

**LUI LIN, PLAINTIFF-APPELLEE, VS. JAINUDIN NUÑO, ETC.,
DEFENDANT, REPUBLIC OF THE PHILIPPINES,
DEFENDANT-APPELLANT.**

G.R. No. L-18213. December 24, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On November 15, 1960, Lui Lin filed a complaint before the Court of First Instance of Zamboanga City against Jainudin Nufio in his capacity as local civil registrar praying for authority to correct certain entries in the birth certificates of his children filed in the Civil Registry of Zamboanga City.

The local civil registrar answered the complaint stating that he had no knowledge or information sufficient to form a belief as to the truth of the allegations of the complaint. To this answer plaintiff filed a reply.

On November 19, 1960, the court a quo rendered decision granting the relief prayed for. It ordered the local civil registrar (1) to correct the name of the father of the children Benito Lui, Benita Lui and Juanita Lui from "Lui Bian Thong" to "Lui Lin" in their certificates of birth and in the register of births; and (2) to correct the name of "Benita Lui" to "Ana Benita Lui" in her certificate of birth and in the register of births.

Defendant interposed the present appeal.

It appears that Lui Lin is married to Ngo Eng with whom he has four children, namely, Benito Lui, Ana Benita Lui, Juanita Lui and Felix Lui. These children are presently living with him in the City of Zamboanga. In the birth certificates of these children on file with the local civil registrar the name of their father appearing therein is Lui Bian Thong, which is plaintiff's alias name. Plaintiff desires to correct his name by placing in lieu thereof .that of "Lui Lin", which is the name appearing in his alien certificate of registration and immigration certificate of registration. His child Benita Lui was baptized with the name of Ana Benita Lui and so he desires that in her birth certificate the name "Ana" should also appear. It is now! contended that the court a qua erred in granting the relief prayed for because the same is not one of those changes that can be authorized under Article 412 of the new Civil Code since they are not merely clerical errors but corrections that may affect the paternity and filiation that exist between petitioner and his: children.

We find merit in this contention. In interpreting what changes can be made in the civil registry under the article abovementioned, we said that "what is contemplated therein was mere corrections or mistakes that are clerical in nature and not those which may affect the civil status, or the nationality or citizenship of the persons involved," for if it refers to a, substantial change which may affect the status or citizenship of a party, the matter should be threshed out in a proper action depending upon the nature of the case involved (Ty Kong Tin vs. Republic, 94 Phil., 321). We also said in later case that what is authorized under the aforesaid article are merely "harmless and innocuous changes, such as, the correction of a name that is merely misspelled, occupation of the parents, etc.," but if the changes involve the civil status of the parents, their nationality or citizenship, or important matters which may have a bearing on the citizenship or nationality not only of said parents, but of the offsprings, for such

changes it is necessary to file the proper suit wherein not only the State but also all the parties concerned should be made parties defendants.[1]

Here it is admitted that the name Lui Bian Thong which was placed in the certificates of birth that were filed in the local civil registry is not the name of a different person but the alias name of petitioner himself. So it cannot be contended that the doctor who gave the information regarding the name to be included in said certificates has committed a mistake, for in fact she gave one of the correct names of petitioner. And even if the real name of petitioner is Lui Lin as he now contends, for which reason he wants the change made in the certificates of birth of his three children, that cannot be merely considered a clerical mistake, or the correction of a, mere clerical error, for it is something that may affect his status or the paternity of his children.

The same thing may be said with regard to Benita Lui. It appears that her real name was Benita Lui, only that she was baptized later with the addition of the name "Ana". There is, therefore, also no mistake in giving the information as to her name in the certificate of birth, and if a mistake there was, the same is not merely clerical but one that affects her filiation. These two errors cannot be corrected under Article 412 of the new Civil Code.

WHEREFORE, the decision appealed from is reversed. Costs against plaintiff-appellee.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ. concur.

[1] *Ansaldo vs. Republic*, 102 Phil., 1046; *Tan Su. vs Republic*, 105 Phil., 678; *Schultz vs. Republic*, 104 Phil., 636;" *Tian Sang vs. Republic*, 109 Phil., 1670; *Balete. vs. Republic*, L-17332, November 29, 1961; *De Castro vs. Republic*, L-17431, April 30, 1963.

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