

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. RAFAEL DE LA CRUZ, IN HIS CAPACITY AS JUDGE OF THE COURT OF FIRST INSTANCE OF CAMARINES SUR, BRANCH III, AND FELICISIMA VELARDE...*G.R. No. L-34079. November 02, 1982*

Ponente: GUERRERO, J.

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This is an appeal by certiorari which seeks to annul and set aside the Decree dated May 4, 1971 of the Court of First Instance of Camarines Sur in Special Proceeding No. 1115 entitled "Felicisima Velarde vs. The Civil Registrar of Naga City and Lee Tieng" and the Order dated August 26, 1971 of the same Court. Said decree ordered certain corrections to be made in the registry of births of Ruben Lee, Rolando Lee and Romeo Lee, minor children of petitioner, now respondent Felicisima Velarde, affecting, among other things, their legitimacy, filiation and citizenship, as well as the civil status of Velarde and the name of the father of the minors. The aforementioned order, on the other hand, denied the Motion for Reconsideration filed by the Republic of the Philippines.

Hereinbelow is the statement of the case in the Solicitor General's brief which sufficiently summarizes the proceedings in the lower court:[1]

"On March 12, 1970, Felicisima Velarde filed with the Court of First Instance of Camarines Sur, Special Proceedings No. 1115 for correction of certain entries in the birth certificates of her minor children Ruben, Cynthia, Reynaldo, Roger, Rolando and Romeo, all surnamed Lee in the Civil Registry of births for Naga City.

"The petition alleged that petitioner Felicisima Velarde, and Lee Tieng, one of the respondents therein, had been living together as common-law spouses and without benefit of marriage since June, 1952 up to the filing of the petition; that as a result of such cohabitation, petitioner gave birth to the aforementioned minor children, which facts of birth were duly recorded in the Office of the Civil Registrar for the City of Naga; that the children's father Lee Tieng is familiarly called "Uping", his Christian name is "Alipio", and his mother's family name is "Wee", and because of these different names of Lee Tieng, his name was differently recorded in the birth certificates of petitioner's children; that when petitioner's oldest child Ruben Lee was born, petitioner told the attending nurse that she and Lee Tieng were married, without knowing that the information was to be used to fill up her child's birth certificate, with the result that in the birth certificate of said child, her civil status was indicated as "married", and the child was indicated as "legitimate" and a "Chinese" citizen; that in the certificates of birth of petitioner's other children Cynthia, Reynaldo, Roger, Rolando and Romeo, petitioner was likewise recorded as "married" instead of "single", in order to conform to the previous entries made in the birth certificate of her oldest child Ruben Lee, and all said children were likewise recorded as "legitimate" and "Chinese" citizens; that petitioner was likewise erroneously indicated as "Chinese" instead of "Filipina" in the birth certificates of her two sons Roger Lee and Romeo Lee, while her maternal surname was erroneously spelled "Olbila" and "Orbita" in the birth certificates of her sons Roger Lee and Rolando Lee, respectively, when it should have been "Olbita"; that there was need to correct the erroneous entries in the birth certificates

of petitioner's children to make them conform with the facts and to avoid difficulties in the school records of said children (and) when they start to exercise their duties as citizens of the Philippines; and that there were no other persons who had or claimed any interest in the subject matter of said petition for correction of entries in the Civil Registry.

"Petitioner Velarde, therefore, prayed that the trial court order the following corrections to be made in the records of the Civil Registry of Naga City:

"(1) RUBEN LEE, Register No. 600, series of 1953 -- Change his nationality from "Chinese" to "Filipino";

Change the answer to the question on whether he is a legitimate son, from "Yes" to "No";

Change the name of his father from "Lee Uping" to "Lee Tieng";

Change the civil status of mother from "married" to "single";

"(2) CYNTHIA LEE, Register No. 1777, series of 1954 -- Change her nationality from "Chinese" to "Filipino";

Change the answer to the question on whether she is a legitimate daughter, from "Yes" to "No";

Change the first name of the father from "Alipio" to "Tieng";

Change the civil status of the mother from "married" to "single";

"(3) REYNALDO LEE, Register No. 282, series of 1958 -- Change the answer to the question on whether he is a legitimate son, from "Yes" to "No";

Change the "First" name of the father from "Ting" to "Tieng";

Change "June 8, 1952, Naga City" in the space for the date and place of marriage of parents, to "Not applicable";

"(4) ROGER LEE, Register No. 1952, series of 1959 -- Change the answer to the question on whether he is a legitimate son, from "Yes" to "No";

Change the "First" name of the father from "Alipio" to "Tieng";

Change the "Middle" name of the mother from "Olbila" to "Olbita";

Change the nationality of the mother from "Chinese" to "Filipino";

Change "June 27, 1953, Naga City", in the space for date and place of marriage of parents to "Not applicable";

"(5) ROLANDO LEE, Register No. 531, series of 1961 -- Change the answer to the question on whether he is a legitimate son, from "Yes" to "No";

Change the "First" name of the father from "Alipio" to "Tieng";

Change the "Middle" name of the mother from "Orbita" to "Olbita";

Change "June 22, 1953, Naga City, Cam. Sur" in the space for the date and place of marriage of parents to "Not applicable";

"(6) ROMEO LEE, Register No. 1269, series of 1964 -- Change the answer to the question of whether he is a legitimate son from "Yes" to "No";

Change the nationality of the mother from "Chinese" to "Filipina";

Change "June 22, 1953, Naga City, Cam. Sur" in the space for date and place of marriage of parents to "Not applicable". (Annex "A" of Petition for Review on certiorari)

"On April 13, 1970, the lower court is-sued an Order finding the petition to be suf-ficient in form and substance, and requiring the publication of the notice thereof (Annex "B" id.).

"On May 15, 1970, the Republic of the Philippines filed its opposition to the pe-tition, alleging that the changes in the civil registry sought therein are not merely clerical, innocuous or visible to the eye, but vital and substantial, and for this reason, they cannot be made in a summary and non-adversary proceeding under Rule 108 of the Revised Rules of Court, but must be threshed out in the appropriate proceedings wherein the parties who may be affected by the entries in question are notified or represented. Petitioner cited pertinent decisions of this Honorable Court to sup-port its opposition (Annex "C", id.).

"In a letter dated May 14, 1970, un-dersigned counsel for the oppositor Repub-lic of the Philippines requested the City Fiscal of Naga City to "represent this Office at the hearing" of the said petition (Annex "D", id.).

"On May 27, 1970, Felicisima Velarde filed her reply to the Republic's Opposi-tion, contending that the petition filed by her under Rule 108 of the Revised Rules of Court is an adversary proceeding for the corrections in the civil registry sought in her petition (Annex "E", id.).

"After hearing, the lower court issued a Decree dated May 4, 1971, directing the correction of the entries in the Civil Registry of Birth for Naga City "in accor-dance with the prayer embodied in the petition." A copy of said decree was re-ceived on May 14, 1971, by the City Fiscal of Naga City who in turn endorsed the same to undersigned counsel, and said copy of Decree was received by undersigned counsel only on May 31, 1971 under a 1st indorse-ment from the City Fiscal of Naga dated May 25, 1971 (Annex "F", id.).

"In said decree, the respondent Court considered the alleged errors in the birth certificates of the children of petitioner (now respondent) Felicisima Velarde with respect to her middle name as well as the name of the children's supposed father Lee Tieng as not substantial and which may be granted summarily under Article 412 of the Civil Code. With respect to the alleged errors in the same birth certificates per-taining to Velarde's status (from "married" to "single"), her children's filiation (from "legitimate" to "illegitimate"), and her nationality (from "Chinese" to "Fili-pino"), the lower court admitted them to be substantial errors, but it nevertheless ordered their correction because in its opinion, to deny said correction might deprive the minors "of possessing their true and correct status before Philippine society" and because the petitioner had no "sinister desire" nor "motive ulterior" in seeking the correction of the said alleged errors (Annex "G", id.).

"On June 21, 1971, the Republic of the Philippines filed a Motion for Recon-sideration of the aforementioned Decree, alleging (1) that according to settled jurisprudence, only harmless or innocuous errors, or those visible to the eyes or obvious to the understanding, may be cor-rected under Rule 108 of the Revised Rules of Court, for which reason the corrections ordered by the lower court to be made in the Civil Registry (except that with res-pect to the error in the name of petitioner, which is merely clerical), cannot be al-lowed in the present proceedings, said errors "not being harmless or innocuous but vital and substantial, affecting as they do the status and citizenship of the persons involved"; and (2) "that assuming that the errors in question were committed in good faith, and that petitioner is equally in good faith in filing this peti-tion under Rule 108 for the correction thereof, said errors cannot be corrected in this summary non-controversial proceeding but can be threshed out only in the appro-priate adversary action wherein all affected parties are notified and represented. Deci-sions of this Honorable Supreme Court were cited by oppositor Republic to support the foregoing propositions (Annex "H", id.).

"On July 29, 1971, herein oppositor Republic filed an "Addendum to Motion for Reconsideration", informing the

lower court that in a recently promulgated consolidated decision of this Honorable Supreme Court (Benito Go vs. Civil Registrar of Malabon, L-29544; Jose Go, Jr., vs. Civil Registrar of Cebu City, L-29637; Demetria Deiparine vs. Republic, L-30227; Felicidad Castañeda vs. Republic, L-30228; Local Civil Registrar of Manila vs. Hon. Luis B. Reyes, et al., L-30991; and Republic vs. Pilar Capalla, L-31075, May 31, 1971), this Honorable Court again reaffirmed its consistent ruling "that only clerical errors of a harmless or innoxious nature; not those involving civil status, nationality or citizenship, which are substantial and/or controversial", may be corrected under the provisions of said Art. 412 of the Civil Code in relation to Rule 108 of the Revised Rules of Court" (Annex "I", id.).

"On August 26, 1971, respondent Court issued an Order denying the Republic's motion for reconsideration "for lack of merit" and for having been filed out of time, copy of which Order was received by petitioner on August 31, 1971 (Annex "J", id.).

"From the aforementioned decree dated May 4, 1971, and order dated August 26, 1971, the oppositor Republic of the Philippines appealed to this Honorable Court by a petition for review on certiorari."

The assignments of errors are listed as follows:

I. The lower court erred in ordering corrections in the Civil Registry of Naga City affecting the civil status, filiation and citizenship of the persons involved under (the) Rule 108 of the Revised Rules of Court.[2]

II. The lower court erred in considering the supposed good faith of respondent Felicisima Velarde in filing the petition in Special Proceedings No. 1115 as a justifiable reason for correction of vital and substantial errors in the Civil Registry under Rule 108.[13]

III. The lower court erred in holding that the alleged errors in the name of the father of respondent Velarde's children in their birth certificates are merely clerical or typographical which are correctible under Article 412 of the Civil Code and/or Rule 108 of the Rules of Court.[4]

IV. The lower court erred in ignoring precedents laid down by this Honorable Court which preclude corrections of substantial matters in the Civil Registry under Rule 108.[5]

V. The lower court erred in holding that the motion of petitioner Republic of the Philippines for Reconsideration of the Decree in Special Proceedings No. 1115 was filed out of time.[6]

Felicisima Velarde added in her counter-statement of the case that after the respondent Court issued on August 26, 1971 an order denying the Republic's Motion for Reconsideration, an election case was filed on September 23, 1971 in a separate branch (Branch II) of the Court of First Instance of Camarines Sur, namely: Election Case No. 1, entitled "Andres Regalado vs. Felicisima Velarde" contesting her right to vote. She alleged that after notifying all interested parties (including the City Fiscal and the Civil Registrar of the City of Naga, a member of the Board of Election Inspectors of Precinct No. 76 of Naga City, the children of Felicisima Velarde and Lee Tieng, and Bartolome Velarde) the aforementioned Election Case No. 1 was tried on October 20 and 22, 1971. Thereafter, a decision thereon was rendered on October 23, 1971 finding that she and Lee Tieng are not married:

"Both the testimony of Felicisima Velarde and Lee Tieng in Special Proceedings No. 1115 of this Court (Exh. "11-a") and Bartolome Velarde, father of respondent, convinced this Court that Felicisima Velarde and Lee Tieng are not married; that they are living as common law husband and wife, and nothing more. This being so, Felicisima Velarde remains a Filipino citizen, she being the natural born citizen of the Republic of the Philippines, and therefore, is entitled to be registered as voter and to vote."[7]

Accordingly, she added a sixth issue to be resolved in this petition for review, to wit:

"Whether or not the proceedings in Election Case No. 1 has met the suggested requirement for an adversary

proceeding to resolve the questions of civil status, marriage and citizenship and can thus be the basis for upholding the correction of substantial errors in the Civil Registry of Naga City." [8]

In line with the numerous decisions of this Court on the matter of cancellation or correction of entries in the Civil Registry, We must reverse the judgment under review except insofar as it allowed (a) the change of the middle name of the mother from "Olbila" to "Olbita" in the birth certificate of Roger Lee and (b) the change also of the middle name of the mother from "Orbita" to "Olbita" in the birth certificate of Rolando Lee.

The law on the matter of said cancellation or correction is Article 412 of the New Civil Code which provides: "No entry in the civil registry shall be changed or corrected, without a judicial order." This legal provision has been invariably interpreted since 1954 in the case of *Ty Kong Tin vs. Republic* [9] as an authority for the Court to direct the correction of mistakes that are clerical in nature, i.e. those harmless and innocuous changes, such as, correction of a name that is clearly misspelled, occupation of the parents, etc. [10] or those that are visible to the eyes or obvious to the understanding or "an error made by a clerk or a transcriber; a mistake in copying or writing." [11] It does not extend to important controversial matters, such as those which affect the civil status or the nationality or citizenship of the persons involved.

On the other hand, Rule 108 of the Revised Rules of Court is the procedural law on the matter and as such is limited solely to the implementation of Article 412. Said the Supreme Court in *Chua Wee vs. Republic*, 38 SCRA 409, speaking thru Justice Makasiar:

"From the time the New Civil Code took effect on August 30, 1950 until the promulgation of the Revised Rules of Court on January 1, 1964, there was no law nor rule of court prescribing the procedure to secure judicial authorization to effect the desired innocuous rectifications or alterations in the civil register pursuant to Article 412 of the New Civil Code. Rule 108 of the Revised Rules of Court now provides for such procedure which should be limited solely to the implementation of Article 412, the substantive law on the matter of correcting entries in the civil register. Rule 108, like all other provisions of the Rules of Court, was promulgated by the Supreme Court pursuant to its rule-making authority under Section 13 of Article VIII of the Constitution, which directs that such rules of court "shall not diminish or increase or modify substantive rights." If Rule 108 were to be extended beyond innocuous or harmless changes or corrections of errors which are visible to the eye or obvious to the understanding, so as to comprehend substantial and controversial alterations concerning citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, said Rule 108 would thereby become unconstitutional for it would be increasing or modifying substantive rights, which changes are not authorized under Article 412 of the New Civil Code."

The doctrine enunciated in *Ty Kong Tin vs. Republic*, supra, was reiterated in at least 12 cases, starting from *Ansaldo vs. Republic* and ending with *Tan vs. Republic*. One of the latest cases, a 1977 decision, *Republic vs. Castañeda, Jr.*, reaffirmed the *Ty Kong Tin* ruling, citing 8 other decisions starting from *Dy Oliva vs. Republic* and ending with *Republic vs. Amores*. (See *Celestial vs. Republic*, 102 SCRA 666, 668, Fernando, C.J., ponente).

In *Republic vs. Caparosso*, 107 SCRA 67, 71, the long line of cases upholding the doctrine set forth in the *Ty Kong Tin* decision is listed therein, which was promulgated August 31, 1981. And the latest is the case of *Mariano Wong, et al. vs. Republic*, G.R. No. 29376, July 30, 1982, where, notwithstanding the dissenting opinion of Justice Pacifico P. De Castro and the separate concurring opinion in the result of Justice Vicente Abad Santos, the majority steadfastly adhered to the prevailing rule.

Moreover, We have held in *Reyes vs. Republic*, 12 SCRA 376, *Chua Wee vs. Republic*, supra and *Republic vs. CFI of Davao*, 92 SCRA 632 that Rule 108 of the Revised Rules of Court may not be relied upon to effect changes in citizenship not only because it merely prescribes the judicial procedure on the matter but also because it limits the entries subject to cancellation or correction to those enumerated in Section 2 of Rule 108. The

changes in citizenship are limited only to election, loss or recovery thereof, as shown below:

"Sec. 2. Entries subject to cancel-lation or correction. - Upon good and valid grounds, the following entries in the civil register may be cancelled or corrected: (a) births; (b) marriage; (c) deaths; (d) legal separations; (e) judgment or annulments of marriage; (f) judgment declaring marriages void from the beginning; (g) legitimations; (h) adoptions; (i) acknowledgments of natural children; (j) naturalization; (k) election, loss or recovery of citi-zenship; (l) civil interdiction; (m) ju-dicial determination of filiation; (n) voluntary emancipation of a minor; and (o) change of name."

We agree with the Solicitor General that the good faith or bad faith of the respondents in filing their petition for correction of entries in the Civil Registry or the prejudicial results that the denial of their petitions would cause them, have never been considered by this Court as material and pertinent in allowing the corrections sought. As correctly contended by the So-licitor General, the issue in previous cases before this Court as is the issue in the present case, is one of the proper remedy or procedure for the correction of the entries in the civil registry sought by respondent Velarde, and on this issue, trial courts and the parties are bound by and must comply with the rulings repeatedly reiterated and decided by this Court.

We, therefore, find and rule that the respondent court erred as pointed out by the Solicitor General under the first and second assignments of error.

As to the third assignment of error, We hold that the alleged errors in the name of the father of res-pondent Velarde's children in their birth certificates are not clerical or typographical. The names "Lee Uping", "Alipio Lee" and "Ting Wee Lee" are substantially dif-ferent from the supposed true name of the father "Lee Tieng" and can easily refer to different persons.

We also rule that the lower Court erred in holding that the motion for reconsideration of the Republic of the Philippines was filed out of time. Respondent Judge evidently counted the thirty-day period of the Republic within which to file a motion for reconsideration or to perfect its appeal from the date the City Fiscal of Naga received a copy of the decree on May 14, 1971. The Republic's thirty-day period should, however, be counted from May 31, 1971 when a copy of said decree was received by the Office of the Solicitor General thru a referral by the City Fiscal of Naga City. The filing of the Republic of its motion for reconsideration on June 21, 1971 was, therefore, well within the reglementary period which expired only on June 30, 1971.

It is true that the letter of the Solicitor General dated May 14, 1970 requested the City Fiscal to repre-sent said office and that it specifically instructed him that "if the petition is granted inspite of our opposition, please do not fail to appeal therefrom within the reglementary period." But said letter-request did not thereby constitute the City Fiscal as the counsel of record nor even as an alternate counsel of the Republic. In fact, the precise request in said letter was for the City Fiscal to represent the Office of the Solicitor General not the Republic, which clearly implied that the Solicitor General remains the counsel of record who is duly authorized to receive notices on behalf of the Republic of the Philippines.

The foregoing is in accordance with the pronounce-ment of this Court in Republic vs. Chiu, 12 SCRA 352, and Tanpa Ong vs. Republic, 17 SCRA 535, to wit:

"x x x, notwithstanding the delegation to the City Attorney of the duty to appear at and attend the hearing in this case, the Solicitor General remained the counsel of record for the opposition. This is not a case where a party litigant is represented by two lawyers, notice to one of whom is notice to the client. Here, the City Attor-ney did not appear as counsel for the Re-public, but merely as representative of the Solicitor General who, as stated, remained the counsel of record for the Republic."

Anent the sixth issue additionally raised by appellee on whether Election Case No. 1, a case contesting her right to vote, has met the suggested requirement for an adversary proceeding, We rule in the negative because the Republic of the Philippines was not notified of Election Case No. 1. It may be true that the City Fiscal and the City Registrar of Naga City had been notified of this case but it cannot be said that notice to either or both officials is notice to the Republic, since both officials can represent only the City of Naga.

Moreover, there is no proceeding established by law, or the Rules, for the judicial declaration of the citizenship of an individual (*Danilo Channie Tan vs. Republic*, L-14159, April 18, 1960; *Palaran vs. Republic*, L-15047, Jan. 30, 1962; *Tan Yu Chin vs. Republic*, L-15775, April 29, 1961; *Tan vs. Republic*, L-16108, October 31, 1961; *Santiago vs. Commissioner*, L-14653, Jan. 31, 1963; *Com-missioner vs. Domingo*, L-21274, July 31, 1963; *Lao Yap Diok, et al. vs. Republic*, L-19107-09, Sept. 30, 1964; *In re Mallari*, Adm. Case No. 533, April 29, 1968; *Lee vs. Commissioner of Immigration*, 42 SCRA 561; *Wong Sau Mei vs. Republic*, 38 SCRA 26; *Soria vs. Commissioner of Immigration*, 37 SCRA 213).

WHEREFORE , the Decree dated May 4, 1971 and the Order dated August 26, 1971 of the Court of First Instance of Camarines Sur are hereby REVERSED and SET ASIDE except insofar as it allowed (a) the change of the middle name of the mother from "Olbila" to "Olbita" in the birth certificate of Roger Lee and (b) the change also of the middle name of the mother from "Orbita" to "Olbita" in the birth certificate of Rolando Lee. No costs.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., and Escolin, JJ., concur.

Abad Santos, J., He votes with Justice de Castro, substantial mistakes in the Civil registry should be allowed after adversary proceedings regardless of Art. 412 of the Civil code and Rule 108.

De Castro, J., see dissenting opinion.

[1] Solicitor General's Brief, pp. 2-10.

[2] *Ibid.*, p. 11.

[3] *Ibid.*, p. 15.

[4] *Ibid.*, p. 17.

[5] *Ibid.*, p. 18.

[6] *Ibid.*, p. 19.

[7] Respondents-Appellees' Brief, pp. 23-23.

[8] *Ibid.*, p. 1.

[9] 94 Phil. 321.

[10] *Ansaldo vs. Republic*, 102 Phil. 1046.

[11] *Black vs. Republic*, 104 Phil. 848.

SEPARATE OPINION

DE CASTRO, J.:

I vote to grant the petition for correction of entries in toto.

1. Rule 108 was promulgated precisely to provide the proper and adequate remedy to make available, in its full extent, the benefits of Article 412 of the Civil Code which are not in express terms limited to correcting only harmless and innocuous clerical errors nor to proceedings that are merely summary in nature. If by judicial interpretation, said Article was held to allow correction of only clerical errors, not one affecting status, and that proceedings there-under are purely summary, it is because of the lack of a proceeding deemed appropriate and adequate to guard against improper change of status that might prejudice the interests of third parties. With the promulgation of Rule 108, which requires notice and publication, I would hold that correction of an erroneous entry, even if the same is not merely an innocuous clerical error, may be justified, as long as the evidence warrants. For it would be preposterous to think that after the rule that no more than mere clerical errors may be corrected under Article 412 has become well-settled upon a legal pronouncement that proceedings thereunder are merely summary in character, Rule 108 was still provided with no apparent purpose other than to make more expensive the correction of mere clerical errors which, before its promulgation, was already possible under a less expensive and a simple summary proceeding. Thus, as I have stressed in my dissenting opinion in *Wong v. Republic*, G.R. No. L-29376, promulgated on July 30, 1982, if the correction sought merely involves the rectification of mere clerical harmless errors, a summary proceeding without need of complying with the requirements of Rule 108 will suffice. But if the correction affects substantial errors, compliance with the requisites prescribed in Rule 108 becomes imperative. In either case, Article 412 is the basis for the correction.

2. It is not accurate to say that Rule 108 would be rendered unconstitutional if it would allow the correction of more than mere harmless clerical error, as it would thereby increase or modify substantive rights which the Constitution expressly forbids because Article 412 of the Civil Code, the substantive law sought to be implemented by Rule 108, allows only the correction of innocuous clerical errors not those affecting the status of persons. As was stressed in the dissent on the aforesaid *Wong Case*, Article 412 does not limit in its express terms nor by mere implication, the correction authorized by it to that of mere clerical errors. Upon a consideration of this fact, it would be reasonable and justified to rule that Article 412 contemplates of correction of erroneous entry of whatever nature, procedural safeguards having only to be provided for, as was the manifest purpose of Rule 108.

3. It is worth emphasizing that proceeding for the correction of erroneous entry should not be considered as establishing one's status in a legal manner conclusively beyond dispute or controversy, for as provided by Article 410 of the Civil Code, "the books making up the civil register and all documents relating thereto x x x shall be prima facie evidence of the facts therein contained." Hence, the status as corrected would not have a superior quality for evidentiary purpose. Moreover, the correction should not imply a change of status but a mere rectification of error to make the matter corrected speak for the truth. There is, therefore, no increase or diminution of substantive right, as is the basis for holding that Rule 108 would be unconstitutional if held to allow correction of more than mere harmless and innocuous clerical errors.

4. With respect to Election Case No. 1, wherein private respondent's right to vote was contested and which case was decided in her favor after the trial court found that she is not married to Lee Tieng but that they are merely living as common-law husband and wife, and nothing more, hence, she "remains a Filipino citizen, she being the natural born citizen of the Republic of the Philippines, and therefore, is entitled to be registered as voter and to vote," mere failure to notify the Solicitor General, as counsel for the Republic, of the proceedings had therein is

not fatal because proceedings of such nature and character does not necessarily require the presence of the Solicitor General. The decision is sufficient evidence to justify the correction, which in any case, as has just been stressed, is not a conclusive adjudication of the status. It is a mere correction of an entry with evidentiary value as it would have had, were the entry correct from the beginning.

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