

WILLIAM H. BROWN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT*G.R. No. L-9526. August 30, 1956*

Ponente: CONCEPCION, J.

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On October 15, 1935, Matea Piconada, single, was delivered of a baby girl at the Maternity and Children's Hospital, City of Manila, Philippines. Thereupon, Matea told the hospital authorities that the child's name is Henrietta Piconada, and that her father is unknown, and it was so stated in the report of the hospital to the office of the local civil registrar, and in the corresponding entry in the records of the latter, as well as in the birth certificate (Exhibit A) of said child. Almost twenty (20) years thereafter, or in June 6, 1955, William H. Brown instituted the present case in the Court of First Instance of Manila. In his petition he stated the foregoing facts and alleged that Henrietta Piconada is his daughter; that ever since she began attending school, she had been registered and known as Henrietta Brown; and that since early childhood she has been, and up to the present she is, under his custody "for her education and support * * * with the knowledge and consent of her, mother aforementioned." His prayer is-

"that an order be issued directing the Civil Registrar of the City of Manila, to correct name and fill the blanks appearing in the certificate of birth of Henrietta Piconada as unknown and change the nationality, as, follows:

- (1) 'Henrietta Piconada' to read as Henrietta Piconada Brown
- (2) 'Nationality' from 'Filipino' to 'American'
- (3) Under the column 'FATHER—PADRE', the following: 1935:
'Full name'—William H. Brown
'Residence'—1235 Azcarraga St., Manila
'Citizenship'—American
'Age last birthday'—65
'Birthplace'—Beecher City, Illinois, U.S.A.
'Civil Status'—Widower: 'Religion' Roman Catholic
'Occupation'—Businessman.

to conform with the provision of Article 412 of New Civil Code." Record on Appeal, pp. 3 and 4.)

An opposition was filed by the Solicitor General, on behalf of the Government, and, after appropriate proceedings, the Court of First Instance of Manila rendered a decision granting said petition, except as to the correction prayed for relative to the nationality of Henrietta Piconada. The dispositive part of said decision reads as follows:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, the Civil Registrar of the City of Manila is ordered to add to the name of the Child Henrietta Piconada the surname 'Brown' and to fill up the blanks under the column 'father' with the data hereinabove stated."

The Government has appealed from said decision, relying, mainly, upon the case of *Ty Kong Tin vs. Republic of the Philippines* (50 Off. Gaz., 1078-1079), in which, referring to Article 412 of the Civil Code of the Philippines (cited in the petition of herein appellee), it was held:

"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. * * * 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."

The appeal is well-taken. The very petition indicates that the entries in the office of the Local Civil Registrar were made in conformity with the data furnished by Matea Piconada upon the birth of her daughter, Henrietta Piconada. In fact, when Matea Piconada then advised the hospital authorities that Henrietta 's father was unknown, she merely complied with the provisions of Article 280 of our Civil Code reading:

"When the father or the mother makes the recognition separately, he or she shall not reveal the name of the person with whom he or she had the child; neither shall he or she state any circumstance whereby the other parent may be identified."

Then again, the allegations of the petition suggest that petitioner had acknowledged Henrietta as his natural child by acts subsequent to her birth, more particularly since her schooling had began. Hence, a decision directing the change or correction of the official entries relative to Henrietta's birth, as prayed for in the petition, would cause the records of the local Civil Registrar to state as a fact something which was not so at the time of the event referred to in said entries. What is more, this retrospective operation sought by herein petitioner would, in effect, sanction the recognition of a minor, made otherwise than "in a record of birth or in a will", without the previous judicial approval specifically required therefor by law. (Article 281, Civil Code of the Philippines.)

Considering, however, that petitioner might have meant to secure, through this case, said judicial approval to the recognition of Henrietta Piconada, let the records hereof be remanded to the lower court, for the corresponding amendments to the pleadings—if petitioner wishes to do so, within such reasonable time as said court shall fix, and it is his intention to acknowledge Henrietta Piconada as his natural child, with the approval of the court—and, thereafter, for such further proceedings as the nature of the case may then demand or justify. Should petitioner, however, fail or refuse to make said amendments, this case should be dismissed. Without special pronouncement as to costs. It is so ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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