

CARMENCHU M. CHUA, PETITIONER – APPELLEE, VS. CITY CIVIL REGISTRAR OF BUTUAN CITY, RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR – APPELLANT.

Ponente: SINGH, J.

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SINGH, J.:

Before Us is petitioner-appellee's Motion for Reconsideration[1] of this Court's Decision dated July 30, 2014,[2] granting the appeal of the Office of the Solicitor General and setting aside the Decision dated June 6, 2011 of the Regional Trial Court of Butuan City, Branch 3, in Civil Case No. 4171.

In her motion, petitioner-appellee asks this Court to spare the application of Republic vs. Lugsanay Uy[3] in the present case arguing that the present case involves cancellation of a Certificate of Live Birth unlike the cited case which only involves correction of entries therein. Petitioner-Appellee adds that this Court should give significance to the non-objection of respondent City Civil Registrar to her petition for cancellation. Finally, petitioner-appellee states that the publication of the Petition cured the failure to implead Metchelle Chua Kionisala in accordance with the case of Barco v. Court of Appeals[4].

The motion of petitioner-appellee fails to convince this Court to reverse its Decision.

In the very recent case of Onde v. The Office of the Local Civil Registrar of Las Piñas City[5], the Supreme Court reiterated the ruling made in the case of Republic v. Lugsanay Uy with regard to substantial alterations in the civil registry which requires appropriate adversary proceedings, to wit:

“In Republic v. Uy, we held that corrections of entries in the civil register including those on citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, involve substantial alterations. Substantial errors in a civil registry may be corrected and the true facts established provided the parties aggrieved by the error avail themselves of the appropriate adversary proceedings.” (emphasis ours)

Here, there was more reason for appropriate adversary proceedings to have been resorted to by petitioner-appellee since what was involved was a cancellation of a birth record, and not just a mere correction of entries in the civil registry.

As to the publication that allegedly cured the defect of not impleading Metchelle Chua Kionisala as an indispensable party, it should be reiterated that, in the first place, the publication was defective. It indicated a wrong case number and nowhere was it mentioned therein that the petition seeks to cancel the Certificate of Live Birth of Kelsey Rose Montilla Chua. Hence, a defective publication cannot cure anything.

The Supreme Court in the Onde case stressed the importance of strict compliance with the procedural requirements of the Rules of Court with regard to substantial alterations in the civil registry and impleading persons who have a claim or an interest in the petition, to wit:

“We also stress that a petition seeking a substantial correction of an entry in a civil register must implead as parties to the proceedings not only the local civil registrar, as petitioner did in the dismissed petition for

correction of entries, but also all persons who have or claim any interest which would be affected by the correction. This is required by Section 3, Rule 108 of the Rules of Court:

SEC. 3. Parties. -When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

In *Eleosida*, we cited Section 3, and Sections 4 and 5 of Rule 108 of the Rules of Court, as the procedural requirements laid down by the Court to make the proceedings under Rule 108 adversary. In *Republic v. Uy*, we have similarly ruled that when a petition for cancellation or correction of an entry in the civil register involves substantial and controversial alterations, including those on citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, a strict compliance with the requirements of the Rules of Court is mandated. Thus, in his new petition, petitioner should at least implead his father and mother as parties since the substantial correction he is seeking will also affect them.” (emphasis ours)

WHEREFORE, the Motion for Reconsideration filed by petitioner-appellee is DENIED for lack of merit and this Court’s Decision dated July 30, 2014 stands unreconsidered.

SO ORDERED.

Borja, (Chairperson), and Badelles, JJ., concur.

[1] Rollo, pp. 62-64.

[2] Rollo, pp. 52-61.

[3] G.R. No. 198010, August 12, 2013.

[4] G.R. No. 120587, January 20, 2004.

[5] G.R. No. 197174, September 10, 2014.

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