

REPUBLIC OF THE PHILIPPINES AND THE LOCAL CIVIL REGISTRAR OF OLONGAPO CITY, PETITIONERS, VS. HONORABLE AUGUSTO M. AMORES, JUDGE, COURT OF FIRST INSTANCE OF ZAMBALES AND MERLITA ...*G.R. No. L-35232. January 31, 1973*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c990bdcec1d6/>**ANTONIO, J.:**

In a verified petition filed with the Court of First Instance of Zambales, Merlita L. Co who testified that she is the natural daughter of a Filipino and a Chinese national, sought authority for the "correction" of the entries in her birth records relative to her name from "Merlita Dee" to "Merlita Lee", the name of her father from "Co Guan" to "Co Goan," the civil status of her parents from "married" to a relationship without benefit of marriage, and her own status from "legitimate" to "illegitimate." It was averred that these entries were due to the errors committed by one Anita A. Arcela, the midwife who attended at her birth. In her testimony Anita Arcela claimed that she made a mistake in writing the name of the petitioner and that of her father when it was dictated to her and that she placed the words "married" and "legitimate" in the corresponding blanks in the "certificate of live birth" because she erroneously presumed that the parents of the child were married and therefore their daughter was necessarily legitimate. No opposition having been interposed either by the Civil Registrar or the Solicitor General, said Court after hearing, on June 25 1971 rendered judgment ordering the correction of the entries, in the records of the Local Civil Registrar of Olongapo, as regards the name of petitioner from "Merlita Dee to "Merlita Co," her father's name from "Co Guan" to "Co Goan" "the date and place of marriage" of her parents from "married" to "none" and her civil status from "legitimate" to "illegitimate".

This case is before Us on petition for review on certiorari by the Solicitor General.

The decision of the court a quo is manifestly erroneous and contrary to the doctrine well embedded in our legal system.

From *Ty Kong Tin v. Republic* (1954)[1] to *Uy v. Local Civil Registrar of Cebu City* (1972)[2] it has been the uniform jurisprudence of this Court before and after the adoption of Rule 108, of the Revised Rules of Court, that the changes and corrections authorized under the summary procedure sanctioned by Article 412 of the new Civil Code, refers only to the correction of innocuous or clerical errors, such as misspellings or errors that are visible to the eyes or obvious to the understanding, and that "changes in the citizenship of a person or in his status from legitimate to illegitimate or from married to not married are substantial as well as controversial, which can only be established in an appropriate adversary proceeding as a remedy for the adjudication of real and justiciable controversies involving actual conflict of rights the final determination of which depends upon the resolution of the issues of nationality, paternity, filiation or legitimacy of the marital status for which existing substantive and procedural laws * * * amply provide." [3]

We also explained in *Chua Wee v. Republic* [4] that Rule 108 of the Revised Rules of Court was precisely adopted to provide for a procedural mechanism solely to implement the provisions of Article 412 of the new Civil Code,

the substantive law on the matter of correcting entries in the civil register. It was never envisioned to encompass within its ambit, changes, other than those considered as harmless or innocuous or corrections of errors, which are visible to the eyes or obvious to the understanding. Otherwise, if Rule 108 were extended to cover substantial as well as controversial changes, it would have thereby become unconstitutional, for it is beyond the scope of our rule-making power to increase or modify substantive rights. Such modification is not authorized by Article 412 of the new Civil Code.

The aforecited construction of the law and the applicable rule was again reaffirmed recently in *Uy v. Local Civil Registrar*;^[5] *Sy v. Local Civil Registrar*,^[6] and *Yu v. Municipal Treasurer*.^[7]

In not adhering to the view expressed in the aforecited cases, respondent Court maintained "that the errors sought to be corrected, except for the petitioner's surname, are purely clerical in character of which neither she nor her parents had anything to do, but those of the midwife who handled the registration of her birth * * *." Such view is indeed erroneous for changes concerning citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, had long been settled as substantial and controversial, and not harmless and innocuous alterations.

The change of the surname of petitioner from "Dee" to "Lee," should properly have been threshed out in the special proceedings under Rule 103 of the Revised Rules of Court, for in *Chomi v. Local Civil Registrar*,^[8] We said that the real name of a person is that given him in the Civil Register and that the only way to change the name legally is for the interested party "to file the special proceedings outlined in Act No. 1386 and now embodied in Rule 103 of the Rules of Court."

WHEREFORE, the appealed decision is hereby reversed and the above entitled case dismissed, with costs against appellee.

Concepcion, C.J., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Makasiar, and Esguerra, JJ., concur.

[1] 44 Phil. 321.

[2] L-24442, July 27, 1972.

[3] *Chua Wee v. Republic*, 38 SCRA 409, 414, 415, citing *Tan Pong v. Republic*, 30 SCRA 388; *Chua Tan Chuan v. Republic*, 27 SCRA 447-449; *Republic v. Maddela*, 27 SCRA 702, 705; *Reyes v. Republic*, 12 SCRA 376, 379.

[4] 38 SCRA 409.

[5] L-24442, July 27, 1972.

[6] L-25621, July 27, 1972.

[7] L-33014, July 17, 1972.

[8] 99 Phil. 1004.

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.