

HENRY TIONG, ET AL., PETITIONERS AND APPELLEES, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20715. November 27, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioners seek to make certain corrections or annotations on their respective certificates of birth on file in the office of the local civil registrar to show their present citizenship as well as their new surnames upon payment of the requisite fees. The government filed an opposition contending that the entries sought to be corrected are substantial and controversial in nature and as such they cannot be made under Article 412 of the new Civil Code.

On the basis of the stipulation of facts submitted by the parties, the court a quo issued an order granting the petition prayed for.

It appears that petitioners Henry Hong, Robert Tiong, and George Tiu are the legitimate children of Tiong Sim Go Bon King @ Benita Tiu; that Henry Tiong was born on April 20, 1939, Robert Tiong on April 12, 1947 and George Tiu on February 19, 1949; that Tiong Sim @ Go Bon King became a Filipino citizen by virtue of a decree issued by the Court of First Instance of Manila on December 5, 1953, which became final and executory on December 15, 1955, on which date he took his oath as a Filipino citizen; that Tiong Sim @ So Bon King later applied with the same court for a change of name from his present name to that of Daniel C. Go, which was granted, the decision to that effect having become final; that after said change has been made a notation thereof was made on the certificate of naturalization issued in favor of Tiong Sim @ Go Bon King after having obtained the requisite judicial authority; that after their father obtained the Filipino citizenship petitioners were issued the corresponding identification certificates by the Bureau of Immigration wherein their citizenship as Filipino was duly recorded as a consequence of the naturalization of their father; and because these facts are undisputed the court a quo allowed the necessary correction or annotation to be made on the birth certificates of petitioners on file in the office of the local civil registrar.

The government now comes before this Court contending that the court a quo erred in granting the petition notwithstanding its pronouncement that what it seeks to change in the birth certificates of petitioners is not the correction of an error committed at the time of the preparation of the birth certificates but certain changes that were brought about by certain judicial proceedings undertaken after Petitioner's birth. It is claimed that his impression is incorrect for the real purpose of the petition is in effect to correct certain mistakes which are not merely clerical put which involve a change of names and citizenship which in substance affects the status of petitioners.

We disagree with this claim for the simple reason that the corrections or changes which are sought to be made are not controversial but matters which are supported by indubitable documents. Thus, it appears that petitioners were the minor children of Tiong Sim @ Go Bon King who while at first was a Chinese citizen later became a Filipino through naturalization, having taken his oath as Filipino citizen after the reglementary period prescribed

by law on December 15, 1955. Then, he applied for a change of name from the original name given to him at birth to that of Daniel C. Go, the decision to that effect having become final on January 16, 1956. And this change of name, as well as his change of citizenship, was annotated on the respective identification certificates issued to petitioners by the Bureau of Immigration pursuant to the naturalization of their father. These facts are undisputed. And because the names appearing in their birth certificates which appear on file in the office of the local civil registrar were those given to them when they were born and before the naturalization of their father, it is but fair that the corresponding annotation thereon regarding their true status and citizenship be made to avoid any misunderstanding in the future.

As may be seen the changes that are sought to be made in the civil registry are not controversial but based on undisputed evidence. Nor can it be disputed that petitioners are legitimate children who are entitled to bear the surname of their father. And since they are minors when their father became a Filipino citizen, the law also gives them the right to be considered as Filipino citizens as a consequence of the naturalization of their father pursuant to the proviso that "Minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens thereof." (Commonwealth Act No. 473, Section 15, as amended by Republic Act No. 530). This also finds support in Article 407 of the new Civil Code which provides: "Acts, events and judicial decrees concerning the civil status of persons shall be recorded in the civil register."

Wherefore, the order appealed from is affirmed. No costs.

Bengzon, C. J., Concepción, Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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