

102 Phil. 1046

[ G.R. No. L-10226. February 14, 1958 ]

**VIRGINIA ANSALDO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.**

**D E C I S I O N**

**MONTEMAYOR, J.:**

This is an appeal from an order of the Court of First Instance of Manila, dated September 13, 1955, denying the petition of appellant Virginia Ansaldo to correct the birth certificate of her son, James A. Wang, under the provisions of Article 412 of the New Civil Code, which reads as follows:

“ART. 412. No entry in a civil register shall be changed or corrected, without a judicial order.”

The facts are simple and undisputed. On April 5, 1954, a baby was born to Virginia Ansaldo, a Filipina, and Henry H. Wang, a Chinese, both single. The following day, the parents of the baby gave to the Chief Nurse of the Sampaloc General Hospital, Manila, where the baby was born, the information and data about the child and its parents which are now made to appear on the child’s birth certificate, Exhibit A, which for purposes of reference, we reproduced below:

*“Full name of child: James  
A. Wang*

*Nationality: Chinese*

*Legitimate: No*

*Father: Full name—Henry  
H. Wang*

*Citizenship:—Chinese*  
*Civil Status:—Single*  
*Religion:—Catholic*  
*Mother: Full*  
*name—Virginia Ansaldo*  
*Citizenship—Filipina*  
*Civil status—Single*  
*Religion—Catholic*

At the back of the birth certificate is an “Affidavit to be Accomplished in Case of an Illegitimate Child”, which was signed by both father and mother and subscribed and sworn to on April 23, 1954.

On February 10, 1956, the mother of the child, Virginia Ansaldo, filed with the Court of First Instance of Manila a “Petition for Correction of Birth Certificate”, seeking to change the word “Chinese” under the child’s name James A. Wang and opposite the word “Nationality”, in the birth certificate, to word “Filipino”. The petition was opposed by the Solicitor General in representation of the Republic of the Philippines, on the ground that entries in the civil register can be corrected only if the alleged mistakes are clerical in nature, not those that would affect the status or nationality or citizenship of the person involved, citing our ruling in *Ty Kong Tin vs.*

*Republic of the Philippines*, (94 Phil., 321, 50 Off. Gaz. 1077). Acting upon the petition and the opposition thereto, the lower court issued the order of September 13, 1955, denying the petition, citing the same case of *Ty Kong Tin vs. Republic of the Philippines, supra*.

Appellant contends that the correction sought by her in the birth certificate of her son, James A. Wang, does not affect his nationality or citizenship, as claimed by the Solicitor General and held by the trial court, for the reason that her child under the law, is a Filipino anyway, with or without the correction of his birth certificate, because his mother is a Filipino citizen, and although his father is a Chinese, the child was born out of wedlock, as further shown by the birth certificate, to the effect that the child was not legitimate; that being an illegitimate child, it follows the citizenship of its mother; that the fact that the child was acknowledged by the parents

will not change his status as Filipino citizen, and that only a valid marriage of a Filipino woman to a Chinese citizen would make the offspring a Chinese citizen. Appellant further argues that the lower court erred in declaring in its order that “even conceding, therefore, as pointed out by counsel for petitioner that there is evidence that James A. Wang is really a Filipino, and not a Chinese, such a fact, if it is a fact, must be established in another appropriate action and not in a mere petition under Article 412 of the New Civil Code.” She maintains that under the provisions of Article 412 of the New Civil Code, she has a right to petition for a judicial order to correct her child’s birth certificate and that an appropriate action as suggested by the trial court is unnecessary.

Without attempting to decide whether under the facts or data appearing on the birth certificate in question, the child, James A. Wang, is under the law, a Filipino citizen, following the nationality of its mother, we feel that in the public interest and as a matter of public policy, we should adhere to the ruling laid down by us in the case of *Ty Kong Tin vs. Republic of the Philippines*, supra.

The petitioner in that case, Ty Kong Tin, alleged that he was a Filipino citizen duly licensed to practice law in the Philippines, that all his children were born in the City of Manila, whose births were duly reported in the civil register by the midwife or doctor attending their births, but that in submitting the report, it was made to appear therein that the citizenship of the petitioner was Chinese instead of Filipino, the mistake having been committed either by the midwife or doctor making the report, without knowledge or consent of the petitioner, and he filed a petition in court invoking the provisions of Article 412 of the New Civil Code to correct the alleged mistake. In denying the petition by reversing the order of the trial court granting it, we held through Mr. Justice Bautista that:

“It is our opinion that the petition under consideration does not merely call for a correction of a clerical error. It involves a matter which concerns the citizenship not only of petitioner but of his children. It is therefore an important

controversial matter which can and should only be threshed out in an appropriate action. The philosophy behind this requirement lies in the fact that 'the books making up the civil register and all documents relating thereto shall be considered public documents and shall be prima facie evidence of the facts therein contained' (Article 410, new Civil Code), and if the entries in the civil register could be corrected or changed through a mere summary proceeding, and not through an appropriate action wherein all parties who may be affected by the entries are notified or represented, we would set wide open the door to fraud or other mischief the consequence of which might be detrimental and far reaching."

For the information of the parties concerned, and for the guidance of the public in general, we may venture the opinion that the clerical errors which might be corrected through judicial sanction under Article 412 of the New Civil Code, would be those harmless and innocuous changes, such as, correction of a name that is clearly misspelled, occupation of the parents, etc.; but for changes involving the civil status of the parents, their nationality or citizenship, those are grave and important matters which may have a bearing and effect on the citizenship and nationality not only of said parents, but of the offsprings, and to seek said changes, it is necessary to file a proper suit wherein not only the State, but also all parties concerned and affected should be made parties defendants or respondents, and evidence should be submitted, either to support the allegations of the petition or complaint, or also to disprove the same so that any order or decision in the case may be made with due process of law and on the basis of facts proven. Then and only then may the change or changes be made in the entry in a civil register that will affect or even determine conclusively the citizenship or nationality of a person therein involved.

In view of the foregoing, the order appealed from is hereby affirmed. No costs.

*Paras, C.J., Bengzon, Padilla, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ., concur.*

Date created: March 17, 2017