

JUSTO BALETE, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-17332. November 29, 1961

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2b075e389dd8/>

BAUTISTA ANGELO, J.:

Julio Balete filed a petition before the Court of First Instance of Rizal seeking the correction of certain names and entries made in the Civil Registry of Manila in connection with the birth certificates of his children Kie Hua C. Balete, Siu Bee Balete, and Joaquin Cu Kie San. This petition was later amended by making the Civil Registrar of Manila party respondent.

After the local civil registrar had filed his answer, the lower court ordered the publication of the amended petition in the Daily Mirror. Thereafter, the Solicitor General and the City Fiscal made of record their appearance and each filed a motion to dismiss invoking as common ground that the amended petition is not proper in view: of the fact that it seeks to correct entries in the civil registry which affect the citizenship of the parties concerned while it avers other controversial matters which cannot be passed upon in a summary proceeding but should be threshed out in a separate appropriate action.

Petitioner filed a reply to the motion to dismiss insisting on the propriety of the action he has taken adding that since he prayed that he be declared a Filipino citizen his petition may be considered as one for declaratory relief under Section 1, Rule 66, of the Rules of Court. The government filed a rejoinder stating that a petition for declaratory relief is not the proper remedy for declaration of citizenship but one for naturalization with an alternative prayer for declaration of status as a Filipino citizen. Petitioner filed a rejoinder setting forth therein his arguments.

On the basis of the pleadings submitted by both parties the lower court issued an order dismissing the petition on the main ground that the same has not been filed by the persons whose birth certificates are involved and that the changes sought to be made are substantial in nature which should be threshed out in a separate action.

Petitioner has appealed and the case is now before us in view of the certification made by the Court of Appeals that the questions involved are purely of law.

The corrections which petitioner seeks to be made in the Civil Registry of Manila in connection with the birth certificates of his children are as follows:

- "1. In the Birth Certificate of Kie Hua C. Balete, a natural child of petitioner Justo Balete—(a) Father's citizenship— from 'Chinese' to 'Filipino'
2. In the Birth Certificate of Siu Bee Balete, another natural child of petitioner—
 - (a) Father's citizenship—from 'Chinese Mestizo' to 'Filipino'
 - (b) Father's birthplace—from 'Bulacan, Tondo, Manila' to 'Malolos, Bulacan'

3. In the Birth Certificate of Joaquin Cu Kie San, also a natural child of petitioner—

- (a) Father's name—from 'Justo Balete alias Cu Bun Jin' to 'Justo Balete' only.
- (b) Father's citizenship—from 'Chinese' to 'Filipino'
- (c) Father's birth place—from 'Amoy, China' to Malolos, Bulacan'
- (d) Father's religion—from 'Budhist' to 'Protestant'."

It should be noted that the changes which petitioner wants to introduce in the civil registry, among others, are: the citizenship of Justo Balete from Chinese to Filipino, or from Chinese mestizo to Filipino, or from Justo Balete alias Cu Bun Jin to Justo Balete only. And as to petitioner's birth place, the changes to be made are: from Tondo, Manila to Malolos, Bulacan, or from Amoy, China to Malolos, Bulacan. As may be reckoned with, these changes are not merely clerical but substantial in the sense that they affect the status of petitioner Justo Balete. The other changes are also material because they involve a change of residence. These changes cannot be done in a proceeding of this character as held by this Court in the case of *Ty Kong Tin vs. Republic*, 94 Phil., 321; 50 Off. Gaz., [3] 1077, from which we quote:

"* * * This article provides that 'No entry in a civil register shall be changed or corrected, without a judicial order.' The bone of contention was the extent or scope of the matters that may be changed or corrected as contemplated in said legal provision. After a mature deliberation, the opinion was reached that what was contemplated therein are mere corrections of mistakes that are clerical in nature and not those which may affect the civil status or the nationality or citizenship of the persons involved. If the purpose of the petition is merely to correct a clerical error then the court may issue an order in order that the error or mistake may be corrected. If it refers to a substantial change, which affects the status or citizenship of a party, the matter should be threshed out in a proper action depending upon the nature of the issue involved. Such action can be found at random in our substantive and remedial laws the implementation of which will naturally depend upon the factors and circumstances that might arise affecting the interested parties. This opinion is predicated upon the theory that the procedure contemplated in article 412 is summary in nature which cannot cover cases involving controversial issues."

With regard to the appropriate action that may be taken to accomplish the objective sought by petitioner, we already stated that "Such action can be found at random in our substantive and remedial laws the implementation of which will naturally depend upon the factors and circumstances that might arise affecting the interested parties" (*Ty Kong Tin vs. Republic*, supra). Indeed, this statement appears somewhat sweeping and general, but this uncertainty will not be long, for our Rules of Court containing new amendments and changes in line with the provisions of the new Civil Code will soon be released wherein a procedure for the correction of material errors that may appear in the civil register, is prescribed. Such step is necessary in order to dispel once and for all the prevailing uncertainty relative to the implementation of Article 412 of the new Civil Code.

Wherefore, the order appealed from is affirmed, without costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and De Leon, JJ., concur.

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.