

IN THE MATTER OF THE CORRECTION OF ENTRY IN THE CERTIFICATE OF LIVE BIRTH OF MINOR ZACHARIAH CARAAN EBRON, BABY DAPHNE CARAAN EBRON, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHI...

CV No. 91241, October 22, 2010

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Court of Appeals

The Case

On appeal by the Republic of the Philippines, through the Office of the Solicitor General ("OSG") is the June 2, 2008[1] of the Regional Trial Court of Calamba City, Laguna[2] in Sp. Proc. No. 1077-08-C entitled "In the Matter of the Correction of Entry in the Certificate of Live Birth of Minor, Zachariah Caraan Ebron," the dispositive portion of which reads:

"WHEREFORE, finding the petition to be with merit, same is hereby granted.

Accordingly, the Local Civil Registrar of Los Baños, Laguna is hereby ordered to correct the entry in the Certificate of Live Birth of her son Zachariah Ebron y Caraan as to the citizenship of her husband Allan Ignacio P. Ebron from 'U.S. Citizen' to 'Filipino citizen.'

The 'Civil Registrar, Los Baños, Laguna' and the National Statistics Office are hereby ordered to effect the correction in the Certificate of Live Birth of Zachariah Ebron y Caraan in their records.

SO ordered."[3] (emphasis and underscoring supplied)

The Facts

This appeal proceeds from a Petition for Correction of Entry in the Certificate of Live Birth[4] filed by Baby Daphne Caraan Ebron ("Baby Daphne") before the Regional Trial Court of Calamba City, Laguna[5] ("RTC"), seeking the "correction of entry" in the certificate of live birth of her son, Zachariah Ebron y Caraan ("Zachariah"), as regards the citizenship of his father Allan Ignacio Poblete Ebron ("Allan Ignacio") from "US Citizen" to "Filipino citizen."6 The factual events which led to this case, as summarized by the RTC in its assailed Order, are as follows:

"In the initial hearing on May 19, 2008, the petitioner thru counsel, Atty. Macario Agocila presented evidence to comply with the jurisdictional requirements, [emphasis Ours] Thereafter, the Branch Clerk of Court was appointed to act as Commissioner to receive evidence ex-parte.

At the ex-parte hearing [emphasis Ours] on June 2, 2008 at 2:00 in the afternoon, petitioner presented Baby Daphne Caraan Ebron, of legal age, Filipino citizen, married, College Graduate and with residence and postal address at No. 2564 Natures Ville, Anos, Los Banos, Laguna, testified:

That she is the petitioner in this case; That she is the lawful wife of Allan Ignacio Ebron y Poblete [emphasis Ours] and having married on February 19, 2005 in San Jose Del Monte, Bulacan marked as Exhibit 'F'; That she

gave birth to her first child on November 29, 2006 in Los Baños, Laguna named as Zachariah Ebron y Caraan as shown in the Birth Certificate marked as Exhibit 'E'; That she indicated in the citizenship of her husband as US citizen in the birth certificate of their son which was erroneous since she discovered later that her husband is only a holder of a Resident Alien Certificate or Green Card Holder and not yet a U.S. citizen and still a Filipino citizen marked as Exhibit 'G'; That the correction of entry is not intended to evade from any obligation or lawful order but in order to straighten the birth record of her son Zachariah Ebron y Caraan.

Thereafter, the petitioner offered in evidence the following exhibits:

Exhibit 'A' - the Petition;

And its sub-markings

Exhibit 'B' and its

Sub-markings - the Order dated March 12, 2008;

Exhibit 'C' - Certificate of Posting

Exhibit 'D' - Affidavit of Publication

Exhibit'D-1' - Issue of Amihan dated March 31 to April 6, 2008;

Exhibit 'D-1-A'
- Clippings of the Order;

Exhibit 'D-2' - Issue of Amihan dated April 7 to April 13,2008;

Exhibit 'D-2-A' - Clippings of the Order;

Exhibit 'D-3' - Issue of Amihan dated April 14 to April 20, 2008;

Exhibit 'D-3-A' - Clippings of the Order;

Exhibit 'E' - Certificate of Live Birth of Zachariah Caraan Ebron;

Exhibit 'F' - Certificate of Marriage;

Exhibit 'G' - Resident Alien;

Exhibit 'H'

- Appearance from the Office of the Solicitor General;

Exhibit 'H-1' - Deputization to the Office of the Provincial Prosecutor."[7]

(emphasis Ours)

Thereafter, the trial court proceeded to conclude in the herein assailed Order[8] that the petition is meritorious, hence its disposition of the case, viz.:

"WHEREFORE, finding the petition to be with merit, same is hereby granted.

Accordingly, the Local Civil Registrar of Los Baños, Laguna is hereby ordered to correct the entry in the Certificate of Live Birth of her son Zachariah Ebron y Caraan as to the citizenship of her husband Allan Ignacious P. Ebron from 'U.S. Citizen' to 'Filipino citizen.'

The 'Civil Registrar. Los Baños. Laguna' and the National Statistics Office are hereby ordered to effect the correction in the Certificate of Live Birth of Zachariah Ebron y Caraan in their records.

SO ORDERED."[9] (emphasis and underscoring supplied)

Aggrieved, the Republic, through the OSG, interposed this appeal.

Issue:

The lone issue raised by the OSG for Our resolution is whether or not:

"THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE THE FACT THAT THE REQUIREMENTS OF THE LAW HAVE NOT BEEN COMPLIED WITH."[10]

OUR RULING

We grant the appeal.

We firstly have to stress that under Section 14, Article VIM of the Constitution, no decision shall be rendered by any court without expressing clearly and distinctly the facts and the law on which it is based.[11] Due process demands that the parties to a litigation be informed of how it was decided with an explanation of the factual and legal issues that led to the conclusions of the court.[12] As held in *People vs. Baring*,[13]

"A decision need not be a complete recital of the evidence presented. So long as the factual and legal basis are clearly and distinctly set forth supporting the conclusions drawn therefrom, the decision arrived at is valid. Nonetheless, in order to effectively buttress the judgment arrived at, it is imperative that a decision should not be simply limited to the dispositive portion but must state the nature of the case, summarize the facts with references to the record, and contain a statement of the applicable laws and jurisprudence and the tribunal's assessments and conclusions on the case. This practice would better enable a court to make an appropriate consideration of whether the dispositive portion of the judgment sought to be enforced is consistent with the findings of facts and conclusions of law made by the tribunal that rendered the decision; Compliance with this

requirement will sufficiently apprise the parties of the various issues involved but more importantly will guide the court in assessing whether [the] conclusion arrived at is consistent with the facts and the law."(emphasis Ours)

In this case, a cursory reading of the assailed January 2, 2008 Order will readily show that it does not contain any statement on the factual and legal basis which the RTC relied upon in granting the petition. Instead, the trial court simply made a sweeping statement, viz.:

"WHEREFORE, finding the petition to be with merit, same is hereby granted, xxx"[14]

On this ground alone, the assailed Order already deserves reversal.

More so, as observed by this Court, that the assailed Order did not comply with other basic requirements in law.

Rule 108 of the Revised Rules of Court provides the procedure for the cancellation or correction of entries in the civil registry. The proceedings under said rule may either be summary or adversarial in nature. If the correction sought to be made in the civil register is clerical, then the procedure to be adopted is summary.[15] If the rectification affects the civil status, citizenship or nationality of a party, it is deemed substantial, and the procedure to be adopted is supposed to be adversarial.[16] Rule 108 reads, thus:

"Rule 108
CANCELLATION OR CORRECTION OF
ENTRIES IN THE CIVIL REGISTRY

SECTION 1. Who may file petition. — Any person interested in any act, event, order or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation or correction of any entry relating thereto, with the Regional Trial Court of the province where the corresponding civil registry is located.

SEC. 2. 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) marriages; (c) deaths; (d) legal separations; (e) judgments of annulments of marriage; (f) judgments declaring marriages void from the beginning; (g) legitimations; (h) adoptions; (i) acknowledgments of natural children; (j) naturalization; (k) election, loss or recovery of citizenship; (l) civil interdiction; (m) judicial determination of filiation; (n) voluntary emancipation of a minor; and (o) changes of name.

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.

SEC. 4. Notice and publication. — Upon the filing of the petition, the court shall, by an order, fix the time and place for the hearing of the same, and cause reasonable notice thereof to be given to the persons named in the petition. The court shall also cause the order to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province.

SEC. 5. Opposition. — The civil registrar and any person having or claiming any interest under the entry whose cancellation or correction is sought may, within fifteen (15) days from notice of the petition, or from the last date of publication of such notice, file his opposition thereto.

SEC. 6. Expediting proceedings. — The court in which the proceedings is brought may make orders expediting the proceedings, and may also grant preliminary injunction for the preservation of the rights of the parties pending such proceedings.

SEC. 7. Order. — After hearing, the court may either dismiss the petition or issue an order granting the

cancellation or correction prayed for. In either case, a certified copy of the judgment shall be served upon the civil registrar concerned who shall annotate the same in his record, (emphasis Ours)

Here, the RTC erred in considering that petitioner already established, fully, the existence of all the required jurisdictional facts necessary to proceed with the hearing.[17] For, while Section 3 thereof mandates that "the local civil registrar and all persons who have or claim any interest which would be affected thereby" must be made parties to the proceeding, and for which, *Republic vs. Cagandahan*[18] held that the corresponding petition should thus implead as respondents not only the civil registrar but all other persons who may have or may claim to have any interest that would be affected thereby, it appears that this jurisdictional requirement was not complied with. Records show that Allan Ignacious, the very person whose citizenship is sought to be changed, was not made a party to the present petition, either as petitioner or as respondent. Yet, as the father of Zachariah whose citizenship was allegedly entered, erroneously, in the subject birth certificate, Allan Ignacious is even an indispensable party without whom no final determination of the case can be had.[19] Worse, unlike the Civil Registrar of Los Baños, Laguna, National Statistics Office, Office of the Solicitor General and Office of the Provincial Prosecutor, who were served copies of the petition, Allan Ignacious, the father of Zachariah, was not notified of the petition below. Yet again, it is a settled rule that unless all possible indispensable parties are duly notified of the proceedings, the same shall be considered as falling much too short of the requirements of the rules.[20] Thus, this failure to implead and to notify Allan Ignacious rendered the proceedings below null and void, for lack of jurisdiction.[21]

But even if, arguendo, the present petition was sufficient in form and substance, still, the evidence presented failed to establish the true citizenship of Allan Ignacious at the time of birth of Zachariah in 2006. A perusal of Allan Ignacious' alleged "resident alien registration card," the sole proof relied upon by the trial court in granting this petition, shows that said card actually expired on October 29, 2000. Bereft of any probative value, said card did not, therefore, establish the father's citizenship, one way or the other. That other than said piece of evidence and the self-serving testimony of the petitioner, no other proof was adduced to sufficiently establish the true citizenship of Allan Ignacious, it evidently appears that the assailed Order did not have proof to support the conclusion arrived at by the RTC as earlier quoted.

WHEREFORE, the instant appeal is GRANTED. The assailed Order dated June 2, 2008 is SET ASIDE and Sp. Proc. No. 1077-08-C is hereby DISMISSED, without prejudice.

Acosta and Gaerlan,[*] JJ., concur.

[*] Acting Junior Member for fifteen (15) days only; Per Office Order No. 286-10-ABR dated October 4, 2010.

[1] Records, pages 34-35.

[2] Branch 35.

[3] Records, page 35.

[4] *Ibid.*, pages 1-3.

[5] Branch 35.

[6] Records, page 2.

[7] Records, pages 34-35.

[8] See Note 1.

[9] Records, page 35.

[10] Rollo, page 27.

[11] Chan vs. Court of Appeals, 457 SCRA 502, 513 (2005).

[12] Ibid., citing Insular Life Assurance Company, Ltd. vs. Young, G.R. No. 140964, 16 January 2002, 373 SCRA 626.

[13] 374 SCRA 696, 703 (2002).

[14] Records, page 35.

[15] Eleosida vs. Local Civil Registrar of Quezon City, 382 SCRA 22,27 (2002).

[16] Ibid., citing Republic vs. Bautista, 155 SCRA 1 (1987).

[17] Records, page 33.

[18] G.R. No. 166676, September 12, 2008, citing Republic v. Benemerito, G.R. No. 146963, March 15, 2004, 425 SCRA 488, 492.

[19] Republic vs. Cagandahan, supra., citing Republic v. Court of Appeals, G.R. No. 103695, March 15, 1996, 255 SCRA 99, 106.

[20] Ibid, citing Ceruila v. Delantar, G.R. No. 140305, December 9, 2005, 477 SCRA 134, 147.

[21] Republic vs. Court of Appeals, G.R. No. 103695, March 15, 1996, citing Lim Tanhu v. Ramolete, 66 SCRA 425 (1975); Director of Lands vs. Court of Appeals, 93 SCRA 238 (1974).

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