

**THE EASTERN CARIBBEAN SUPREME COURT
SAINT VINCENT AND THE GRENADINES**

IN THE HIGH COURT OF JUSTICE

SUIT NO: SVGHCV2025/0029

BETWEEN:

LECIA CAMELIA ARCHIBALD née MC LEAN

Claimant/Applicant

and

[1] THE REGISTRAR

First Defendant

and

[2] ONEIL BROWNE

(Personal Representative in the Estate of Desmond Augustus Phillips)

Second Defendant

BEFORE: The Hon. Mde. Justice Cybelle Cenac-Dantes

DATED: 14th April, 2026, 23rd April 2026

APPEARANCES:

Ms. Ann-Marie E. M Jack of Counsel for the Claimant, Ms. Lahdail-Horne
Counsel for the First Defendant, Mr. Jomo Thomas with Ms. Bimala Thomas
Counsel for the Second Defendant

JUDGMENT

- [1] The issue for determination is whether the Claimant has established, on a balance of probabilities, that the late Desmond Augustus Phillips is her biological father.
- [2] As was correctly submitted by counsel for the Claimant, the Court is not required to determine paternity with scientific certainty, but on a balance of probabilities, having regard to the statutory framework.

- [3] This claim is brought pursuant to sections **5 and 8 of the Status of Children Act No. 21 of 2011**. Section 5 provides a number of circumstances in which a person shall be presumed, unless the contrary is proved, to be the natural father of a child. Of particular relevance to this case is section 5(1)(j), which provides for such a presumption where a man has, by his conduct, implicitly and consistently acknowledged that he is the father of the child.
- [4] The Court begins with the scientific evidence. The unchallenged DNA report presented by the claimant (hereinafter referred to as the first report) establishes a 99% probability of relatedness between the Claimant and Hugh Phillips, the biological brother of the deceased. This confirms that the Claimant is biologically connected to the Phillips family line. However, the unchallenged expert evidence presented by the second defendant (hereinafter referred to as the second report) makes clear that where the possible fathers are brothers, such testing cannot distinguish between them and is therefore inconclusive on the question of which brother is the father. The Court therefore treats the DNA evidence under the first report as supportive but not determinative.
- [5] The Second Defendant's case seeks to introduce doubt by advancing alternative possibilities of paternity, including that the Claimant may be the child of Edward Guy aka Christi or Rudolph Phillips, brother to the deceased.
- [6] Even accepting the evidence of a relationship between the Claimant's mother and Rudolph Phillips, that establishes only opportunity and not probability.
- [7] The DNA evidence in the first report significantly undermines the suggestion that Edward Guy, also known as "Christi" (now deceased), was the biological father. In light of the established biological connection to the Phillips family, the Court finds that that alternative can be safely excluded. Further, although the Second Defendant's witnesses suggested Edward Guy acknowledged the Claimant, Oneil Browne admitted under cross-examination that he had no scientific evidence to support this. Furthermore, despite his speculation that his uncle Rudolph Phillips could be the father, he conceded that he possessed no DNA evidence linking

Rudolph to the Claimant and admitted his position was based purely on speculation. In light of the 99% relatedness to the Phillips line and the lack of scientific support for alternatives, the Court excludes Edward Guy and Rudolph Phillips as probable fathers.

[8] The Court therefore turns to the evidence of conduct, acknowledgment, and the surrounding circumstances.

[9] The Claimant's evidence, which is substantially corroborated by her witnesses Leona John-Soleyn, Linnette Patterson and Myrtle Cain, establish that the Claimant was raised in the household of the deceased, was supported by him financially and emotionally, and was treated and held out as his daughter within the household and the wider community. The Claimant's evidence is corroborated by specific testimony regarding the deceased's conduct. Leona John-Soleyn testified that the deceased told her the mother "*gone pregnant*" but would return when she left McCarthy, a fact supported by Myrtle Cain, who observed that the mother's "*tummy was showing a little*" at the time. It was accepted by the claimant's witnesses and the claimant's own recollection that her mother returned to the deceased's home when she was about 3 years old. From that time, the deceased did not merely provide general support; he specifically funded the Claimant's education through to the St. Joseph's Convent

[10] The Court has considered the Second Defendant's allegation that the Claimant's mother told the deceased he was not the father. This statement is uncorroborated and, crucially, is contradicted by the deceased's subsequent actions.

[11] On the Second Defendant's own admission, after this alleged conversation, the deceased never treated the Claimant or her mother as strangers, never publicly denied her, and never took any legal steps to remove her from his household or his life. He continued to provide for the household and maintain a relationship the Second Defendant himself described as "father-like" until his death.

[12] The Court finds the Second Defendant's challenge to be primarily speculative. Under cross-examination, Oneil Browne made the critical admission that it remains

a possibility that the deceased is the biological father. His case, therefore, rests on speculative alternatives for which he admitted he had no proof, whereas the Claimant has provided both a 99% DNA relatedness to the deceased's family and consistent evidence of paternal conduct spanning thirty years.

[13] In applying section 5(1)(j), the Court finds that the deceased implicitly and consistently acknowledged the Claimant as his child and is satisfied, on a balance of probabilities that Desmond Augustus Phillips is the biological father of the Claimant.

[14] The requirements of the Act having been met, the evidence establishing that the omission of the father's name at the time of registration was due to "*negligence, inadvertence or otherwise*" a declaration of parentage is now granted under the Act and the Register is to be amended accordingly.

Costs

[15] As to costs, the Court has given careful consideration to the manner in which this matter was contested. While this is a family dispute concerning parentage, it is significant that the Second Defendant, under cross-examination, accepted, both that it remained a possibility that the deceased was the Claimant's father and that the deceased had, throughout his lifetime, conducted himself towards the Claimant in a manner consistent with that of a father. Those admissions are directly aligned with the statutory presumption under section 5(1)(j) of the Status of Children Act.

[16] The Court accepts, however, that the Claimant was, even without a challenge to her claim, required to bring this application and prove her claim before the Court.

[17] The Court is nevertheless satisfied that the matter ought not to have been taken to a full trial and that the Second Defendant's actions caused unnecessary expense.

[18] In those circumstances, the Court awards costs limited to the trial only in the sum of \$3,000.00.

My order is as follows:

- (1) A declaration is granted that Desmond Augustus Phillips is the biological father of the Claimant.
- (2) The Registrar of Births and Deaths is directed to insert the name Desmond Augustus Phillips on the Claimant's birth certificate.
- (3) The Second Defendant shall pay the Claimant's costs of trial assessed in the sum of \$3,000.00.
- (4) The Claimant is to take carriage of the Order after judgment.

Cybelle Cenac-Dantes

High Court Judge

By the Court

Registrar