

IN RE: CORRECTION OF ENTRIES IN THE BIRTH RECORD OF THE OFFICE OF THE LOCAL CIVIL REGISTRAR OF MANILA. REMEDIOS SAN LUIS DE CASTRO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE...

G. R. No. L-17431. April 30, 1963

Ponente: PADILLA, J.

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PADILLA, J.:

On 22 February 1960 Remedios San Luis de Castro filed in the Court of First Instance of Manila a verified petition alleging, among others, that on 29 June 1958 while single or unmarried she gave birth to a baby girl named Teresita de Castro in the Chinese General Hospital, Manila; that said birth was reported to and recorded in the Office of the Local Civil Registrar of Manila as register No. 1182 (f58) with the following, erroneous entries, to wit; the child's surname is "del Rosario," after that of her alleged father Pedro Reyes del Rosario, and she appears to be a legitimate child, her mother and supposed father appearing to have contracted marriage on 27 June 1957, which are not true; and praying that her birth record be corrected, as follows:

1. Under the title CHILD, questionnaire {should be question} No. 3, instead of Teresita de Castro del Rosario, only Teresita de Castro must be placed cancelling the words "del Rosario";
2. Under the title FATHER, questionnaires (questions) from No. 7 to 11a, inclusive, the name should be left but blank, thus' eliminating Pedro Reyes del Rosario, his age, address, his nationality and his race but instead put the word "unknown" under questionnaire (question) No. 7;
3. Under questionnaire (question) No, 23 of the same record of birth, the marked "X" representing the word legitimate be made to represent illegitimate, and
4. Under questionnaire (question) No. 24, the words "June 27, 1957" be cancelled and instead just to leave it blank signifying that no marriage at all was celebrated which is the real fact. (Civil case No. 42604)

On 29 February 1960 the Local Civil Registrar of Manila answered that the errors sought to be corrected are substantial and cannot be corrected in a summary proceedings, as provided for in article 412 of the Civil Code. On 28 March, the petitioner moved that the case be set for hearing. The hearing was set for 31 March 1960 at 8:30 o'clock in the morning. On the date of hearing, the Solicitor General moved for the dismissal of the petition, on the ground that it stated no cause of action and the court lacked jurisdiction to grant the relief prayed for. On 12 April, the petitioner objected to the motion to dismiss. At the trial the parties did not present any oral evidence but submitted the case on the basis of the pleadings filed. On 13 June 1960 the trial court rendered judgment dismissing the petition with costs against, the petitioner. Twice, she moved for reconsideration and twice her motions were denied.

She has appealed.

The issue is whether the errors or mistakes sought and prayed for by the appellant to Be corrected in the birth registry of her daughter Teresita de Castro, del Rosario are clerical or substantial. If the errors or mistakes be

clerical, the same may be corrected in a summary proceedings, as provided for in article 412 of the Civil Code; but if substantial, the present summary proceedings would be inappropriate to correct them and other proper or appropriate remedy or proceedings must be availed of to effect the correction.

"Undoubtedly, the errors or mistakes sought and prayed for by the appellant to be corrected are substantial, affecting as they do. substantial matters such as the rights, status and paternity of the child, her filiation whether legitimate or illegitimate, and the marital or matrimonial relation between her mother (the appellant herein) and supposed father. Hence, not being merely clerical, they cannot be corrected summarily under article 412 of the Civil Code.[1]

The judgment appealed from is affirmed, with costs against the appellant.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1]Barillo vs. Republic of the Philippines, G. R. No. L-14823, Bseember 1961.

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