

Title: **Barcelote v. Republic of the Philippines**

Facts:

Jonna Karla Baguio Barcelote (Barcelote) had two children out of wedlock with Ricky O. Tinitigan (Tinitigan). The children were born on June 24, 2008, and August 24, 2011. Initially, Barcelote did not register their births. When registering them in 2012, she discovered Tinitigan had already registered them under different names and with incorrect details in Davao City. Barcelote filed a petition to cancel these certificates, arguing they were registered without her knowledge and contained false information. The RTC ruled in her favor, ordering the cancellation of the birth certificates. Tinitigan and the local civil registrar appealed the decision. The CA reversed the RTC's ruling, arguing that the birth certificates were valid under Act No. 3753 and that the entries were legally permissible. Barcelote took her case to the Supreme Court.

Issues:

1. Did the CA err in not canceling the certificates of live birth for the children?
2. Under the Family Code, should illegitimate children use the surname of their mother?
3. Was the CA correct in interpreting Act No. 3753 concerning the registration of illegitimate children?
4. Did the CA correctly dismiss the petition for cancellation?

Court's Decision:

1. **Illegitimate Children's Surname:**

- The Supreme Court observed under Article 176 of the Family Code, illegitimate children must use the surname of their mother. RA 9255 allows the use of the father's surname if paternity is acknowledged.
- The Court found that Tinitigan's unilateral registration of the birth certificates without Barcelote's involvement did not meet the statutory requirement of joint registration or mother's consent.
- The birth certificates registered by Tinitigan were not in compliance with Act No. 3753 as the mother's signature was missing.

2. **Registration Under Act No. 3753:**

- Act No. 3753 mandates either parent's declaration for registering a birth, specifically requiring joint signatures for illegitimate children unless the father refuses.
- Tinitigan's actions violated this provision; thus, the birth certificates were improperly registered.

3. **Best Interests of the Child:**

- The Court reiterated the principle that the welfare and best interests of the child are paramount.

Doctrine:

1. **Family Code Article 176 (as amended by RA 9255):** Illegitimate children must use their mother's surname unless recognized by the father.
2. **Act No. 3753:** Proper registration of an illegitimate child requires the mother's signature to ensure accuracy and prevent wrongful attributions of paternity.
3. **Civil Code Article 5:** Acts contrary to mandatory statutory provisions are void.

Class Notes:

- **Illegitimate Children's Surname:** Use the mother's surname unless the father acknowledges paternity in a public document or birth record (Family Code, Art. 176 as amended).
- **Birth Registration Requirements:** For illegitimate children, both parents must sign or at least the mother if the father refuses (Act No. 3753, Sec. 5).
- **Paramount Consideration in Family Law:** The best interests of the child principle must always be prioritized (CRC Art. 3, Family Code).

Historical Background:

The case reflects evolving views on parental rights and responsibilities, especially regarding the legitimation and recognition of children. The statutory changes embodied in RA 9255 and evolving case law aim to balance paternal recognition against the risk of fraudulent claims and the paramount principle of protecting children's welfare. The decision underscores strict statutory adherence in civil registration to prevent disputes over identity and legitimacy.