

ANTONIO ROJE I. MACASINAG, PETITIONER, VS. HON. CECILYN E. BURGOS-VILLAVERTE, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 89, QUEZON CITY AND MA. LUISA F. MARTINEZ, RESPONDENTS.

Ponente: REYES, JR., J.C., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/af1678cf1ba4/>

REYES, JR., J.C., J.:

This resolves the Petition for Certiorari filed under Rule 65 of the 1997 Rules of Civil Procedure seeking to annul and set aside the following Orders issued by the Regional Trial Court (RTC) of Quezon City, Branch 89 through public respondent Judge Cecilyn E. Burgos-Villavert, in Civil Case No. Q-97-31523, to wit:

- Order dated June 18, 2012 (Rollo, pp. 17-18) which denied petitioner's Motion for Correction of Clerical Errors;
- Order dated October 9, 2012 (Rollo, p. 16) which denied petitioner's Motion for Reconsideration and Supplement to the Motion for Reconsideration; and
- Order dated November 28, 2012 (Rollo, p. 15) which denied petitioner's Notice of Appeal.

On July 4, 1997, private respondent Ma. Luisa F. Martinez filed a Petition for Declaration of Nullity of Marriage on the ground of psychological incapacity of petitioner Antonio Roje Macasinag (Macasinag). The case was captioned as “Ma. Luisa F. Martinez vs. Antonio Roje J. Macasinag” and was docketed as Civil Case No. Q-97-31523. One of the documents presented as evidence is the marriage contract (Rollo, p. 26) of the parties. The said marriage contract bears the name that appears to be Antonio Roje J. Macasinag. Petitioner Macasinag did not participate in the proceedings of the case.

On December 13, 1999, a Decision (Rollo, pp. 39-52) was rendered by Judge Elsa I. de Guzman granting the petition for declaration of nullity of marriage of the parties. On February 25, 2011, the said decision became final and executory (See; Entry of Judgment, Rollo, p. 54).

On January 18, 2012, petitioner Macasinag filed a “Motion for Correction of Clerical Error in the Decision dated 13 December 1999” (Rollo, pp.55-57). In the said Motion, petitioner Macasinag asserted that the RTC had an oversight that amounts to clerical error when it indicated in the Decision his name as Antonio Roje J. Macasinag instead of Antonio Roje I. Macasinag. He insisted that his name as recorded in the parties' marriage contract appears to be Antonio Roje I. Macasinag. His middle name “I” stands for Ilo. Petitioner Macasinag believes that said clerical error could be corrected through a judgment nunc pro tunc.

On June 18, 2012, the RTC of Quezon City, through public respondent Judge Burgos-Villavert issued the now assailed Order denying the Motion. Thus, she ruled:

“(Respondent's) assertion that a judgment nunc pro tunc should be issued to correct the clerical error committed by the Court will not lie. The recorded name of the (respondent) in the Marriage Contract appears to be Antonio Roje J. Macasinag. Further, the name of the (respondent) in caption/title of the original petition

and two amended petitions filed by the (petitioner) is the same name appearing in the marriage contract. Therefore, the Court did not commit any clerical error as it based its decision on the informations indicated in the petition and amended petitions supplied by the (petitioner) herself” (parentheses supplied) (Rollo, p. 18).

Petitioner Macasinag filed a Motion for Reconsideration (Rollo, pp. 58-59) explaining that his middle initial of appearing in the marriage contract was not legibly written, hence, there was an oversight that amounts to a clerical error which could be corrected through a judgment nunc pro tunc. Thereafter petitioner Macasinag filed a Supplement to the Motion for Reconsideration (See: Rollo, p. 61), showing an NSO-issued copy of his Certificate of Birth which revealed that his mother's name is “Elena Ilo”, for which reason, his middle initial should be “I” and not “J”.

Resolving the pending motions, public respondent judge, on October 9, 2012, issued the assailed Order dated October 9, 2012, denying both petitioner's Motion for Reconsideration and Supplement to the Motion for Reconsideration.

Dissatisfied, petitioner Macasinag, on November 14, 2012, filed a Notice of Appeal (Rollo, p. 64) questioning the June 18, 2012 and October 9, 2012 Orders of the RTC, for being contrary to evidence, existing law and jurisprudence. On November 28, 2012, public respondent judge denied the said Notice of Appeal, ruling that “no appeal maybe taken from an order denying a petition for relief or any similar motion seeking relief from judgment (See: Rollo, p. 15).

Undaunted, petitioner Macasinag filed the instant Petition for Certiorari with this Court on the lone ground that -

“PUBLIC RESPONDENT, WITH DUE RESPECT, ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT ISSUED THE QUESTIONED ORDERS, DENYING THE PETITIONER'S NOTICE OF APPEAL, DENYING HIS MOTION FOR RECONSIDERATION AND SUPPLEMENT TO THE MOTION FOR RECONSIDERATION, AS WELL AS DENYING HIS MOTION FOR CORRECTION OF CLERICAL ERROR IN THE DECISION, DESPITE THE APPEAL BEING MERITORIOUS.” (Rollo, p. 6).

This is a case which involves a Petition for the Declaration of Nullity of Marriage that has been granted and has become final and executory, were it not for some alleged clerical errors which petitioners sought to be corrected. Thus, notwithstanding the final and executory nature of the Decision, petitioner, in seeking to rectify said error, filed a “Motion for Correction of Clerical Error in the Decision”. This Motion was denied by public respondent RTC. Petitioner moved for reconsideration and the same was again denied by public respondent RTC. Petitioner resorted to the filing of a Notice of Appeal, which public respondent RTC again denied for being an improper remedy. We cannot fault public respondent on this aspect.

It bears to stress that the very order which petitioner sought to obtain relief from was the order denying the motion for correction of clerical errors in the decision that has acquired finality and is therefore immutable. As held by the Supreme Court, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land (National Housing Authority vs. Court of Appeals, G.R. No. 173802, April 7, 2014). This application admits the following exceptions: (1) the correction of clerical errors; (2) the so-called nunc pro tunc entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable (Philippine Woman's Christian Temperance Union, Inc vs. Teodoro R. Yangco 2[nd] and 3[rd] Generation Heirs Foundation, Inc., G.R. No. 199595, April 2, 2014).

In this case, petitioner merely sought for the rectification of a mere clerical error in the decision which does not

involve a substantial change in the final judgment of the annulment case. When the RTC denied the said Motion (to correct the clerical error) and thereafter denied the motion to reconsider the said earlier order of denial, this involves an exercise of wide degree of judicial discretion which is not correctible by ordinary appeal. The appeal taken from the denial of petitioner's motion (to correct clerical errors in the decision) will prove to be inadequate, slow and will not promptly relieve petitioner of the injurious effects of the order complained of. It must also be mentioned that no less than the law proscribes an appeal to be taken from an order denying a motion for reconsideration (See: Section 1 (a) Rule 41 of the 1997 Rule of Civil Procedure). Considering that there is no appeal nor any other plain, speedy or adequate remedy available to petitioner, then certiorari lies. The extraordinary writ of certiorari is now sufficient to address the issue of whether there is grave abuse of discretion or error of judgment which public respondent RTC might have committed in denying petitioner's motion.

While it is true that the remedies of appeal and certiorari are mutually exclusive and not alternative or successive, and that petitioner has initially availed of the remedy of appeal (that has been denied), the points raised thereat were well-taken. Thus, this Court saw it fit in the interest of substantial justice to disregard technicality and give due course to the instant petition for certiorari and consider the lone issue of whether or not public respondent RTC exceeded its jurisdiction and committed grave abuse of discretion in denying petitioner's Motion to Correct Clerical Error and his Motion for Reconsideration.

In the instant petition, petitioner faulted the RTC for denying his motion for reconsideration and thereby denying his motion to correct the clerical errors in the decision, where the RTC referred his middle name as "J" instead of "I". He insisted that his actual middle name is "I" which stands for Ilo. To prove his point, petitioner presented various documentary evidence such as the birth certificate of his children (Rollo, pp. 83-84), proving that his middle name really starts with "I" and his marriage contract (Rollo, p. 26), showing that his middle name (relied upon by public respondent) was illegibly written and does not conform to the initials of his mother's middle name which is also indicated therein as "I". Petitioner likewise admitted that there was a simple inadvertence committed in the caption of the petition (for declaration of nullity of marriage) such that his middle name (he, being respondent in the said petition) was erroneously written as "J" instead of "I". Clearly, there was an oversight that amounts to a clerical error which could be corrected through a judgment *nunc pro tunc*.

For having satisfactorily shown that petitioner's middle initial is actually "I", then public respondent judge has overstepped the bounds of her jurisdiction when she denied the Motion to correct petitioner's middle name from J to I. It is a settled rule that a judgment which has acquired finality becomes immutable and unalterable; hence, it may no longer be modified in any respect except only to correct clerical errors or mistakes (Mahusay, vs. B.E. San Diego, Inc., 651 SCRA 533, 539-540 [2011]). Clarification after final judgment is, however, allowed when what is involved is a clerical error, or not a correction of an erroneous judgment, or dispositive portion of the Decision (ibid. at 540). Considering that what is involved in the instant case is merely a clerical error in the way petitioner's middle initial was written, then said error must be clarified and corrected accordingly.

WHEREFORE, the petition is GRANTED. The assailed Orders dated June 18, 2012 and October 9, 2012 are SET ASIDE and a new one is issued ordering the correction of the name of herein petitioner from "Antonio Roje J. Macasinag" to "Antonio Roje I. Macasinag" in the December 13, 1999 Decision, docketed as Civil Case No. Q-97-31523.

SO ORDERED.

Lopez, and Inting, JJ., concur.

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.