory connotations of the term "illegitimate", the word "nonmarital" is used in substitution, unless required by direct reference to statute, jurisprudence, and the parties' pleadings.

⁵ Id. at 53.

⁶ Id.

⁷ Id. at 53-55.

⁸ Requiring the Registration of Births and Deaths in the Philippines which occurred from January 1, 1974 and thereafter.

⁹ *Rollo*, p. 29.

¹⁰ Id. at 55-56.

Trial Court's March 31, 2014 and June 20, 2014 Orders. The dispositive portion of the Court of Appeals' May 28, 2015 Decision stated:

WHEREFORE, premises considered, the Orders dated March 31, 2014 and June 20, 2014 of public respondent Regional Trial Court, Branch 18, Tagaytay City, are hereby **ANNULLED** and **SET ASIDE**. Accordingly, the court *a quo* is **DIRECTED** to set the date for the conduct of the DNA examination.¹¹ (Emphasis in the original)

The Court of Appeals held that Priscilla pleading guilty to violating Presidential Decree No. 651 was not a supervening event that could modify the final and executory order to conduct DNA testing. When the appellate court examined that criminal case, it found that Priscilla's specific criminal act was making it appear in Michael's birth certificate that she and Miguel were married at the time of Michael's birth, which they were not. This false entry did not render the other entries in the birth certificate false, or change the other entries in it, especially the entry where Miguel was named Michael's father. It only changed Michael's status from a marital to a nonmarital child.¹²

Moreover, to the Court of Appeals, the birth certificate was not the only piece of evidence that would show a *prima facie* case for Michael's paternity. During trial, Priscilla had testified on her sexual relationship with Miguel, her pregnancy, and Michael's birth. Both the birth certificate and Priscilla's testimony constitute the *prima facie* case that supported the final and executory orders to conduct DNA testing.¹³

Finally, it noted that Miguel had belatedly raised Priscilla's criminal act as a supervening event. She was convicted by the Metropolitan Trial Court on June 18, 2012, while the entry of judgment that rendered final and executory the order to conduct DNA testing was issued by the Supreme Court on August 3, 2012. Yet, Miguel only raised Priscilla's conviction one year later, or on November 18, 2013. Even Michael's motion for the setting of the date of DNA testing was filed earlier, on November 4, 2013. To the Court of Appeals, Miguel's failure to promptly bring the court's attention to the existence of a supervening event should be deemed his waiver of that defense. Thus, the Regional Trial Court erred in granting Miguel's Motion.¹⁴

The Court of Appeals denied Miguel's motion for reconsideration on September 7, 2015.¹⁵

Hence, this Petition. Petitioner argues that Priscilla's criminal act was

¹¹ Id. at 60–61.

¹² Id. at 59.

¹³ Id. at 59–60.

¹⁴ Id. at 60.

¹⁵ Id. at 63–64.

a supervening event that modified a final and executory judgment. He claims that he did not provide the information in the birth certificate and did not sign it. To him, if Priscilla could lie about their marital status, then she could have conceivably lied about respondent's paternity.¹⁶

Petitioner further claims that since respondent's birth certificate contained false entries, then respondent had not established a *prima facie* case for his paternity and filiation. He points to Articles 172 and 175 of the Family Code, which provide that a birth certificate is among the ways by which children may establish their marital and nonmarital filiation. Moreover, Priscilla's testimony on her alleged relationship with petitioner was self-serving and uncorroborated.¹⁷ Thus, in accordance with *Lucas v. Lucas*,¹⁸ there is no evidence that would support the issuance of a DNA testing order.

In his Comment,¹⁹ respondent argues that the Court of Appeals correctly found that Priscilla's conviction was not a supervening event which will defeat the immutability of the judgment on the order for DNA testing. According to him, petitioner's motion to dismiss or recall the DNA testing orders functioned as a second motion for reconsideration, prohibited under the Rule 37, Section 5 of the Rules of Court, seeking to overturn a ruling already entered into judgment by no less than this Court.²⁰

He also argues that Priscilla's conviction did not affect the entire birth certificate, but only the falsified entries. Respondent's claim for paternity was also supported by Priscilla's testimony as to her and petitioner's sexual relations, consistent with this Court's ruling in *Herrera v. Alba*.²¹

In his Reply,²² petitioner reiterates his claim that the doctrine of immutability of judgment did not apply to this case, and that Priscilla's conviction following her admission of guilt was a timely raised supervening event. Because Priscilla's conviction tarnished the birth certificate itself, there is now insufficient evidence to support a *prima facie* case to justify the DNA testing.²³

The issue to be resolved in this case is whether or not Priscilla Castor's conviction for making false entries in Michael Gocolay's Certificate of Live Birth is a supervening event that warrants the setting aside of the final and executory Regional Trial Court Orders for the DNA testing of Michael Gocolay and Miguel Gocolay.

¹⁶ Id. at 36.

¹⁷ Id. at 37–39.

¹⁸ 665 Phil. 795–815 (2011) [Per J. Nachura, Second Division].

¹⁹ Id. at 460–487.

²⁰ Id. at 466–469.

²¹ 499 Phil. 185 (2005) [Per J. Carpio, First Division].

²² Id. at 528–545.

²³ Id. at 530 and 534.



When a judgment attains finality, it becomes immutable and unalterable, resisting even correction due to perceived errors of law or fact. Execution of the judgment becomes a matter of course. In *Mercury Drug Corp. v. Spouses Huang*:²⁴

A final and executory judgment produces certain effects. Winning litigants are entitled to the satisfaction of the judgment through a writ of execution. On the other hand, courts are barred from modifying the rights and obligations of the parties, which had been adjudicated upon. They have the ministerial duty to issue a writ of execution to enforce the judgment.

It is a fundamental principle that a judgment that lapses into finality becomes immutable and unalterable. The primary consequence of this principle is that the judgment may no longer be modified or amended by any court in any manner even if the purpose of the modification or amendment is to correct perceived errors of law or fact. This principle known as the doctrine of immutability of judgment is a matter of sound public policy, which rests upon the practical consideration that every litigation must come to an end.

The rationale behind the rule was further explained in *Social Security System v. Isip*, thus:

The doctrine of immutability and inalterability of a final judgment has a two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely. The rights and obligations of every litigant must not hang in suspense for an indefinite period of time.²⁵ (Citations omitted)

One exception to the immutability of judgments is when there exists a supervening event, or “facts which transpire after judgment has become final and executory or to new circumstances which developed after the judgment has acquired finality, including matters which the parties were not aware of prior to or during the trial as they were not yet in existence at that time.”²⁶ A supervening event renders the execution of the judgment impossible or unjust,²⁷ requiring new relief to be granted as the new facts or circumstances warrant.²⁸

For a supervening event to be an exception to the execution of a final

²⁴ 817 Phil. 434 (2017) [Per J. Leonen, Third Division].

²⁵ Id. at 445–446.

²⁶ *Natalia Realty Inc. v. Court of Appeals (Former Ninth Division)*, 440 Phil. 1, 23 (2002) [Per J. Carpio, First Division] citing *Clavano v. Housing and Land Use Regulatory Board*, 428 Phil. 208 (2002) [Per J. Bellosillo, First Division].

²⁷ *De Luna v. Kayanan*, 158 Phil. 707 (1974) [Per J. Antonio, Second Division].

²⁸ *Abellana v. Dosdos*, 121 Phil. 241 (1965) [Per J. Makalintal, En Banc].

judgment, the following must concur: first, the fact or circumstance must occur after the judgment became final and executory; and second, the fact or circumstance must be shown to affect or change the judgment's substance, making its execution inequitable.²⁹

This Court has upheld the stay of execution of final and executory judgments in cases where orders for reinstatement to a previous position were no longer feasible,³⁰ or where court decisions changing the execution of prior ones are promulgated.³¹

Conversely, this Court does not consider to be supervening event facts and circumstances that arose before the judgment became final and executory, but were only raised after.³² Further, if the fact or circumstance did not materially change the parties' situation and did not materially affect the execution of the judgment, it cannot be considered a supervening event.³³ An instance would be the death of a party, as they may be substituted by heirs.³⁴

In this case, the final and executory nature of the Regional Trial Court's April 21, 2008 and April 1, 2009 Orders requiring the parties to undergo DNA testing is undisputed.

When the trial court granted respondent's motion, petitioner questioned the trial court's rulings in both the Court of Appeals and this Court, and was routed in both forums. Eventually, this Court denied petitioner's motion for reconsideration in that case, G.R. No. 200540, and entry of judgment was issued.³⁵ Yet, in another attempt to defeat the Regional Trial Court's Orders, petitioner now comes before this Court with an allegation that, because the mother of his putative child pled guilty to making false entries in the child's birth certificate, he is entitled not to undergo DNA testing.

Petitioner is mistaken.

Priscilla's conviction for violating Presidential Decree No. 651 did not occur after the Regional Trial Court's April 21, 2008 and April 1, 2009 Orders became final and executory. The Quezon City Metropolitan Trial

²⁹ *Mercury Drug Corp. v. Spouses Huang*, 817 Phil. 434 (2017) [Per J. Leonen, Third Division].

³⁰ *City of Butuan v. Hon. Ortiz*, 113 Phil. 636 (1961) [Per J. Labrador, En Banc].

³¹ *Heirs of Maravilla v. Tupas*, 795 Phil. 145 (2016) [Per J. Peralta, Third Division]; and *Roman Catholic Bishop of Caceres v. Heirs of Abella*, 512 Phil. 408 (2005) [Per J. Austria-Martinez, Second Division].

³² *Clavano v. Housing and Land Use Regulatory Board*, 428 Phil. 208 (2002) [Per J. Bellosillo, First Division].

³³ *NPC Drivers and Mechanics Association v. The National Power Corporation*, 737 Phil. 210 (2014) [Per J. Brion, Special Third Division].

³⁴ *Ramirez v. Court of Appeals*, G.R. No. 85469, March 18, 1992 [Per J. Nocon, Second Division].

³⁵ *Rollo*, p. 385-386.

Court handed down its judgment of conviction against Priscilla on June 19, 2012.³⁶ At that time, G.R. No. 200540 had not yet been resolved with finality. This Court only issued its Resolution denying petitioner's motion for reconsideration eight days after, or on June 27, 2012. Indeed, the entry of judgment for G.R. No. 200540 was dated August 3, 2012.³⁷

If petitioner had only been so inclined, and more assuredly vigilant in the vindication of his rights, he could have raised with this Court, in G.R. No. 200540, the existence of the pending case against Priscilla—but he did not. Instead, he waited for more than a year, after respondent moved for the setting of the DNA testing, before belatedly raising Priscilla's conviction as a so-called supervening event. As held by the Court of Appeals, petitioner failing to seasonably raise a defense that he could have raised at the earliest opportunity amounts to a waiver of that defense.³⁸

More importantly, Priscilla's conviction did not materially change the parties' situation as to warrant recalling the April 21, 2008 and April 1, 2009 Orders.

The Information filed against Priscilla, and to which she pled guilty, stated:

That on or about the 23rd day of March 1979, in Quezon City, Philippines, the said accused, being then the mother of MICHEL BENJO C. GOCOLAY and informant in the latter's birth certificate, did then and there willfully, unlawfully and feloniously and deliberately make false statements in said Birth form by then and there *stating therein that a marriage was solemnized between her and one MIGUEL D. GOCOLAY in Bulacan on May 1978 and that the aforesaid MICHEL BENJO C. GOCOLAY is their legitimate child when in truth and in fact, accused knew fully that said informations and entries were false as MIGUEL D. GOCOLAY is not married to PRISCILLA GOCOLAY but to MARIE D. GOCOLAY*, after which said accused presented the same for registration at the Local Civil Registry of Quezon City and was registered as Local Civil Registry No. 2448, in violation of law.

CONTRARY TO LAW.³⁹ (Emphasis supplied)

Based on the Information, the false entry in respondent's birth certificate referred to Priscilla's claim that she was married to petitioner. Nothing about this defeats respondent's claim for paternity and filiation. Marriage between respondents' parents is not indispensable to establish the identity of his putative father. As correctly pointed out by the Court of Appeals, it only affects his status, foreclosing the possibility that he could be

³⁶ Id. at 497.

³⁷ Id. at 386.

³⁸ Id. at 60.

³⁹ Id. at 498

a marital child of petitioner, but leaving the door open to him being petitioner's nonmarital child, in accordance with the definitions of "legitimate" and "illegitimate" children in our civil laws.⁴⁰


Even so, Priscilla's conviction does not undermine the ultimate allegations made by respondent. In his original petition for paternity, respondent clearly alleged that he was the "illegitimate and biological son of Respondent Miguel Gocolay and PRISCILLA A. CASTOR[.]"⁴¹ This allegation has not been altered or modified in anyway by the false entry in respondent's birth certificate; in fact, petitioner and Priscilla not being married to each other corresponds with respondent's claim that he is petitioner's "illegitimate and biological son."

The false entry in respondent's birth certificate did not undermine his claim to be recognized as petitioner's nonmarital son. Moreover, both the trial court and the Court of Appeals found Priscilla's testimony that she and petitioner had sexual relations resulting in a child to be sufficient. Reexamining her testimony at so late a stage would be tantamount to a prohibited second motion for reconsideration of a final and executory order.⁴² A reasonable possibility of paternity⁴³ has already been established with finality. Thus, respondent's *prima facie* case for a DNA test must be upheld.

As no element of a supervening event occurs in this case which would warrant the staying of the final and executory April 21, 2008 and April 1, 2009 Orders, respondent is entitled to their execution.

WHEREFORE, the Petition for Review on Certiorari is **DENIED**. The May 28, 2015 Decision and September 7, 2015 Resolution of the Court of Appeals in CA-G.R. SP No. 137096 are **AFFIRMED**.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

⁴⁰ Id. at 59.

⁴¹ Id. at 110.

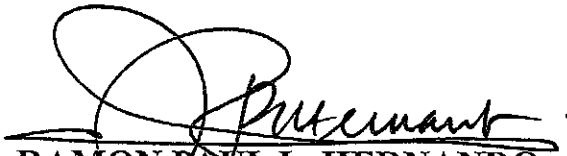
⁴² RULES OF COURT, Rule 37, sec. 5 provides:

SECTION 5. *Second Motion for New Trial*. — A motion for new trial shall include all grounds then available and those not so included shall be deemed waived. A second motion for new trial, based on a ground not existing nor available when the first motion was made, may be filed within the time herein provided excluding the time during which the first motion had been pending.

No party shall be allowed a second motion for reconsideration of a judgment or final order.

⁴³ See *Lucas v. Lucas*, 665 Phil. 795 (2011) [Per J. Nachura, Second Division].

WE CONCUR:


RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


RICARDO R. ROSARIO
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.


MARVIC M.V.F. LEONEN
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.


DIOSDADO M. PERALTA
Chief Justice