

**CESAR PABLO OBESO BEDUYA, PETITIONER AND APPELLEE, VS.  
REPUBLIC OF THE PHILIPPINES, RESPONDENT AND APPELLANT.***G.R. No. L-17639. May 29, 1964*

Ponente: MAKALINTAL, J.

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The Solicitor General has taken this appeal from the decision of the Court of First Instance of Cebu ordering the Civil Registrar of Carcar, Cebu, the parish priest of the Roman Catholic Church of the same municipality and the Director of Public Libraries to correct their respective records, particularly the copies therein of the marriage contract of appellee and his wife Catalina Tejuna Cruz. The correction consists of the deletion of the names of Sabas Obeso and Juana Bertoldo and the substitution in their stead of the names of Marcial Beduya and Maxima Obeso as father and mother, respectively, of appellee; and the change of appellee's name from Pablo Obeso to Cesar Pablo Obeso Beduya.

This proceeding was evidently initiated under the provisions of Article 412 of the new Civil Code, which provides that "no entry in a civil register shall be changed or corrected without a judicial order."

After the decision was rendered the case was first elevated to the Court of Appeals, submitted there on appellant's brief alone, appellee having failed to submit his brief in reply, and subsequently certified to this Court in as much as only legal questions are involved.

At the trial appellee testified as follows: His true name is Cesar Pablo Obeso Beduya. He is married to Catalina Tejuna Cruz (whose name in the marriage contract, Exhibit C, is Catalina Tagimacruz). He signed the marriage contract without being aware of its contents, the data therein having been furnished by the wedding sponsors. Sabas Obeso and Juana Bertoldo, who appear as his father and mother in said marriage contract, were actually his maternal grandparents. His real parents, to whom he was born out of wedlock, are Marcial Beduya and Maxima Obeso. When he was still a child, his said parents married and went to live in Mindanao, leaving him with his grandparents. At that time he used the name Pablo Obeso. Some five years later his parents came back to Carcar and took him from his grandparents; and when he was ten years old he learned that his real name was Cesar Pablo Obeso Beduya, which name he adopted then and has been using until now.

The opposition of the Solicitor General is based on the ground that the changes sought by petitioner-appellee in the records aforementioned cannot be effected by a proceeding under Article 412 of the Civil Code. The opposition is well-taken. Article 412 allows correction only of clerical mistakes, not those substantial changes which may affect the civil status or nationality of the persons involved (*Ty Rong Tin vs. Republic*, L-5609, February 5, 1954). A clerical error is one which is visible to the eyes or obvious to the understanding; an error made by a clerk or a transcriber; a mistake in copying or writing (*Black vs. Republic of the Philippines* L-10869, November 28, 1958); or some harmless and innocuous change such as correction of a name that is clearly misspelled or of a misstatement of the occupation of the parents (*Ansaldo vs. Republic of the Philippines*, 102 Phil., 1046).

The correction sought by appellee refers to his family relationship, which necessarily affects his civil status [1] involving as it does not only the names but the identities of his parents, with all the changes in the rights and allegations of the parties that the new relationship would entail. Needless to say, ones filiation or parentage, appearing in a public record where the law requires it to be entered, may not be changed except in a proper proceeding wherein the persons concerned are given an opportunity to be heard.

In this case neither the alleged maternal grandparents of petitioner-appellee, who appear to be his parents in the marriage contract, nor the alleged true parents themselves (who were admittedly living at the time of the trial) were summoned or presented in court to be heard in their own behalf, or to corroborate or deny the statements in the petition .

In view of what has been set forth, we deem it unnecessary to pass upon the other point raised by appellant, as to whether or not the court a quo had jurisdiction, in a proceeding under Article 412 of the civil code, to order the correction of the record or appellee's marriage not only in the civil register but also in the local Roman catholic church and in the Bureau of Public Libraries.

The decision appealed from is reversed and the petition dismissed, without pronouncement as to costs.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, and Regala, JJ., concur.

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[1] "Status" is the term used to designate the circumstances affecting the legal situation (sum total of capacities and incapacities) of a person in view of his age, nation and his family membership(hence, the term "civil status") I Outline of Philippine Civil Law, Reyes and Puno, page 64).

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