

Title

Republic of the Philippines vs. Chule Y. Lim, G.R. No. 154177, October 2002

Facts

In this case, respondent Chule Y. Lim filed a petition for correction of entries under Rule 108 of the Rules of Court with the Regional Trial Court (RTC) of Lanao del Norte, Branch 4 (Sp. Proc. No. 4933). Lim claimed that she was born on October 29, 1954, in Buru-an, Iligan City, and her birth was registered in Kauswagan, Lanao del Norte. The Municipal Civil Registrar of Kauswagan later transferred her record of birth to Iligan City. She alleged four erroneous entries in both her Kauswagan and Iligan City birth records and sought their correction.

Initially, the trial court issued an order setting the hearing for December 27, 1999, and directed that the order be published in a newspaper of general circulation in Iligan and Lanao del Norte for three consecutive weeks. The court also required copies of the order to be sent to the Office of the Solicitor General and the Local Civil Registrar of Iligan City.

During the hearing, Lim testified about four inaccuracies in her birth records:

1. Her surname was misspelled as “Yo” instead of “Yu.”
2. Her father’s name was inaccurately entered as “Yo Diu To (Co Tian)” instead of “Yu Dio To (Co Tian).”
3. Her nationality was listed as Chinese instead of Filipino. Lim stated that her parents (a Chinese father and a Filipina mother) were never married, making her Filipino by birth.
4. Her status was erroneously indicated as legitimate, whereas she should have been described as illegitimate.

Respondent’s mother, Placida Anto, corroborated that she was a Filipina and that she and Lim’s father were never married due to the latter’s existing marriage in China. A certification from the local civil registries of Iligan and Kauswagan substantiated that there were no records of marriage between Placida Anto and Yu Dio To.

The Republic, while participating in the proceedings, did not present evidence against the petition. On February 22, 2000, the trial court granted Lim’s petition, directing the Civil Registrar to correct the contested entries.

The Republic appealed to the Court of Appeals (CA-G.R. CV No. 68893), which affirmed the RTC’s decision, leading to the Republic’s petition to the Supreme Court.

Issues

1. Whether the correction of Lim's citizenship from "Chinese" to "Filipino" is proper despite her alleged non-compliance with the legal requirements for electing Philippine citizenship.
2. Whether Lim, an illegitimate child, can continue using her father's surname.

Court's Decision

Correction of Citizenship Issue:

The Supreme Court ruled that the constitutional and statutory requirements for electing Filipino citizenship apply only to legitimate children of a Filipino mother and an alien father. Since Lim was an illegitimate child (her Filipino mother and Chinese father were never married), she automatically acquired Filipino citizenship upon birth. Hence, she did not need to comply with any election requirements upon reaching the age of majority. Lim's Filipino citizenship was reaffirmed, and the Court noted that her registration as a voter at age 18 served as an implied election of Philippine citizenship.

Use of Father's Surname Issue:

The Supreme Court held that the Court of Appeals did not allow Lim to use her father's surname anew but rather mandated the correction of its misspelling. Lim had been using her father's surname (although misspelled) consistently for four decades. Judicial authority is not required for the continued use of a surname that one has already used since childhood. Furthermore, no objections had been raised against her use of the surname, and the correction was necessitated to avoid confusion.

Doctrine

The case established the doctrine that illegitimate children of a Filipino mother automatically acquire Filipino citizenship from birth without needing to elect citizenship upon reaching the age of majority. Additionally, it reaffirmed that individuals may continue using a surname they have consistently used since childhood without requiring judicial authority, provided it causes no prejudice or confusion.

Class Notes

- **Citizenship**: Illegitimate children of a Filipino parent are automatically Filipino at birth and do not need to elect citizenship reaching the age of majority (1935 Phil. Constitution, Article IV, Section 1(3); Commonwealth Act No. 625).
- **Surname Use**: Continuous use of a surname since childhood is permissible without needing judicial approval (Commonwealth Act No. 142, Sec. 1).
- **Procedural Protocol**: Rule 108 of the Rules of Court involves both summary and

adversarial procedures based on the nature of corrections sought. Substantial corrections require an adversarial process (*Republic v. Valencia*).

Historical Background

This case is situated in the background of the evolving Philippine laws on citizenship, especially in relation to children born to mixed-nationality parents. Under the 1935 Constitution and Commonwealth Act No. 625, provisions were clearer for legitimate children needing to elect Filipino citizenship. This decision importantly highlighted the legal understanding and proper protocol for illegitimate children, emphasizing automatic acquisition of Filipino citizenship by birth through the maternal line. The historical context underscores the nuances in citizenship laws and their applications to cases of legitimacy and illegitimacy.