

Title: Richelle Busque Ordoña v. The Local Civil Registrar of Pasig City and Allan D. Fulgueras

Facts:

Richelle Busque Ordoña married Ariel O. Libut on October 10, 2000, in Las Piñas City. She later worked abroad, found out about Ariel's illicit affair, and subsequently separated from him without filing for annulment. In 2008, while working in Abu Dhabi, United Arab Emirates, Ordoña became involved with Allan D. Fulgueras, resulting in pregnancy. Ordoña returned to the Philippines and gave birth to Alrich Paul Ordoña Fulgueras on January 26, 2010, listing Fulgueras as the father on the birth certificate.

Seeking to correct the birth certificate's entries regarding paternity and the child's surname, Ordoña filed a verified Petition for Correction of Entries (Rule 108 petition) before the Regional Trial Court (RTC) in Pasig City on September 7, 2011. She intended to change the child's surname from "Fulgueras" to "Ordoña," her maiden name, and to delete the entries under paternal information. It was alleged that Fulgueras could not have signed the Affidavit of Acknowledgment/Admission of Paternity since he was not in the Philippines at the time of the child's birth.

The RTC, finding the petition sufficient in form and substance, proceeded with the requisite publication and notification. Despite no opposition being filed, Ordoña was allowed to present evidence, including testimony by a co-worker, who attested that the signature in the affidavit did not match Fulgueras's usual signature.

Issues:

1. Whether the Petition for Correction of Entries can be used to impugn the legitimacy and filiation of a child.
2. Whether a mother can impugn the legitimacy of her child in contradiction to Articles 167, 170, and 171 of the Family Code.
3. Whether failure to implead Ariel Libut, the legal husband, affects the proceedings for correction of entries.

Court's Decision:

The Court denied the Petition for Review on Certiorari. It established that a Rule 108 Petition cannot be used to impugn the legitimacy and filiation of a child as it constitutes a collateral attack, which is prohibited. Furthermore, Articles 167, 170, and 171 of the Family Code do not allow a mother to impugn the legitimacy of her child, a task reserved for the

husband or, in exceptional cases, his heirs. The correct course of action must follow the express provisions of the Family Code, leaving legislative amendments as the appropriate method for any desired changes. Moreover, the procedural requirement under Rule 108 necessitating the inclusion of all parties with an interest was not met due to the failure to implead Ariel Libut.

#### Doctrine:

The legitimacy and filiation of a child cannot be collaterally attacked through a Rule 108 Petition for Correction of Entries in a birth certificate. The Family Code explicitly reserves the right to impugn the legitimacy of a child to the husband or his heirs, thereby excluding the mother from doing so. Furthermore, compliance with procedural requirements, including the impleading of all interested parties, is necessary for the validity of proceedings under Rule 108.

#### Class Notes:

- Legitimacy and filiation of children can only be questioned through a direct action, as per Articles 166, 170, and 171 of the Family Code.
- Article 167 of the Family Code explicitly provides that the child shall be considered legitimate despite any declaration or adjudication against its legitimacy by the mother.
- Rule 108 of the Rules of Court sets the procedure for the cancellation or correction of entries in the civil registry but cannot be used to challenge a child's legitimacy.
- Failure to include indispensable parties, such as the legal husband in cases affecting the child's legitimacy and filiation, may render the proceedings and judgment ineffectual.

#### Historical Background:

The case illustrates the stringent protections around the legitimacy and filiation of children within the Philippine legal framework, reflecting societal values on family and marriage. The Family Code, enacted to embody and define legal relationships within the family, has provisions that aim to protect the legitimacy of children and maintain the stability of familial relations, even in the face of evolving social realities and norms. This case also underscores the limitations of judicial action in matters where legislative amendment is necessary to reconcile legal provisions with contemporary societal values and international obligations, such as those under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).