

DANICA AMPULLER, PETITIONER-APPELLEE, VS. OFFICE OF THE CITY CIVIL REGISTRAR OF MANILA AND THE NATIONAL STATISTIC OFFICE, RESPONDENTS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APP...

Ponente: PERALTA, JR., E. B., J.

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PERALTA, JR., E. B., J.:

Impugned by the Republic via an appeal[1] was the Decision on January 6, 2011[2] of the Regional Trial Court, Branch 52, Manila in Special Proceeding No. 10-123869 which acceded to the Petition[3] for Correction of Entries in the Certificate of Live Birth of Danica Ampuller Iremedio, thusly:

1. deleting the surname “Iremedio” and change to Ampuller;
2. deleting the date and place of parents' marriage to “N/A” or Not Applicable.

Danica Iremedio’s Petition[4] averred that she was born on June 26, 1991 and her parents are Henry Iremedio and Ma. Ananette F. Ampuller who, as Danica's Certificate of Live Birth[5] indicated, contracted marriage on March 15, 1991. It was asserted on the initiatory pleading that her parents were never legally married and that was the justification for the formal quest to change her surname from “Iremedio” to “Ampuller” since she had to follow the surname of her mother, and to delete the place and date of marriage and replace it with “N/A” or “Not Applicable”. Impleaded as respondent before the RTC was the City Civil Registrar of Manila.

To fortify the Petition, the representative of Danica utilized a Certification[6] from the National Statistics Office to the effect that her father Henry Iremedio “does not appear in our National Indices of Marriages.”

Following issuance of the incipient Order below[7] for the requisite publication of the notice and dissemination of a copy of the Petition, and convinced by the propriety of the Petition, the proceeding eventually culminated in the issuance of the favorable verdict from the court a quo:

“WHEREFORE, the petition is GRANTED. Accordingly, the Civil Registrar of Manila is directed to correct the following erroneous entry in the Certificate of Live Birth of the petitioner: 1) Under Entry No. 1 thereof, by deleting the surname “Iremedio” and indicating therein the name “Danica Ampuller”; 2) Entry No. 12 thereof, from March 15, 1991, Laguna to “N/A” or “Not Applicable”.

X X X

SO ORDERED.”

Dismayed by the outcome of the Petition, the Republic demurred and interposed the appeal now before Us on the idea that the proposed corrections on Danica's birth certificate will alter civil status on legitimacy which can only be achieved after an appropriate adversarial process with the participation of indispensable parties.[8]

We find the appeal meritorious.

When a Petition for cancellation or correction of entry in the civil register involves substantial and controversial alterations including those on citizenship, legitimacy or paternity or filiation, or legitimacy of marriage, there must be strict compliance with preconditions for Rule 108 of the Rules of Court,[9] nay, adversarial.[10]

Cancellation or correction of entries in the civil registry is governed by Rule 108 of the Rules of Court:[11]

SEC. 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 proceeding 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.

When assayed by legal axioms, inasmuch as the desired change affected Danica's civil status from legitimate to illegitimate, it was imperative for petitioner to implead her father and other relatives who have the right to be notified of the Petition. Under Section 3 of Rule 108, impleading the civil registrar and the parties who would naturally and legally be affected by the grant of a petition for correction or cancellation of entries was mandatory.[12]

While there was publication of the Petition, Sections 4 and 5, Rule 108 of the Rules of Court readily spoke of two sets of notice to different "potential oppositors" and these modes of announcements require adherence.[13] Verily, the first notice referred to "persons named in the petition" and the second (on the aspect of publication) was for other persons who were not named on the Petition but who can nonetheless be considered interested or affected parties, such as creditors.[14]

Evidently, the corrections which unfolded below can only be explored in an adversarial proceeding as intoned by Labayo-Rowe v. Republic:[15]

x x x. The philosophy behind this requirement lies in the fact that the books making up the civil register and all documents relating thereto shall be prima facie evidence of the facts therein contained. If the entries in the civil register could be corrected or changed through mere summary proceedings and not through appropriate action wherein all parties who may be affected by the entries are notified or represented, the door to fraud or other mischief would be set open, the consequence of which might be detrimental and far reaching. x x x (Emphasis supplied)

WHEREFORE, in the light of the foregoing evaluation, the instant APPEAL of the Republic is hereby GRANTED. Accordingly, the Decision dated January 6, 2011 in Special Proceeding No. 10-123869 is hereby SET ASIDE and the Petition for Correction of Entry is DISMISSED.

SO ORDERED.

De Leon, (Chairperson) and Cruz, JJ., concur.

[1] The Republic filed its Notice of Appeal on February 9, 2011, Record, pp. 123-124.

[2] Penned by RTC Judge Antonio M. Rosales, Record, pp. 118-121; initially raffled to Justice Socorro Inting on May 8, 2011, re-raffled to the ponente on October 16, 2011 and the Rollo was received by the office of the ponente on July 4, 2013.

[3] Dated July 5, 2010, Record, pp. 1-5.

[4] Dated July 5, 2010, Record, pp. 1-5.

[5] Exhibit "G", Record, page 15.

[6] Exhibit "H", Record, page 14.

[7] Dated July 15, 2010, Record, pp. 8-9.

[8] See Oppositor-Appellant's Brief, Rollo, page 21.

[9] Republic vs Coseteng-Magpayo, G.R. No. 189476, February 2, 2011, 641 SCRA 533.

[10] Republic vs. Olaybar, G.R.No. 189538, February 10, 2014 citing Republic vs Valencia, 225 Phil. 408 (1986) and Barco vs Court of Appeals, 465 Phil.39, 58 (2004); cf. 2 Regalado, Remedial Law Compendium, 11th edition, 2008, page 219 – '... if the petition filed under Rule 108 is merely to correct obvious clerical errors, the court may conduct a summary procedure and issue an order for the correction of that mistake. However, if the changes may affect the substantial rights and status of a party, or substantial entries in the civil register, the same may be allowed only after appropriate adversary proceeding, likewise under Rule 108, by observing the requirements spelled out therein.'; 3-A Herrera, Remedial Law, 2005, page 374.

[11] Republic vs Dr. Uy, G.R. No. 198010, August 12, 2013.

[12] Republic vs Dr. Uy, G.R. No. 198010, August 12, 2013.

[13] Id. citing Republic vs Coseteng-Magpayo, G.R. No. 189476, February 2, 2011.

[14]Id.

[15] Republic vs Uy, G.R. No. 198010, August 12, 2013, citing Labayo-Rowe v. Republic of the Philippines, G.R. No. L-53417, December 8, 1988, 168 SCRA 294, 300-301

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