

IN THE MATTER OF THE PETITION FOR THE CORRECTIONS OF THE ENTRIES IN THE CORRESPONDING BIRTH CERTIFICATE IN THE OFFICE OF THE CIVIL REGISTRAR OF ILOILO CITY RE-THE CIVIL STATUS O...

G.R. No. L-27713. February 10, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

From the very title of this petition, In the Matter of the Petition for the Corrections of the Entries in the Corresponding Birth Certificate in the Office of the Civil Registrar of Iloilo City Re-the Civil Status of the Parents and the Filiation of the Minors: Eduardo, Ninfa, Teopicio, Emilio, Eusebio, John, Aida, Wilson and Felipe, all Surnamed Tan, Esperanza L. Celestial, Petitioner, it is quite obvious why the lower court was remiss in its observance of the applicable principle that calls for application - one moreover basic and fundamental. It is not easy to understand why there was such a failure to accord respect to a doctrine so well-settled considering that it could not have been misled. There was an explicit acknowledgment in the decision that the action is "for the determination of the nationality, civil status and filiation of the petitioners, with a prayer to correct the entries in the civil registry." [1]

In its dispositive portion, after holding that appellee Esperanza L. Celestial is a Filipino whose civil status is single, her children Eduardo, Ninfa, Teopicio, Emilio, Eusebio, John, Aida, Wilson, and Felipa, all surnamed Tan, were declared "natural children of Tan Chao and Esperanza L. Celestial and citizens of the Philippines. The respondent Iloilo City Local Civil Registrar shall make the corresponding and proper entry in the civil register of his office." [2]

The appeal is impressed with merit.

It is readily apparent that the lower court was oblivious of the pertinence and applicability of the leading case of *Ty Kong Tin v. Republic of the Philippines*. [3] Only last month, the principle therein announced in cases where the change would involve status or citizenship was reiterated in no uncertain terms in *Salim Wing v. Abubakar*. [4] As set forth in the opinion of the Court, referring to *Ty Kong Tin*: "The matter therein involved was the citizenship not only of the petitioner but of his children. This Court, through Justice Bautista Angelo, in interpreting Article 412 of the Civil Code, held: '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.' By the time *Chug Siu v. Local Civil Registrar* was decided, it had been reiterated in at least twelve cases, starting from *Ansaldo v. Republic* and ending with *Tan v. Republic*. One of the latest cases, a 1977 decision, *Republic v. Castañeda, Jr.*, reaffirmed such

a doctrine, citing eight other decisions starting from *Dy Oliva v. Republic* and ending with *Republic v. Amores*." [5]

WHEREFORE, the lower court decision granting the correction prayed for, the effect of which is to change the civil status as well as the nationality of petitioner Esperanza L. Celestial and her nine children, also surnamed Tan, is reversed, set aside and declared to be without any force or effect. The entries in the Civil Registrar of Iloilo City stand as they were before such decision.

Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

Barredo, J., no part.

[1] Record on Appeal, 50-51.

[2] *Ibid*, 52.

[3] 94 Phil. 321 (1954).

[4] L-25168, January 31, 1981.

[5] *Ibid*, 5. *Chug Siu*, L-26649, promulgated on July 31, 1967, is reported in 20 SCRA 877; *Ansaldo* is reported in 102 Phil. 1046 (1958); *Tan*, L-19647, promulgated on April 26, 1966, in 16 SCRA 661; *Castañeda, Jr.*, L-36769, promulgated on October 28, 1977, in 80 SCRA 111; *Dy Oliva*, L-21806, promulgated on August 17, 1967, in 20 SCRA 1070 and *Amores*, L-35232, promulgated on January 31, 1973, in 49 SCRA 361.

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