

### Title:

\*\*Republic of the Philippines vs. Nisaida Sumera Nishina | G.R. No. 182132 (2009)\*\*

### Facts:

Nisaida Sumera Nishina (respondent) through her mother Zenaida Sumera Watanabe filed a verified petition before the Regional Trial Court (RTC) of Malolos, Bulacan for the cancellation of her birth record and change of surname. Nishina was born on October 31, 1987, to her Filipino mother Zenaida and Japanese father Koichi Nishina. After Koichi's death, Zenaida first married Kenichi Hakamada, later divorced him, and subsequently married Takayuki Watanabe, who legally adopted Nishina by a decree issued by the Tokyo Family Court of Japan.

On discovering that her birth was originally registered under "Nisaida Sumera Nishina," Nishina filed a petition for her second birth certificate from the late registration in 1993 under the surname "Hakamada" to be cancelled and her surname in the original birth certificate to be changed to "Watanabe."

### Procedural Posture:

1. **RTC of Malolos, Bulacan**: Granted the petition and directed the local civil registry to cancel the second birth record and effect the surname change.
2. **Court of Appeals**: Petition for appeal was dismissed due to the OSG not filing a record on appeal.

The OSG's motion for reconsideration was denied by the Court of Appeals. Hence, the OSG filed a petition for review on certiorari before the Supreme Court.

### Issues:

1. Whether the OSG needed to file a record on appeal in addition to the notice of appeal in a special proceeding like this case.
2. Whether the appeal to the Court of Appeals was valid despite the absence of a record on appeal.

### Court's Decision:

The Supreme Court resolved both issues noting:

1. **No Necessity for Record on Appeal**: The Court held that a record on appeal is not necessary when no other matters remain pending before the trial court. The special proceeding at the RTC had reached a final adjudication on the respondent's petition, thus no further matters were remaining that could lead to multiple appeals.

2. **Appeal Reinstated**: The Court reversed the resolution of the Court of Appeals and reinstated the appeal on grounds that the OSG correctly adopted the mode of appeal given that the record on appeal was not necessary in this concluded special proceeding.

**Doctrine:**

- **Final Determination and Appeal Requirements in Special Proceedings**: When a final determination in a special proceeding resolves all substantive matters, a notice of appeal without a record on appeal suffices.
- **Distinction from Multiple Appeals**: The requirement for a record on appeal presupposes the potential for continued proceedings and multiple appeals, which was not applicable in a fully resolved matter as in this case.

**Class Notes:**

- **Appeal in Special Proceedings**: Under Section 1, Rule 109 of the 1997 Rules of Civil Procedure, multiple appeals in a special proceeding necessitate a record on appeal, but not in single, conclusive resolutions.
- **Key Legal Principle**: Single-instance special proceedings ending in comprehensive final orders do not necessitate a record on appeal.

**Historical Background:**

The case reflects the procedural nuances and rigidities in Philippine civil procedure, particularly concerning appellate protocols in special proceedings. It highlights the evolving judicial approach towards streamlining procedures to avoid undue dismissal of appeals due to technical procedural lapses, embodying the courts' preference for substantive justice over procedural technicality.

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**Statutory reference for quick memorization:**

- **Rule 109, Section 1 of the 1997 Rules of Civil Procedure**: Enumerates specific instances in special proceedings where multiple appeals might necessitate a record on appeal.