

JAIME LIM, MINOR, REPRESENT-ED BY HIS MOTHER, TARCIANA RODRIGUEZ, PETITIONER-APPELLANT, VS. LOCAL REGISTRAR OF MANILA AND LIM SUI KIAN, RESPONDENTS-APPELLEES.

G.R. No. L-24284. February 28, 1968

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal, from an order of the Court of First Instance of Manila dismissing this case, without prejudice and without pronouncement as to costs.

This is a petition for correction of an alleged error, in the records of the Local Civil Registrar for the City of Manila, concerning petitioner Jaime Lim, represented by his alleged mother, Tarciana Rodriguez. It is alleged in the petition, filed on September 2, 1963, that petitioner was born on September 7, 1953; that his parents are Lim Sui Kian, Chinese, and Tarciana Rodriguez, Filipino; that petitioner's aforesaid parents "were not married to each other" at the time of his (petitioner's) birth; that they remain "unmarried up to the present;" that, according to the aforementioned records, petitioner's full name is "Jaime Lim," his nationality "Filipino" and his status, "Legitimate;" that, his true name is "Jaime Rodriguez" and his status "illegitimate;" and that, unless the errors thus allegedly committed "are properly corrected, the status of Minor Jaime Lim as Filipino citizen and an illegitimate child will cause legal doubt and great inconvenience in his official and private dealings to the prejudice of his rights and interest as a member of our citizenry." Accordingly, it is prayed that said entries in the Local Civil Register be corrected, so as to state that petitioner's true name is "Jaime Rodriguez," instead of "Jaime Lim," and his status "illegitimate," instead of "legitimate." On July 14, 1964, the petition was amended, by eliminating therefrom, any reference to petitioner's father.

The manifest purpose of the petition is to make it appear that petitioner is an illegitimate child of a Filipina, Tarciana Rodriguez - not the legitimate son of Lim Sui Kian and Tarciana Rodriguez, as now set forth in the records of the local civil registrar - with a view to bolstering up his claim to Filipino nationality, following that of his Filipino mother, instead of that of his Chinese father, Lim Sui Kian. It is well settled, however, that Article 412 of our Civil Code, upon which petitioner herein relies, contemplates a summary proceeding, involving the correction of clerical errors, of a harmless and innocuous nature, not changes involving civil status, nationality or Citizenship, which are substantial and/or controversial, or a change of name (*Ty Kong Tin vs. Republic*, 94 Phil. 321; *Ansaldo vs. Republic*, L-10225, February, 1958, *Alfonso Tan Su vs. Republic*, L-12140, April 29, 1959; *Chomi vs. Local Civil Registrar of Manila*, 99 Phil. 1004; and *Andrew Black vs. Republic*, L-10226, February 14, 1958, 56 O. G. 4752). Hence, the petition herein was properly dismissed by the lower court, although there appears to be no reason for making the dismissal "without prejudice."

WHEREFORE, with the elimination of the qualification "without prejudice," the order appealed from is hereby affirmed and, since the present appeal is manifestly devoid of merit and contrary to the established jurisprudence, treble costs are hereby imposed, jointly and severally, upon petitioner-appellant and his counsel, Atty. Joaquin G.

Chung, Jr. Moreover, let a certified copy of this decision be attached to the personal record of the latter, as a member of the Philippine bar.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

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