

ABRAHAM JOSEPH IGNACIO, PETITIONER-APPELLEE, VS. THE LOCAL CIVIL REGISTRAR OF MANILA AND MARITES SANCHEZ RESPONDENTS,

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0106d94fcb89/>

MACALINO, J:

THE CASE

This is an Appeal[1] from the Decision[2] dated 06 December 2012 (“Assailed Decision”) of the Regional Trial Court, Branch 11, City of Manila (“Trial Court”) entitled, “Abraham Joseph Ignacio versus Local Civil Registrar of Manila & Marites Sanchez,” docketed as SP. PROC. NO. 12-128572 for the correction of entries in a birth certificate, the dispositive portion[3] of which reads:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered directing the office of the Civil Registrar of Manila and all persons who shall be affected by herein proceedings to cause the correction of the wrong entries appearing in the Certificate of Live Birth of petitioner ABRAHAM JOSEPH IGNACIO, to wit:

1. Entry No. 1, petitioner’s last name should be IGNACIO instead of FRANCISCO;
2. Entry No. 2, name of father-- should be Blank instead of Cesar de Guzman, and
3. Entry No. 12, date and place of marriage of parents-- should be Blank instead of February 14, 1990, Manila.

Let copies of this order be furnished all offices concerned for their information and guidance.

SO ORDERED.”

FACTS OF THE CASE

On 30 August 2012, Abraham Joseph Ignacio (“Petitioner-Appellee”) filed a Petition⁴ with the Trial Court, praying that a correction in the entries in his birth registration record⁵ be made by deleting the surname “Francisco” in favor of “Ignacio” as well as the deletion of entries in the said record respecting information about his paternity.

Petitioner-Appellee alleges that he is the son of Guillerma O. Ignacio without the benefit of marriage and as such, his surname should be that of his mother. He also alleges that he has been using such surname when he started going to school as evidenced by his secondary student’s permanent record for school year 2002-2003⁶ as well as his alumni association card.⁷

Petitioner-Appellee further avers that his mother was assisted by her friend, Ms. Marites Sanchez, when the former registered his birth after almost nine (9) months because she did not know what to write as to the name of the father of his son as they were not legally married. As a solution, Ms. Marites Sanchez registered her former boyfriend, Cesar De Guzman Francisco, as Petitioner-Appellee’s father. Moreover, she also reassured Petitioner-Appellee’s mother that, for purposes of registration, she herself will supply the information under the entry date and place of marriage of parents. Thus, the date February 14, 1990, Manila appears on said birth record. Petitioner-Appellee claims that all his mother did was to affix her signature, unaware of the consequences of the supplied information made by Ms. Marites Sanchez.

An Order[8] dated 5 September 2012 found the Petition to be sufficient in form and substance. The Trial Court set the hearing of the Petition on 27 November 2012, directing that all interested parties may appear to show cause why said Petition should not be granted.

On 27 November 2012, the hearing was held wherein the jurisdictional requirements of the case was established with the admission of several exhibits presented by Petitioner-Appellee.[9] During the hearing, the latter testified that it was indeed Ms. Marites Sanchez who supplied the wrong information in his birth certificate solely for the purpose of registration.[10]

THE RULING OF THE TRIAL COURT

On 06 December 2012, The Trial Court rendered a Decision[11] granting the Petition, directing the Office of the Civil Registrar of Manila and all persons affected by the proceedings to cause the correction of the wrong entries appearing in the Certificate of Live Birth of Petitioner-Appellee.

In finding for the Petitioner-Appellee, the Trial Court ruled in this wise:

XXX

“On same date, the petitioner [Petitioner-Appellee] appeared and testified that: he is the same Abraham Joseph Ignacio who filed the instant petition; that he was born out of wedlock on April 2, 1991 in the City of Manila; that he is the son of Guillerma O. Ignacio without the benefit of marriage; that the said birth of the petitioner was registered by his mother together with her friend, a certain Marites Sanchez after almost nine (9) months because she did not know what to write as to the name of the father of the petitioner because they are not legally married at the time of petitioner's birth, and that the mother's friend registered another surname purportedly the surname of Marites' former boyfriend Cesar de Guzman Francisco, who is not the true and biological father of herein petitioner; that the office of the Civil Registrar of Manila issued a Certificate of Live Birth (Exhibit “H”) in favor of Abraham Joseph Ignacio Francisco instead of Abraham Joseph Ignacio; that in his birth certificate in entry No. 1, the name of the child (Exhibit H-1) was erroneously entered therein as Abraham Joseph Ignacio Francisco instead of Abraham Joseph Ignacio; that in Entry No. 9, the name of the father it was entered as Cesar De Guzman Francisco, where in truth and in fact the latter is not his biological father, it should be blank, and the last is Entry No. 12, the date and place of marriage of parents, it was entered therein February 14, 1990, but the truth is, on that date her mother was never married; that he has been using the name Abraham Joseph Ignacio when he started going to school; that he was in the care and custody of his grandmother since his mother left him and he does not know the whereabouts of his mother. To prove that petitioner is using the name Abraham Joseph Ignacio, he presented additional documents, viz.: his Secondary Student's Permanent Record issued by Manuel L. Quezon High School (Exhibit “I”) and School ID (“J”) issued by PMI Alumni Association Inc., That (sic.) it is the desire of the petitioner to correct the erroneous entries in his birth certificate to avoid confusion on his personal record.

The testimony of the witness was terminated and no other witness was presented. After which, his counsel made his formal offer of evidence. All of which exhibits were admitted by the Court as part of the testimony of the witness, and the case was thereafter submitted for resolution.

It is clearly established by the evidence presented that the Certificate of Live Birth (Exhibit “H” and submarkings) of Abraham Joseph Ignacio should be corrected. A consideration of the applicable law led this Court to conclude that this petition filed pursuant to Rule 108 of the Revised Rules of Court be favorably GRANTED.”

XXX

The Republic of the Philippines, through the Office of the Solicitor-General (“OSG”), moved for the reconsideration of said Decision by filing a Motion for Reconsideration[12] on 28 January 2013. In praying that the instant Petition be denied for lack of merit, the OSG alleges that the Petitioner-Appellee failed to include the

proper party, the father recorded in his birth certificate, which is mandatory in adversarial proceedings under Rule 108 for the Revised Rules of Court, which is the applicable law in the case at bench. The OSG also claims that the Trial Court erred in granting the Petition in a non-adversarial proceeding as the changing of Petitioner-Appellee's surname undoubtedly affects his filiation and legitimacy and thus, should not be changed in a proceeding summary in nature.

On 04 July 2013, the Trial Court issued an Order[13] denying the Motion for Reconsideration for lack of merit.

Thereafter, the OSG appealed to this Court via a Notice of Appeal[14] on 16 September 2013. Upon completion of the records of the case, the OSG was directed on 17 February 2014 to file an Appellant's Brief of the Assailed Decision of the Trial Court.[15]

The Appellant's Brief[16] was filed by the OSG on 13 May 2014, arguing that although there may be cases where the Supreme Court held that failure to implead and notify the affected or interested parties may be cured by publication of the notice of hearing, there should be earnest efforts made by Petitioner-Appellee in bringing to court all possible interest parties, which the latter failed to do in this instance. Petitioner-Appellee filed his Appellee's Brief[17] on 27 August 2014, stating that he was in full compliance with the requirements of the law. Thus, the Trial Court did not err in deciding the Petition in his favor.

On 04 March 2015, sans a Reply Brief, this Court issued a Resolution[18] submitting the appeal for Decision.

THE ISSUES

Herein Appeal assigned the following lone error[19]:

“THE TRIAL COURT ERRED IN ORDERING THE CHANGE OF PETITIONER-APPELLEE'S STATUS FROM LEGITIMATE TO ILLEGITIMATE IN A NON-ADVERSARIAL PROCEEDING.”

THE RULING OF THIS COURT

The Appeal is without merit.

On the proper procedure that must be followed in canceling or correcting entries in the civil registry, reference must be made to pertinent provisions of Rule 108 of the Revised Rules of Court:

XXX

“SECTION 3. Parties. — When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

SECTION 4. Notice and publication. — Upon the filing of the petition, the court shall, by an order, fix the time and place for the hearing of the same, and cause reasonable notice thereof to be given to the persons named in the petition. The court shall also cause the order to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province.

SECTION 5. Opposition. — The civil registrar and any person having or claiming any interest under the entry whose cancellation or correction is sought may, within fifteen (15) days from notice of the petition, or from the last date of publication of such notice, file his opposition thereto.

SECTION 6. Expediting proceedings. — The court in which the proceeding is brought may make orders expediting the proceedings, and may also grant preliminary injunction for the preservation of the rights of the parties pending such proceedings.

SECTION 7. Order. — After hearing, the court may either dismiss the petition or issue an order granting the cancellation or correction prayed for. In either case, a certified copy of the judgment shall be served upon the

civil registrar concerned who shall annotate the same in his record.”

XXX

In addition, this Court adheres to the most recent case of *Republic v. Lugsanay Uy*,^[20] which provides that the procedure outlined above are to be strictly complied with, should the entries sought to be canceled or corrected are substantial errors which affect the status of the person, viz.:

XXX

“It is clear from the foregoing discussion that when a petition for cancellation or correction of an entry in the civil register involves substantial and controversial alterations, including those on citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, a strict compliance with the requirements of Rule 108 of the Rules of Court is mandated. If the entries in the civil register could be corrected or changed through mere summary proceedings and not through appropriate action wherein all parties who may be affected by the entries are notified or represented, the door to fraud or other mischief would be set open, the consequence of which might be detrimental and far reaching.” (Emphasis Ours)

XXX

The entries sought to be corrected are undoubtedly substantial as it affects the paternity of Petitioner-Appellee as well as the date and place of the marriage of the latter's parents. Thus, such cancellation and correction should be made in adversarial proceedings, where parties may oppose or contest the Petition, as opposed to mere clerical or typographical errors which may be heard in a summary proceeding. Such rule is further emphasized in *Co v. Civil Register of Manila*^[21]:

XXX

“The proceedings in Rule 108 of the Rules of Court are summary if the entries in the civil register sought to be corrected are clerical or innocuous in nature. However, where such entries sought to be corrected or changed are substantial: i.e., the status and nationality of the petitioners or the citizenship of their parents, the proceedings are adversarial in nature as defined by this Court in *Republic v. Valencia*, thus: One having opposing parties; contested, as distinguished from an ex parte application, one of which the party seeking relief has given legal warning to the other party, and afforded the latter an opportunity to contest it. Excludes an adoption proceeding. In such a proceeding, the parties to be impleaded as respective defendants are (a) the local civil registrar; and, (b) all persons who have claims any interest which would be affected thereby.”

XXX

The point of contention as argued by the OSG was the exclusion of one of the indispensable parties to the case: Cesar De Guzman Francisco. Due to such non-inclusion, the OSG further argues that the Petition was heard in a non-adversarial proceeding and thus, the Decision of the Trial Court is contrary to law and established jurisprudence.^[22]

In the case at bench, this Court finds that the Petitioner-Appellee has sufficiently established that the Petition was heard in proceedings that are adversarial in nature, pursuant to the mandatory procedure found in Rule 108.

As required by Rule 108, the Civil Registrar of Manila as well as the Office of the Solicitor-General, the Office of the City Prosecutor, as representative of the State, and Ms. Marites Sanchez, were impleaded as parties who would have any interest as to the outcome of the case. An Order dated 05 September 2012 was issued by the Trial Court in order to give notice to persons as to the time and place for the hearing of the Petition. The publication requirement was also complied with by the Petitioner-Appellee as said Order appeared on Public View, a newspaper of general circulation, on 05, 12, and 19 November 2012.^[23] A hearing was held on 27 November 2012 wherein the Petitioner-Appellee sufficiently convinced the Trial Court through evidence, that his birth

record should be corrected.

It is undisputed that the father appearing on the birth record should be impleaded as a party to the case. However, a catena of cases prove that such inadvertent exclusion of a party may be cured by publication as was made by herein Petitioner-Appellee. The case of *Barco v. Court of Appeals*[24] sheds light on this issue:

XXX

“Yet, even though Barco was not impleaded in the petition, the Court of Appeals correctly pointed out that the defect was cured by compliance with Section 4, Rule 108, which requires notice by publication[.] . . . The purpose precisely of Section 4, Rule 108 is to bind the whole world to the subsequent judgment on the petition. The sweep of the decision would cover even parties who should have been impleaded under Section 3, Rule 108, but were inadvertently left out.

XXX

Verily, a petition for correction is an action in rem, an action against a thing and not against a person. The decision on the petition binds not only the parties thereto but the whole world. An in rem proceeding is validated essentially through publication. Publication is notice to the whole world that the proceeding has for its object to bar indefinitely all who might be minded to make an objection of any sort against the right sought to be established. It is the publication of such notice that brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it.” (Emphasis Ours)

XXX

The case of *Republic v. Lugsanay Uy*[25] also provide that such exclusion could be cured by publication should there be earnest efforts to implead all such parties interested in the case. Moreover, “such failure was [is] likewise excused where the interested parties themselves initiated the corrections proceedings; when there is no actual or presumptive awareness of the existence of the interested parties; or when a party is inadvertently left out.” In the case at bench, it is indubitable that it is an interested party that filed the case-- the Petitioner-Appellee himself whose personal information and status would be affected by the outcome of the case. The father on record was also inadvertently left out; however, the inclusion of the Office of the Solicitor-General, the Office of the Prosecutor, and Ms. Marites Sanchez, the one who personally completed his birth record has convinced this Court that such action amounted to the required earnest efforts to bring all interested parties to be heard in court.

It is however worthy to note that the public prosecutor that was deputized by the State failed to file any opposition due to their non-appearance on the scheduled hearing[26]; thus, only the Petitioner-Appellee was heard. Such failure to oppose does not in any way change the nature of the proceedings as any oppositors to the Petition were fully apprised of said hearing and were given ample opportunity to contest said Petition. As reiterated in the case of *Republic v. Sayo*[27]:

XXX

“Notwithstanding the resetting of the hearing, and despite having received notice of the rescheduled hearing, the Office of the Solicitor General entered no appearance and filed no pleading before the trial court. The Assistant Provincial Fiscal appeared on behalf of the Government and was present when the court proceeded to receive evidence for the petitioner on the rescheduled hearing. The Assistant Provincial Fiscal did not file any opposition to the petition. It must be assumed that the Assistant Provincial Fiscal did not do so because he saw no need to file such an opposition. We do not believe that his failure to file an opposition changed the adversarial character of the proceedings. It certainly was not private respondent's fault that neither the Assistant Provincial Fiscal nor anyone else saw fit to oppose the petition for correction.” (Emphasis Ours)

XXX

WHEREFORE, based on the foregoing, the Appeal is DENIED. The Decision dated 06 December 2012 of the

Regional Trial Court, Branch 11, City of Manila, docketed as SP. PROC. NO. 12-128572 is hereby AFFIRMED.

SO ORDERED.

Castillo, M., Chairperson, and Galapate-Laguilles, Z.T., JJ., concur.

- [1] Records, p. 78.
- [2] Records, p. 39.
- [3] Records, p. 41.
- [4] Records, p. 1.
- [5] Records, pp. 4-5.
- [6] Records, pp. 34-35.
- [7] Records, p. 36.
- [8] Records, p. 7.
- [9] Records, p. 38.
- [10] Records, p. 92.
- [11] Records, p. 39.
- [12] Records, p. 47.
- [13] Records, p. 73.
- [14] Records, p. 78.
- [15] Rollo, p. 9.
- [16] Rollo, p. 13.
- [17] Rollo, p. 42.
- [18] Rollo, p. 60.
- [19] Rollo, p. 16.
- [20] Republic v. Lugsanay Uy, G.R. No. 198010, August 12, 2013.
- [21] Co v. Civil Register of Manila, G.R. No. 138496, February 23, 2004.
- [22] Records, p. 49.
- [23] Records, p. 16.
- [24] Barco v. Court of Appeals, G.R. No. 120587, January 20, 2004.
- [25] Republic v. Lugsanay Uy, supra note 20.
- [26] Rollo, p. 49.
- [27] Republic v. Sayo, G.R. No. 61565, August 20, 1990.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.