

REPUBLIC OF THE PHILIPPINES, LOCAL CIVIL REGISTRAR OF CAUAYAN, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS, AND DOMINADOR AGCAOILI, RESPONDENTS.

G.R. No. 104678. July 20, 1992

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-104678/>

CRUZ, J.:

The petitioners assail the decision of the Court of Appeals for affirming the decision of the Regional Trial Court of Cauayan, Isabela, ordering the Local Civil Registrar to correct certain entries in the birth certificate of Dominador Agcaoili.

On May 12, 1988, private respondent Agcaoili filed a petition before the Regional Trial Court of Isabela to correct his birth certificate by changing inter alia his citizenship from Chinese to Filipino and his status from legitimate child to illegitimate.

The hearing was set on June 28, 1988. A copy of the notice of hearing was served upon the Solicitor General. The notice was also ordered published once a week for three consecutive weeks in a newspaper of general circulation in the Province of Isabela.

On June 28, 1988, the Solicitor General entered his appearance as counsel for the Republic of the Philippines, but did not file any opposition to the petition. He authorized the Provincial Prosecutor to appear in the case and requested that he himself be also furnished with copies of the notices, orders, resolutions, processes and decision of the court.

After hearing, Judge Henedino P. Eduarte ordered the Local Civil Registrar to make the corrections sought by Agcaoili.[1]

The Republic appealed. The Solicitor General argued that there was no compliance with the jurisdictional requirement in respect of the publication of the notice of hearing. His reason was that the petitioner failed to submit copies of the newspapers where the notices were allegedly published. He contended that the proceedings were flawed by such defect and so could not be considered adversarial.

The respondent court, on March 17, 1992, affirmed the decision of the trial court.[2] The Republic and the Local Civil Registrar then filed the present petition for review under Rule 45 of the Rules of Court. They raise anew the issue of non-compliance with the publication requirement and the non-adversarial nature of the proceedings.

The records show that the Local Civil Registrar was the respondent in the petition filed in the trial court. The proper notices were sent and presumably published. The Republic appeared through the Provincial Prosecutor, who was present at the trial. He did not object to Agcaoili's evidence, specifically Exhs. "B" and "B-1" - the affidavit of the publisher of Dalton Post and the clippings of the notice as published in the said newspaper. Neither did he question the lack of jurisdiction of the trial court because of the non-presentation of the copies of the published notices. Instead, he actually participated in the trial and even cross-examined the petitioner and his

witnesses.

The respondent court correctly observed:

x x x during the initial hearing on July 8, 1988, appellee presented his set of documentary evidence to prove the jurisdictional facts. When these documentary evidences were formally offered (pages 28 and 43, original record), Fiscal Delmendo interposed no objection (page 47, *ibid*). It was only after a decision was rendered and through this appeal that the Republic alleges that the trial court erred in finding that the jurisdictional requirement respecting the publication of the May 30, 1988 order was duly complied with.

x x x

x x x In this case, the Republic not only failed to file any opposition to the petition of appellee but also actively participated in the proceeding until its termination in the trial court. It was only after encountering an adverse judgment that this matter of non-compliance with the jurisdictional requirements is being raised.

In *Republic v. Valencia*,^[3] the Court held that even substantial changes in the civil registry can be made under Rule 108 of the Rules of Court as long as they are justified in "appropriate adversarial proceedings." This doctrine was reiterated in *Lim v. Zosa*,^[4] where the lower court was ordered to hold a trial on the merits of the changes sought, also regarding the petitioner's citizenship, likewise under Rule 108.

The proceedings held in the case at bar were unmistakably adversarial. There was a full-blown trial, where the prosecutor actually participated. Agcaoili testified, as so too did his sister and his brother, all to the effect that while the petitioner was described as a Chinese and a legitimate child of Tan Kon and Cayetana Agcaoili, his full brother and sister were Filipinos and the illegitimate children of the said parents; and they were so described in their birth certificates.^[5] The petitioner also submitted documentary evidence in support of his claim, including his election of Philippine citizenship upon his attainment of majority age, his oath of allegiance, and his mother's affidavit that she and the petitioner's father were not married. The fact that the Republic did not present any evidence of its own or refute the evidence of the petitioner did not make the proceedings non-adversarial.

As held in *Valencia* -

Provided the trial court has conducted proceedings where all relevant facts have been fully and properly developed, where opposing counsel have been given opportunity to demolish the opposite party's case and where the evidence has been thoroughly weighed and considered, the suit or proceeding is "appropriate."

The pertinent sections of Rule 108 provide:

"SEC. 3. Parties. - When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

"SEC. 4. Notice and publica-tion. - Upon the filing of the petition, the court shall, by an order, fix the time and place for the hearing of the same, and cause reasonable notice thereof to be given to the persons named in the petition. The court shall also cause the order to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province.

"SEC. 5. Opposition. - The civil registrar and any person having or claiming any interest under the entry whose cancellation or correction is sought may, within fifteen (15) days from notice of the petition, or from the last date of publication of such notice, file his opposition thereto."

Thus, the persons who must be made parties to a proceeding concerning the cancellation or correction of an entry in the civil register are - (1) the civil registrar, and (2) all persons who have or claim any interest which

would be affected thereby. Upon the filing of the petition, it becomes the duty of the court to - (1) issue an order fixing the time and place for the hearing of the petition, and (2) cause the order for hearing to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province. The following are likewise entitled to oppose the petition: - (1) the civil registrar, and (2) any person having or claiming any interest under the entry whose cancellation or correction is sought.

If all these procedural requirements have been followed, a petition for correction and/or cancellation of entries in the record of birth even if filed and conducted under Rule 108 of the Revised Rules of Court can no longer be described as "summary." There can be no doubt that when an opposition to the petition is filed either by the Civil Registrar or any person having or claiming any interest in the entries sought to be cancelled and/or corrected and the opposition is actively prosecuted, the proceedings thereon become adversary proceedings.

It is also worth noting that the Solicitor General has not questioned the genuineness, authenticity, relevancy or sufficiency of the evidence submitted before the trial court relating to Agcaoili's citizenship and civil status.

The Republic now claims that it is not bound or estopped by the acts or omissions of its agents, but it is not as simple as that. This rule must be rationalized. The Office of the Solicitor General cannot excuse its own shortcomings by blandly invoking this doctrine as if it were some magic incantation that could benignly, if arbitrarily, condone and erase all its errors because it was acting on behalf of the Government. In the case at bar, the Republic fully and knowingly acquiesced in the jurisdiction of the trial court. It cannot now wipe out all the proceedings below simply because, through no fault of the private respondent, its counsel made a mistake in not raising its objections.

WHEREFORE, the petition is DENIED. It is so ordered.

Griño-Aquino, Medialdea, and Bellosillo, JJ., concur.

[1] Rollo, p. 31-34.

[2] Bengzon, J., ponente, with Lombos-de la Fuente and Abad Santos, JJ., concurring.

[3] 141 SCRA 462.

[4] 146 SCRA 366.

[5] Rollo, p. 34.

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.