

**Title:** Braza v. City Civil Registrar of Himamaylan City, Negros Occidental et al.

**Facts:**

- **Marriage and Family Background:**

- Petitioner Ma. Cristina Torres Braza married Pablo Sicad Braza, Jr. (“Pablito Sicad Braza”) on January 4, 1978.
- They had three children: Paolo Josef (born May 8, 1978), Gian Carlo (born June 4, 1980), and Janelle Ann (born June 7, 1983).
- Pablo died in a vehicular accident in Indonesia on April 15, 2002.

- **Discovery During Wake:**

- During Pablo’s wake, Lucille Titular introduced minor Patrick Alvin Titular Braza as her and Pablo’s son.
- This prompted Ma. Cristina to investigate and obtain Patrick’s birth certificate, which listed Pablo as Patrick’s father and indicated that Patrick was legitimated by the subsequent marriage of Lucille and Pablo on April 22, 1998.

- **Legal Actions Taken:**

- Ma. Cristina and her children filed a petition on December 23, 2005, with the Regional Trial Court (RTC) of Himamaylan City to correct the birth record of Patrick.
- They contended that Patrick could not have been legitimated by the marriage between Lucille and Pablo, as it was bigamous due to Pablo’s existing valid marriage to Ma. Cristina.
- They sought:
  1. Correction of Patrick’s birth record regarding his legitimation, paternity acknowledgment, and surname usage.
  2. A directive for Patrick to undergo DNA testing to determine his paternity and filiation.
  3. Declaration of nullity of Patrick’s legitimation and the marriage of Lucille and Pablo as bigamous.

- **Trial Court’s Ruling:**

- On Patrick’s motion, the RTC dismissed the petition without prejudice, citing lack of jurisdiction in a special proceeding for correction of entry to annul marriages, impugn legitimacy, or order DNA testing.
- The RTC ruled that these issues should be addressed in a regular adversarial action.
- Petitioners’ motion for reconsideration was denied.

- **Supreme Court Petition:**

- Petitioners filed a petition for review with the Supreme Court, arguing that the RTC could rule on the validity of marriage and legitimacy in an action to correct civil register entries under Rule 108, citing cases like *Cariño v. Cariño* and *Republic v. Kho*.

**\*\*Issues:\*\***

1. **\*\*Jurisdiction under Rule 108\*\***:

- Whether a special proceeding for correction of entry under Rule 108 allows a court to nullify marriages and rule on legitimacy and filiation.

2. **\*\*Nature of the Petition\*\***:

- Whether the petition filed by Ma. Cristina and her children is primarily for the correction of Patrick's birth record or for the declaration of nullity of marriage and impugnation of legitimacy.

**\*\*Court's Decision:\*\***

- **\*\*Jurisdiction under Rule 108\*\***:

- The Supreme Court affirmed that Rule 108 generally permits correction of clerical or typographical errors and not substantial alterations involving the nullity of marriage or legitimacy questions.

- Substantial errors necessitate an adversarial proceeding where all affected parties are properly impleaded.

- **\*\*Nature of the Petition\*\***:

- The Court found that the petitioners' cause of action was essentially for declaring Pablo and Lucille's marriage void for being bigamous and for impugning Patrick's legitimacy.

- Such issues fall under A.M. No. 02-11-10-SC and Article 171 of the Family Code, which require the case to be filed in a Family Court.

- The petitions should be a direct action by the proper party, not through a collateral attack via Rule 108.

- **\*\*Cited Cases Analysis\*\***:

- The SC clarified that *Cariño v. Cariño*, *Lee v. Court of Appeals*, and *Republic v. Kho* involved direct actions or substantial corrections under adversarial proceedings, unlike the present case.

**\*\*Doctrine:\*\***

- **Substantial Errors in Civil Registry**:
  - Corrections of substantial errors in civil registry entries, including legitimacy and validity of marriages, should be done through adversarial proceedings. Rule 108 cannot be used for these corrections except for clerical errors.
- **Direct vs. Collateral Attack**:
  - Validity of marriages and legitimacy must be questioned through a direct action filed seasonably by the proper party, not through collateral attacks in special proceedings.

**Class Notes:**

- **Rule 108 - Correction of Entries in the Civil Register**:
  - Addresses clerical or innocuous errors.
  - Substantial corrections involving legitimacy or marriage validity require adversarial proceedings.
- **Family Code, Article 171**:
  - Governs actions to impugn the legitimacy of a child.
  - Requires appropriate court procedures (Family Court jurisdiction).
- **A.M. No. 02-11-10-SC**:
  - Rules on declaration of nullity of void marriages and annulment of voidable marriages.
  - Effective March 15, 2003.

**Historical Background:**

- **Legal Framework Evolution**:
  - The case demonstrates the evolution of procedural rules in the Philippines regarding civil registry corrections and the specific jurisdiction of Family Courts in handling family-related disputes and substantial errors which arose for the first time in the Supreme Court's ruling.
  - It highlights the balance between procedural efficiency and the substantive rights to question the legitimacy of familial relationships in due process.