

THE REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE COURT OF FIRST INSTANCE OF BAGUIO-BENGUET, BRANCH III, HONORABLE FRANCISCO MA. CHANCO, PRESIDING JUDGE, AND MARIA LORETO DIA...

G.R. No. L-31885. December 27, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

On December 9, 1969, respondent Maria Loreto Diaz, as the surviving legitimate child of the late Chaoli, filed with respondent court a petition for the insertion in the Original Certificate of Title No. 1324, after the registered owner's name "CHAOLI"; the following phrase and words "Filipino citizen, of legal age, widow and a resident of Gumatdang, Itogon, Benguet Province," which phrase and words do not appear and/or are not contained in the aforementioned Original Certificate of Title No. 1324.

Petitioner Republic, represented by the Office of the Provincial Fiscal of Benguet Province, entered its oral opposition to the petition. After the hearing on March 2, 1970, respondent court issued an order, the dispositive portion of which reads:

"WHEREFORE, the Register of Deeds of the Province of Benguet is hereby ordered to amend the Original Certificate of Title No. 1324, in such a manner that after the word and name 'CHAOLI' the following phrase 'Filipino Citizen, of legal age, widow and a resident of Gumatdang, Itogon, Benguet Province,' be inserted in the said certificate of title upon payment by the Petitioner (herein private respondent) of the necessary fees in accordance with law. This Court, before the finalization of this Order, welcomes as stated previously any authorities which the Fiscal may submit and which may aid this Court to reverse this Order. Let the Original Certificate of Title be returned to the Petitioner and/or her counsel for the above-stated purpose."

Petitioner Republic filed with respondent court a motion for reconsideration of the latter's order, dated March 2, 1970, on the ground that "there is no action or proceeding provided for by law for the judicial declaration of the citizenship or status of a person, and that the petition states no cause of action."

Respondent court, for lack of merit, denied the motion for reconsideration. Hence, this petition for review on certiorari with prayer that the orders, dated March 2, 1970 and March 24, 1970, in Administrative Case No. 1426, B. L. No. F-49844, Patent No. 16499, of respondent Court of First Instance of Baguio-Benguet, be set aside and that the petition of respondent Maria Loreto Diaz in said case, be dismissed.

Petitioner claims that the lower court erred (1) in exercising jurisdiction over the petition filed before it and in finding that petitioner herein had a cause of action; and, (2) in ordering the amendment of Original Certificate of Title No. 1324 which, in effect declared private respondent's mother a Filipino, when there is no proceeding available for the purpose of obtaining such a declaration of citizenship.

It is the position of the petitioner Republic that the petition in the lower court partakes of the nature of a summary

proceeding where the parties affected were not notified and afforded protection on whatever interest they have; and that the insertions sought in the Certificate of Title are controversial, and such being the case, respondent court did not acquire jurisdiction over the petition in said summary proceeding.

On the other hand, the respondents contend that pursuant to Section 112 of Act No. 496, otherwise known as the Land Registration Act, respondent court is legally vested with power to act as a land registration court; that pursuant also to said Section 112 of the Land Registration Act, private respondent Maria Loreto Diaz, as the only surviving legitimate child of Chaoli, filed with respondent court a petition to insert the civil status and other personal circumstances of Chaoli in OCT No. 1324 (Free Patent); and that the citizenship, civil status and other personal circumstances of the late Chaoli are not in issue in the case, inasmuch as the same had already been considered in the administrative proceedings which resulted in the issuance of said certificate of title in the name of the late Chaoli.

We find merit in the petition. In the case of *Sangalang vs. Caingat*, 25 SCRA 180, this Court, speaking through then Chief Justice Roberto Concepcion, held that "the proceedings under Section 112 of Act No. 496 are summary in nature and are allowed only when a scrutiny of the allegations discloses that the issues presented by the pleadings need not be tried because they are so patently insubstantial as not to be genuine issues. The relief provided in said section can only be granted if there is unanimity among the parties or there is no adverse claim or serious objection on the part of any party in interest, for otherwise the case becomes controversial and should be threshed out in an ordinary case or in the case where the incident properly belongs and because controversies arising after the entry of the original decree of registration are beyond the limited authority of a land registration court to pass upon."

In the case at bar, there is no question about the controversial nature of the petition before the respondent court. The civil status and more importantly, the citizenship of Chaoli should be threshed out in a proper proceeding where all the persons who may be affected therein are notified and represented. Section 112 of Act No. 496 is similar to the proceeding under Article 412 of the New Civil Code in relation to Rule 108 of the Revised Rules of Court which calls for correction of mere clerical, innocuous or harmless error in a person's certificate of birth. The proceedings therein are summary in nature and contemplate corrections or insertions of mistakes which are only clerical in nature, but certainly not controversial issues, such as citizenship. Corrections of substantial errors such as those that affect civil status or citizenship cannot be granted except only in an adversary suit.

Administrative Case No. 1426, re-petition to insert civil status and other personal circumstances in the Original Certificate of Title No. 1324 of the Benguet Registry of Deeds is not an adversary suit. It is not a proper action in which an alleged omission regarding civil status and citizenship may be inserted. There was no issue, dispute or controversy between contending parties which the lower court was called upon to decide. The mere naming of the Benguet Registry of Deeds and the Solicitor General, as respondents, did not ipso facto convert the same into an adversary suit.

WHEREFORE, the Orders, dated March 2, 1970 and March 24, 1970, in Administrative Case No. 1426 of the Court of First Instance of Baguio and Benguet are SET ASIDE and the petition of private respondent Maria Loreto Diaz to insert the civil status and other personal circumstances of her mother Chaoli in the Original Certificate of Title No. 1324 of the Benguet Registry of Deeds is hereby DISMISSED.

SO ORDERED.

Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

Teehankee, (Chairman), reserves his vote.

Melencio-Herrera, J., in the result.

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