

**IN THE MATTER OF THE CORRECTION OF CERTAIN ENTRIES IN THE
BIRTH RECORDS OF THE MINORS TERESITA CHAN, ALICIA CHAN;
VIRGINIA CHAN AND VICENTE CHAN, CHAN CHIN,
PETITIONER-APPELLEE,...**

G.R. No. L-27159. September 17, 1969

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal by the Government from an order of the Court of First Instance of Manila granting the petition of Chan Chin for the correction of certain entries in the Record of Births of the Office of the Local Civil Registrar of Manila relative to four (4) of the twelve (12) alleged "children" of said petitioner-appellee.

The first of the "children" in question bears the name of Teresita. According to said Record, her family name is "Uy", her father is "Chi Uy" and her mother "Juanita Go", whose birthplace is "Amoy, Chinkang". These entries are sought to be corrected as follows: (1) "Teresita Chan", in lieu of "Teresita Uy"; (2) "Chan Chin", (appellee herein) in lieu of "Chi Uy"; (3) "Juanita Co", in lieu of "Juanita Go"; and (4) "Manila," in lieu of "Amoy, Chinkang".

The second child is Alicia. According to said Record, she is "Alicia Ching", and her parents are "Chang Ching", and "Juanita Go", both born in "Emoy, China". The corrections sought to be made are: (1) "Alicia Chan", in lieu of "Alicia Ching"; (2) "Chan Chin", in lieu of "Chang Ching"; (3) "Juanita Co", in lieu of "Juanita Go"; and (4) "Amoy" instead of "Emoy".

The third is Virginia. According to said Record, her full name is "Virginia Chan", and her father is "Chin Chan", born in "Manila". The corrections sought are: (1) "Chan Chin", in lieu of "Chin Chan" and (2) "Amoy, China" in lieu of "Manila."

The fourth and last is Vicente. According to said Record, his full name is "Vicente Chan," and his father is "Chan Ching". Petitioner maintains that "Chan Ching" should read "Chan Chin."

The appealed order authorizing these amendments should be reversed.

1. The relief sought by petitioner is predicated upon Article 412 of our Civil Code, which provides that: "No entry in a civil register shall be changed or corrected, without a judicial order." In *Baybayan vs. Republic*[1], we stressed that:

"It has been the uniform jurisprudence of this Court, since *Ty Kong Tin v. Republic* (1954), 94 Phil. 321, that substantial alteration, such as those affecting the status and citizenship of a person in the Civil Registry records, can not be ordered by the court unless first threshed out in an 'appropriate action wherein all parties who may be affected by the entries are notified or represented' (see Rule 108 of the Re-vised Rules of Court), and that the summary proceedings under Article 412 of the Civil Code only justify an order to correct innocuous or clerical errors, such as misspellings and the like, errors that are visible to the eyes or obvious to

the understand-ing (Black v. Republic, L-10869, November 28, 1958; Ansaldo v. Republic, L-10226, February 14, 1958; Tan Su v. Republic, L-12140, April 29, 1959; Bentoto v. Republic, L-14978, May 23, 1961; De Castro v. Republic, L-17431, April 30, 1963; Lui Lin v. Republic, L-18213, December 24, 1963)."[2]

Far from being "harmless" or "innocuous", the changes sanctioned by the lower court are or may be "substantial" in nature. In the case of Teresita, it affects not only her name, but, also, the identity of her parents and her status. Most certainly, Chi Uy is presumably a person different from Chan Chin, and "Juanita Co", born in "Amoy; Chinkang" is not apparently the same "Juanita Go", born in "Manila". The same observations apply to the case of Alicia. Moreover, the fact that her mother, like that of Teresita, is record-ed as "Juanita Co", born in "Amoy" or "Emoy; China" suggests that there is such Juanita Co, born in China; other than "Juanita Go", born in "Manila". Similarly, prima facie "Chin Chan"; born in "Manila" and father of Virginia; according to the Record of Births; is not "Chan Chin" born in "Amoy; China". Then, again; "Chan Ching"; the father of Vicente Chan, according to the same Record; is presumably other than Chan Chin, considering that "Chan" is a rather common Chinese family name.

In this connection it should be noted that the order appealed from was issued "on the leadings"; to which petitioner attached pho-tostatic copies of the alleged birth certificates of Teresita; Alicia, Virginia and Vicente,¹ the alien certificates of Registration and the Master Cards of Registered Alien of Chan Chin and Juanita Co,² the Chinese Consul General' s certificate of their marriage on October 20, 1945,³ their marriage contract dated December 8, 1962⁴ and the birth certificates of the other alleged children of the petitioner.⁵ No effort has been made establish the authenticity of the originals of these documents. No evidence whatsoever was introduced to prove that the Teresita Uy, Alicia Ching; Chi Uy and Juanita Go mentioned in the birth certificates of the first two⁶ are the same Teresita Chan, Alicia Chan; Chan Chin an Juanita Co mentioned in Master Cards of the last two⁷ and that the latter are the same persons alluded to in the certification issued by said Consul General and in the aforementioned marriage contract.⁸ Neither is there any evidence on record that the "Chin Chan", born in "Manila", mentioned in the birth certi-ficate of Virginia Chan¹, and the "Chan Ching" referred to in the birth certificate of Vicente Chan², are the same Chan Chin, born in Amoy, China, mentioned in said certificate, marriage contract, and Master Cards³.

2. According to the petition herein, the allegedly "erroneous entries" in question "were occasioned by petitioner's wife's difficulty of speech and pronunciation and failure of complete recollection x x x when she was not yet fully recovered from the rigors of childbirth." In other words, the entries reflect correctly the data furnished by her. Whether or not she committed a mistake in giving such data is a factual issue, which does not appear on the Record of Births; and, hence, can not be corrected in the summary proceeding under said Article 412.

Needless to say, there is absolutely nothing in the record to bear out the aforementioned averments of petitioner herein regard-ing the circumstances under which the entries in question have al-legedly been made. What is more; there are indications to the con-trary; for Teresita Uy was born on March 10, 1947, whereas her birth certificate⁴ was filed on March 22, 1947; Alicia was born on May 2, 1949, but her birth certificate⁵ was filed on June 18, 1949; Virginia was born on September 26, 1950; but her birth certificate⁶ was filed on October 10, 1950; and Vicente was born on May 19, 1952, but his birth certificate⁷ was filed on June 12, 1952.

Then, again, petitioner would have Us believe: (1) that Alicia is his second daughter; whereas the birth certificate of "Alicia Ching"⁸ states that she is the third child of her parents; (2) that Virginia is his third child, whereas the birth certificate of Virginia Chan⁹ states that she is the fourth child of "Chin Chan"; (3) that he (petitioner) is the same "Chan Ching" mentioned in the birth cer-tificate¹⁰ of Vicente Chan, but; according to this document, which was prepared in June 1952; Chan Ching was 26 years old at his last birthday, whereas petitioner was born on February 2, 1928, pursuant to his Master Card¹, so that in June, 1952, he was only a little over 24 years of age.

3. The title of the petition herein gave the names of Teresita "Chan" and Alicia "Chan", not those of "Teresita Uy" and "Alicia Ching", respectively, appearing in the Record of Births. In *Ng Yao Siong vs. Republic*², it was held:

"It is our view that this failure in the heading of the application to give the true name sought to be changed is fundamental; such failure is non-compliance with the strict requirements of publication; it is fatal; and the court did not acquire jurisdiction to hear the case.

" x x x Notices in the newspapers, like the one under consideration, usually appear in the back pages. The reader, as is to be expected, merely glances at the title of the petition. It is only after he has satisfied himself that the title interests him that he proceeds to read down further. The probability is that the portions in the publication heretofore quoted will escape the reader's notice. The purpose for which the publication is made, that is, to inform, may thus be unserved."

In the case at bar, the names of "Teresita Uy" and "Alicia Ching" do not appear, either in the title or in the body of the notice published in connection therewith. Considering that publication of said notice is essential to the jurisdiction of the court in proceedings of this nature³; that the purpose of said publication is to bind the whole world⁴; and that, for such publication to be effective, it must give "the true name sought to be changed"⁵, we find no reason to depart from the view heretofore adhered to by this Court.

WHEREFORE, the order appealed from should be, as it is hereby reversed, and another one shall be entered dismissing the petition herein, with costs against petitioner-appellee Chan Chin.

IT IS SO ORDERED.

Makalintal, Zaldivar, Ruiz Castro, Fernando, Capistrano, and Teehankee, JJ., concur.

Barredo, J., did not take part.

Reyes, JBL, Dizon, and Sanchez, JJ., on official leave.

[1] L-20717, March 18, 1966. Underscoring supplied.

[2] See also *San Luis de Castro v. Republic*, L-17431, April 30, 1963; *Lui Lin v. Republic*, L-18231, December 24, 1963; *Beduya v. Republic*, L-17639, May 29, 1964; *Reyes v. Republic*, L-17642, Nov. 27, 1964; *David v. Republic*, L-21316, Nov. 29, 1965; *Chug Siu v. Local Registrar of Manila*, L-20649, July 31, 1967; *Jaime Lim v. Local Registrar of Manila*, L-24284, Feb. 28, 1968.

1 Annexes A, B, C and D.

2 Annexes E, F; G. and H.

3 Annex I.

4 Annex J.

5 Annexes K to Q.

6 Annexes A and B.

7 Annexes G and H.

8 Annexes I and J.

1 Annex C.

2 Annex D.

3 Annexes E, F; G and H.

4 Annex A.

5 Annex B.

6 Annex C.

7 Annex D.

8 Annex B.

9 Annex C.

10 Annex D.

1 Annex G.

2 L-20306, March 31, 1966. Underscoring supplied.

3 Jayme S. Tan v. Republic, L-16384, April 26, 1962.

4 Uy Sioco Nacague Tan v. Republic, L-19847, Apr. 29, 1966.

5 Ng Yao Siong v. Republic, *supra*.

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