

**IN RE: PETITION FOR THE CORRECTION AND/OR MARGINAL
ANNOTATION OF ENTRIES IN THE BIRTH CERTIFICATE OF OSCAR
SIA OLIVA, DOMINGO DY OLIVA, AND VICENTA SIA OLIVA,
PETITIONERS-APPEL...**

G.R. No. L-21806. August 17, 1967

Ponente: REYES, J.B.L., Acting C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/714d7a0069df/>

REYES, J.B.L., Acting C.J.:

Appeal of the Solicitor General from the decision of the Court of First Instance of Rizal (Pasay City) in Sp. Proc. No. 1834-P, ordering the Local Civil Registrar of Pasay City to correct his record, "as to the nationality of Oscar Sia Oliva by substituting the word 'Filipino' in lieu of 'Chinese' in entry No. 8 of his certificate of live birth, upon payment of the prescribed fees."

The spouses Domingo Dy Oliva and Vicenta Sia Oliva, allegedly both citizens of the Philippines, petitioned the Court of First Instance on January 22, 1963, to order the correction and/or annotation of certain entries in the Certificate of Live Birth of their child, Oscar Sia Oliva, who was born on October 28, 1958. It was claimed that through mistake and inadvertence in the preparation and registration of the birth certificate of said child, petitioners' nationality was entered as Chinese, instead of Filipino. Over the State's opposition, the lower court rendered the decision now on appeal.

Justifying the exercise of jurisdiction by the lower court, and disputing the applicability in this case of the authorities cited by the Solicitor General, that citizenship cannot be the subject of the summary proceeding for correction of entries in the civil registry, petitioners-appellees contend that it is not the declaration of their citizenship that is here involved, because that is supposed to be already settled,[1] but only the correction of an erroneous entry in the certificate of birth of their son, Oscar.

It is the settled rule that the jurisdiction of the court to order the correction or alteration of entries in the civil registry, allowed under Article 412 of the Civil Code, is limited only to innocuous or clerical mistakes. As stated in the leading case of *Ansaldo vs. Republic*: [2]

"x x x the clerical errors which might be corrected through judicial sanction under Article 412 of the New Civil Code, would be those harmless and innocuous changes, such as, correction of a name that is clearly misspelled, occupation of the parents, etc.; but for changes involving the civil status of the parents, their nationality or citizenship, those are grave and important matters which may have a bearing and effect on the citizenship and nationality not only of said parents, but of the offsprings, and to seek said changes, it is necessary to file a proper suit wherein not only the State, but also all parties concerned and affected should be made parties defendants or respondents, and evidence should be submitted, either to support the allegations of the petition or complaint, or also to disprove the same so that any order or decision in the case may be made with due process of law and on the basis of facts proven. Then and only then may the change or changes be made in the entry in a civil register that will affect or even determine conclusively the citizenship or nationality of a person therein involved." (Underscoring supplied.)

With the data presently appearing in the civil registry, which, according to the certificate of live birth of the child, were furnished by Vicenta S. Oliva (Exh. 1-A), Oscar Sia Oliva, as the son of Do-mingo Dy Oliva, a Chinese national, and of Vicente Yu Sia, another Chinese national, is a Chinese citizen. To alter the entries by changing the nationality of said parents, from "Chinese" to "Fili-pino", would be to make it appear in that public record that the same Oscar Sia Oliva is the son of Filipino citizens and, therefore, is a citizen of the Philippines. It is not difficult to see that the changes asked for are neither harmless nor innocuous, as petitioners-appellees pretend them to be.

Neither is the case exempted from the operation of the rule simply because the petitioning parents were able to present evidence tending to establish their (the parents') Philippine citizenship. That fact would not be material in a summary proceeding for judicial cor-rection of the civil registry, citizenship not being a proper subject of inquiry therein.

Anent the complaint of appellees that parties similarly situated as they are left without recourse under the law, this Court once said:

"It follows that since the correction contemplated in this case does not refer merely to clerical errors, a summary proceeding would not be sufficient. In-stead, petitioners should file a petition as that pro-vided for under Article 108 of the Revised Rules of Court, section 4 of which requires notice and pub-lication, x x x." [3]

and which was precisely established in 1964 for the purposes of petitioners herein.

WHEREFORE, the decision appealed from is hereby reversed, and the petition ordered dismissed, without prejudice to new proceedings in conformity with Rule 108 of the Revised Rules of Court. Costs against the appellees.

Makalintal, Bengzon, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., on leave.

[1] In the court below, petitioners presented proof of their ci-tizenship, consisting of their marriage contract, which placed their nationality as Filipino (Exh. A); Opinion No. 19, s-1952 of the Sec-retary of Justice, cancelling the alien registration certificates of Domingo Oliva and his sister, Iluminada, allegedly it having been established that their father, Isidoro Oliva, is a Filipino citizen (Exh. C); and the order, dated March 27, 1962, of the Acting Assist-ant Commissioner of Immigration (C.C. No. 2410), cancelling the alien registry of Vicenta Sia Chua, on account of the naturalization of her father, on July 5, 1955, when she was 19 years, 11 months and 4 days old (Exh. D).

[2] 102 Phil. 1046, Feb. 14, 1958; reiterated in *Black vs. Republic*, G. R. No. L-10869, Nov. 28, 1958; *Tan Su vs. Republic*, G. R. No. L-12140, April 29, 1959; *Bantoto Co. vs. Republic*, G. R. No. L-14978, May 23, 1961; *Lui Sin vs. Republic*, G. R. No. L-18213, Dec. 24, 1963; *David vs. Republic*, G. R. No. L-21316, Nov. 29, 1965; *Baybayan vs. Republic*, G. R. No. L-20707, March 18, 1966; *Tan vs. Republic*, G. R. No. L-19847, April 29, 1966.

[3] *Tan vs. Republic*, *supra*.

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.