

CANDIDA REYES, IN HER OWN BEHALF AND AS GUARDIAN AD LITEM; EDGARDO SO, RENATO SO, ROMEO REYES SO, ALL MINORS, AND SO YONG GA, PETITIONERS AND APPELLANTS, VS. THE REPUBLIC OF THE...

G. R. No. L-17642. November 27, 1964

Ponente: BENGZON, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/306b92cab4c2/>

BENGZON, C.J.:

In the Court of First Instance of Manila, appellants filed against appellees, particularly the Civil Registrar of Manila, Special Civil Case No. 40166 wherein it is alleged among other things that Candida Reyes is a Filipino citizen; that Edgardo So, Renato So and Romeo So, were born to her outside of wedlock with petitioner So Yong Ga, a Chinese subject; that in such circumstances, said minor children are citizens of the Philippines; and that they were erroneously entered as Chinese citizens in the civil register of Manila. Wherefore, petitioners prayed that the said entries be ordered corrected.

Upon appellees' motion to dismiss on the ground that it stated no cause of action, the petition was dismissed; and a motion for reconsideration was denied.

Petitioners appealed to this Court, excepting to the order of dismissal.

They argue now that Article 412 of the Civil Code of the Philippines under which they sought relief [1] makes no distinction whatsoever as to the kind of errors which may be corrected in a civil register; that the only condition precedent to such correction is that there should be a corresponding judicial order; that where mere clerical errors are sought to be corrected, such correction may be authorized by means of a summary proceeding; that the instant petition is in faithful compliance with the "appropriate action" contemplated and suggested by this Court in various cases[2] decided on the same issue; that as shown by the petition, the parties involved, namely, the parents and children as petitioners and the Republic of the Philippines and the Civil Register as respondents, were included therein; and as alleged in paragraph 6 thereof, the Philippine citizenship of minor children may be established by adequate evidence.

In our view, the instant action seeks a declaration of Philippine citizenship of some minor children. And we have invariably held [3], only mistakes that are clerical in nature may be ordered corrected under Article 412 of the Civil Code of the Philippines. The procedure contemplated under this provision of law is summary in nature.

If the petition, on the other hand pursues the correction of entries that are substantial, the erroneous entry may be corrected by the Court by means of a proper action according to the nature of the issues in controversy and wherein all the parties who may be affected by the entries are notified or represented and evidence submitted to prove the allegations of the complaint, and proof to the contrary admitted.[4]

The case before us is not of first impression. We have repeatedly declared that in this jurisdiction, the remedy sought in the instant petition cannot be granted in the manner desired. While ostensibly, the action seeks a mere

correction of an entry in the Civil Registry, in effect, it requests the judicial declaration of Philippine citizenship. Many such cases, this Court has dismissed. We have clearly stated time and again, that declaratory relief is not available for the purpose of obtaining a judicial declaration of citizenship.

It may be stated at this juncture that Rule 108 of the Revised Rules of Court provides for the cancellation or correction of entries in the Civil Registry relating to civil status. Any person interested in any act, event, order or decree concerning the civil status of persons Which has been recorded in the Civil Registry, may file a Verified petition for the cancellation or correction of any entry relating thereto. The entries which may be cancelled or corrected are specifically enumerated.[5] While "birth" is mentioned as one of the entries that may be corrected or cancelled, this includes only such particulars as are attendant to birth. Other details, such as nationality or citizenship are not included. Rule 108 also covers citizenship but only as regards its election, loss or recovery. But this certainly has no relevance to the instant petition, which, as hitherto stated, seeks a judicial declaration of Philippine citizenship.[6]

For the reasons indicated, the order appealed from is affirmed with costs against petitioners.

Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, Bengzon, J. P. and Zaldivar, JJ. concur.

[1] Article 412 of the Civil Code of the Philippines "No entry in a civil register shall be changed or corrected, without judicial order."

[2] *Ansaldo vs. Republic*, L-10226, Feb. 14, 1958; *Ty Kong Ting vs. Republic*, 50 Off. Gaz. No. 3, p. 1077 (and several others).

[3] *Beduya vs. Republic* L-17639, May 29, 1964; *De Castro vs. Republic*, L-174321, April 30, 1963.

[4] *Lui Lin vs. Republic*, L-18213, Dec. 24, 1963: also cases cited above.

[5] Sec. 2 (Rule 108) Entries subject to cancellation 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 of annulment of marriage; (f) judgments declaring marriages void from beginning; (g) legitimations; (h) naturalization; (i) election, loss or recovery of citizenship; (j) civil interdiction; (k) judicial determination of filiation; (l) voluntary emancipation of a minor; and (m) changes of name.

[6]. "At times the law permits the acquisition of a given status such as naturalization by judicial decree. But, there is no similar legislation authorizing the institution of a judicial proceedings to declare that a given person is part of our citizenry." (*Tan vs. Republic*, L-14159, April 18, 1960; *Tan Yu Chin vs. Republic*, L-15775, April 29, 1961; *Felista Tan vs. Republic*, L-16108, October 31, 1961.)

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.