

DY KIM LIONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-18608. December 26, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On July 25, 1960, Dy Kim Liong filed a petition before the Court of First Instance of Manila praying that the birth certificate of his son Raynaldo Chan filed in the local civil registrar be corrected by writing therein the name Raynaldo Dy and that the name of Jose Chan appearing therein as the father of Raynaldo be changed to Dy Kim Liong.

On December 29, 1960, the government moved to dismiss the petition on the ground that it states no cause of action while the court a quo had no jurisdiction to grant the relief prayed for. Instead of acting on the motion the court a quo deferred its resolution and proceeded to try the case. And on May 21, 1961, it rendered decision denying the petition, but adding in the dispositive part the following; "However, by virtue of the provisions of Section 10, 11, and 12 of the Civil Register Act No. 3753, the Local Civil Register is hereby directed to receive for filing and registration with his office and for attachment to the birth certificate of the child, Raynaldo, a certified true copy of the record of the bureau of immigration showing petitioner's name to be Dy Kim Liong."

The government moved to reconsider this portion of the decision which requires the registration in the civil registry of a copy of the record of the Bureau of Immigration showing petitioner's name to be Dy Kim Liong, and when the motion was denied, the government took the present appeal.

In ordering the civil registrar of Manila to register and attach to the birth certificate of Raynaldo Chan a certified true copy of the record of the Bureau of Immigration showing the name of petitioner to be Dy Kim Kong, the court a quo relied on the provisions of Sections 10, 11 and 12 of Act No. 3753, known as the Civil Register Act, which we quote:

"Section 10. (Adoption, name changes naturalizations). In cases of adoption, changes of name, and naturalizations, it shall be the duty of the interested parties or petitioners to register the same in the local civil register of the municipality where the decree was issued. The names of the interested parties and such other data as may be required by the regulations to be issued shall be entered in the register."

"Section 11. (Clerks of court to register certain decisions). In cases of legitimation, acknowledgment, adoption, naturalization, and change of given or family name, or both, upon the decree of the court becoming final, it shall be the duty of the clerk of court which issued the decree to ascertain whether the same has been registered, and if this has not been done, to have said decree recorded in the office of the civil registrar of the municipality where the court, is functioning."

"Section 12. (Duties of local registrars). Local civil registrars shall (a) file registrable certificates and documents presented to them for entry; (b) compile the same monthly and prepare and send any information required of them by the Civil Registrar-General; (c) issue certified transcripts or copies of any certificate or

document registered, upon payment of the proper fees; (d) order the binding, properly classified, of all certificates or documents registered during the year; (e) send to the Civil Registrar-General during the first ten days of each month a copy of the entries made during the preceding months, for filing; (f) index the same to facilitate search and identification in case any information is required; and (g) administer oaths, free of charge, for civil register purposes."

It is contended that it nowhere appears from the provisions abovequoted that the civil registrar is authorized to receive for registration the document in question for the most that can be said is that what are authorized to be registered are those "registrable certificates and documents" which have relation to adoptions, changes of names, naturalization, legitimation and acknowledgment that may be decreed by the court in proper proceedings, as may be clearly gleaned from Sections 10 and 11 above referred to. The instant petition is not one of those which call for the adjudication of any of the reliefs above enumerated. It is one for correction of an alleged mistake committed in the name of petitioner and of his son in the registry which the court a quo properly dismissed for being improper and unauthorized. The main petition having been dismissed, the grant of the additional relief is unauthorized as in effect it would be a virtual circumvention of what the law expressly prohibits.

We find this argument well-taken for it cannot really be contended that the certified copy of the record of the Bureau of Immigration showing petitioner's name to be By Kim Liong is one of those registrable certificates and documents referred to in Section 12 (a) of the law. Note that this section uses the word "registrable" and by that the law clearly wants to convey the idea that the certificates and documents that are authorized for registration must have reference to any one of those decreed by the court in proper proceedings as mentioned in Sections 10 and 11 of the same Act. Otherwise, the word "registrable" would have no definite meaning, as it would be left to a whimsical or arbitrary interpretation. At any rate, that word cannot refer to the document in question for. To allow its registration would be to circumvent what the law expressly enjoins. Such circumvention cannot be sanctioned by this Court.

Wherefore, the decision of the court a quo is hereby modified by deleting that portion which authorizes the registration and attachment to the birth certificate of the child Raynaldo of a certified true copy of the record of the Bureau of Immigration showing petitioner's name to be Dy Kim Liong. No costs.

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

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