

Title:

Alba vs. Court of Appeals and Rosendo C. Herrera

Facts:

Rosendo C. Herrera sought to cancel certain entries in the birth certificate of Rosendo Alba Herrera, Jr., including his designation as the father and his surname from the child's name. He contended these entries were false, discovered in September 1996, and claimed he never married Armi A. Alba, the child's mother, nor fathered the child. On November 27, 1996, the trial court set a hearing and required publication and service notice, which failed to reach Armi personally. On April 1, 1997, the trial court rendered a decision to delete the contested entries, including the father's name and alleged marriage date, which became final.

Armi A. Alba and her son, now represented, filed for annulment of the trial court's decision in the Court of Appeals in November 2000, arguing extrinsic fraud and lack of jurisdiction over their persons, notably claiming that the proper address was known to Herrera and was intentionally ignored. The Court dismissed the petition, stating no proof of fraud. The Supreme Court was later approached for certiorari against this dismissal.

Issues:

1. Whether the trial court acquired jurisdiction over the petitioners.
2. If the petitioners were deprived of their day in court due to extrinsic fraud.
3. The proper remedy for grievances against the Court of Appeals decision.

Court's Decision:

The Supreme Court supported the appellate court's ruling, highlighting as follows:

- Jurisdiction over the petitioners was not necessary for the trial court since the petition's nature (correcting birth certificate entries) was an action in rem, requiring primarily jurisdiction over the subject matter.
- Service of notice through publication in a newspaper was deemed sufficient for due process in proceedings in rem.
- The alleged extrinsic fraud, identified as Herrera's purported knowledge and disregard of Armi's true address, was not proven. Documents presented were insufficient to establish the claimed cohabitation and support from Herrera to Armi that would corroborate knowledge of the address.
- The Court further ruled that certiorari under Rule 65 was inappropriate as the petitioners should have pursued a petition for review on certiorari under Rule 45 instead, thus

procedurally barring their claims.

- Regarding the annulment of the court's decision, the Court held that an unrecognized illegitimate child, such as the petitioner minor, must bear the mother's surname, aligning with Article 176 of the Family Code as amended by RA 9255.

Doctrine:

- In actions in rem concerning the status of a person, jurisdiction over the subject matter suffices for the court to decide the case, and notice via publication is deemed sufficient to meet due process requirements.

- Extrinsic fraud as a ground for annulment of judgment requires conclusive proof, especially regarding alleged deceit that prevented a party from fully presenting their case.

- A petition for certiorari under Rule 65 cannot substitute for a timely petition for review under Rule 45 where only questions of law are to be raised.

Class Notes:

- Actions in rem vs. Actions in personam: Distinction is crucial in understanding jurisdictional requirements and the scope of a court's decision.

- Requirement of Publication: Serves as notice to all parties concerned in actions in rem and is considered to meet the due process requirement.

- Doctrine of Extrinsic Fraud: Requires substantial and conclusive evidence to be proven, enabling annulment of judgment if successful.

- Procedural Remedies: Importance of choosing the appropriate procedural avenue (e.g., Rule 45 vs. Rule 65) when challenging court decisions.

- Application of Family Code Article 176 (as amended by RA 9255): Determines surname use for illegitimate children not recognized by their fathers.

Historical Background:

The context of this case highlights legal standards for correcting public records and judicial procedures in the Philippines. It demonstrates the protective measures for individuals' rights in civil registry matters, the importance of adherence to procedural rules in judicial proceedings, and the evolving legal norms related to filiation and recognition in family law.