

IN THE MATTER OF THE PETITION OF GENARO YAP ALIAS YAP KIM GUAN FOR AMENDMENT OF ENTRIES IN THE CIVIL REGISTRY OF BIRTHS OF HIS MINOR CHILDREN, EDWIN, CAROLYN, WENDELL AND JOCELY...

G. R. No. L-21959. June 30, 1966

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

On January 30, 1960, in Naturalization Case No. 449 of the Court of First Instance of Cebu, decision was rendered declaring Genaro Yap alias Yap Kim Guan "entitled to naturalization" upon compliance with the other requisites set forth in Republic Act No. 530. On March 20, 1962, upon final hearing, the said court granted Philippine citizenship to Yap. He forthwith took his oath of allegiance. That same day, March 20, 1962, Certificate of Naturalization No. 309 (Judicial Form No. 131) was issued to him.

On September 17, 1962, the same Yap petitioned^[1] the Cebu court praying that the records of birth of his four legitimate minor children (with his wife Aida Yu) all born in Cebu City - Edwin Tap, on February 9, 1958; Carolyn Yap, June 26, 1959; Wendell Yap, November 7, 1960; and Jocelyn Yap, January 6, 1960 - be amended to show "the fact of the naturalization and final admission [of petitioned] to Philippine citizenship".

On August 7, 1963, after trial, the Cebu court rendered judgment directing the Local Civil Registrar of Cebu City "to record in the record of births where the said minor children of the petitioner are recorded and registered the fact that since March 20, 1962 the citizenship of the said children has been changed automatically from 'Chinese' to that of 'Filipino' by reason of the naturalization of the petitioner, Genaro Yap alias Yap Kim Guan, as granted in Naturalization Case No. 449 of this Court, and that the Filipino citizenship of said petitioner shall be reckoned from March 20, 1962, after the payment of the fees therefor, if the same are required."

The Republic appealed. Sola error: "The lower court erred in ordering the Local Civil Registrar of Cebu City to record in the record of births of the minor child of the petitioner the fact that since March 20, 1962 the citizenship of the said children had been changed automatically from Chinese to Filipino by reason of the naturalization of their father, petitioner Genaro Yap alias Yap Kim Guan."

The Republic argues that Rule 108 of the Rules of Court merely authorizes the cancellation or correction of any entry in the civil register; and that since the records of birth of petitioner's minor children "are absolutely correct as of the dates of the birth of said children", there is nothing to change or correct. The government stands on firm ground.

However, the petition herein simply asks that the fact of petitioner's "naturalization and final admission to Philippine citizenship" be recorded in the records of birth of his children. And, Article 407 of the Civil Code provides that "Acts, events and judicial decrees concerning the civil status of persons shall be recorded in the civil register". Indeed, the civil register should reflect the true facts referring to the civil status of persons from time to

time. That is a matter of public concern. Persons interested go to the Civil Register to ascertain the correct status of a person. After all, the register is a public document; it is "prima facie evidence of the facts therein contained".[2]

Petitioner became a naturalized citizen. He holds a certificate of naturalization. His minor children aforesaid were all born in the Philippines, residents therein. His naturalization affects them.[3] It stands to reason to say that, by Article 407 of the Civil Code, such change in the father's status should also be noted in the records of birth of his children.

We observe that the judgment below directed the Registrar to record in the records of birth of petitioner's children the fact that since March 20, 1962 the citizenship of said children has been changed automatically from "Chinese" to "Filipino". Confusion may arise because the body of the decision a quo stated that the facts of the case "justify the granting of the request for an Order to have the birth records of said minor children, insofar as nationality is concerned, changed from 'Chinese' to 'Filipino'".[4]

But, there is nothing wrong with the original entries in the records of birth of petitioner's children. Therefore, such entries cannot be changed; they cannot be tampered with; no portion thereof can be erased or, for that matter, stricken out; they should remain wholly intact. All that is to be added thereto, as a supplement thereof, is that their father had become a naturalized citizen.

Accordingly, the dispositive part of the decision under review should be amended to read, as follows:

"WHEREFORE, upon payment of the required fees, the Local Civil Registrar of Cebu City is hereby ordered to annotate on the records of birth of the minor children Edwin, Carolyn, Wendell and Jocelyn, all surnamed Yap, the fact that, on March 20, 1962, their father, petitioner Genaro Yap alias Yap Kim Guan, was granted Philippine citizenship and issued Certificate of Naturalization No. 309 in Naturalization Case No. 449 of the Court of First Instance of Cebu."[5]

Judgment modified, as indicated. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon J.P., and Zaldivar, JJ., concur.

[1] Special Proceedings No. 2294-R. Court of First Instance of Cebu.

[2] Article 410, Civil Code.

[3] *Tio Peng Hong vs. Republic*, 52 Off. Gaz., No. 2, pp. 782, 784, is authority for the statement that upon the naturalization of the father, "his minor children dwelling in the Philippines automatically become citizens thereof." See also Section 15, Revised Naturalization Law.

[4] Record on Appeal, p. 11; italic supplied.

[5] Cf. *Tiong, et al., vs. Republic*, L-20715, November 27, 1965.

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