

IN THE MATTER OF THE CORRECTION OF THE ENTRIES IN THE CIVIL REGISTER, LILY, WILLIAM, SOBER, MANUEL, MERCY, ALVEN, EVE, AND JOY, ALL SURNAMED BANTOTO COO, REPRESENTED IN THIS PRO...

G.R. No. 14978. May 23, 1961

Ponente: NATIVIDAD, J.

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NATIVIDAD, J.:

This is a proceeding for the correction of certain alleged errors in petitioners' entries of birth. The petition alleges in substance that the petitioners, Lily, William, Sober, Manuel, Mercy, Alven, Eve and Joy, all surnamed Bantoto Coo, are minor children of Coo Ak alias Coo Siong Chi, a Chinese citizen, single, and Bernardina Bantoto, a Filipina, single; that said petitioners were all born in the province of Negros Oriental, the first, in Siaton and the rest in Dumaguete, out of the union without benefit of marriage between said Coo Ak alias Coo Siong Chi and Bernardina Bantoto who were both single and without any impediment to get married at the time of the former's conceptions and births; that notwithstanding these facts, in the respective entries of their births there have been committed errors as regards, among others, their civil status and citizenship, as well as the civil status and citizenship of their natural parents, which should be corrected.

Hearing on the petition was ordered published in a newspaper of general circulation in the: province and notice thereof was served on the Solicitor General, the City Attorney of Dumaguete City, and the Civil Registrars of Siaton and Dumaguete City. Under date of April 6, 1956, the Provincial Fiscal of Negros Oriental appeared, and in the name of the Republic of the Philippines opposed the petition, on the ground that the corrections of the alleged mistakes in petitioners' entries of birth herein sought cannot be ordered in this proceeding for they are not clerical in nature but affect the civil status and citizenship of the petitioners, whose corrections could only be effected under proper proceedings. After trial, the lower court issued an order granting the petition. From this order, the oppositor, Republic of the Philippines appealed.

The evidence shows that the petitioners, Lily, William, Sober, Manuel, Mercy, Alvin, Eve and Joy, all surnamed Bantoto Coo, were the illegitimate children of Coo Ak alias Coo Siong Chi, a Chinese citizen, and Bernardina Bantoto, a Filipina, who since the year 1934 had been living together as husband and wife without the benefit of marriage in the province of Negros Oriental. Lily was born in Siaton, Negros Oriental, on February 20, 1937, and the registry of her birth in the local civil register shows that her name is Lily Bantoto, and that she is the daughter of Bernardina Bantoto (Exhibit B); William was born on March 12, 1939 in Dumaguete, Negros Oriental, and his certificate of birth shows that he is a legitimate child of Juan Koo, Chinese, married, and Benardina Bantoto, Filipina, married (Exhibit C); Sober was born in Dumaguete, Negros Oriental, on December 18, 1940, and her birth certificate shows that she is of Chinese citizenship, a legitimate child of Juan Co, Chinese, married, and Bernardina Bantoto, Filipina, married (Exhibit D); Manuel was born in Dumaguete, Negros Oriental, and his certificate of birth shows that he is a legitimate child of Juan Co, Chinese, and Benardina Bantoto, Filipina (Exhibit E); Mercy was born in Dumaguete, Negros Oriental, on August 6, 1945, and her certificate of birth

shows that she is of Chinese nationality and an illegitimate child of Coo Ak, Chinese, single, and Bernardina Bantoto, Filipina, single (Exhibit F); Alven was born in Dumaguete, Negros Oriental, on April 18, 1948, and his certificate of birth shows that he is of Chinese nationality and a legitimate child of Coo Siong Chi, Chinese, married, and Bernardina Bantoto, Chinese, married (Exhibit G); Eve was born in Dumaguete, Negros Oriental, on November 30, 1950, and her certificate of birth shows that she is a legitimate child of Coo Ak, Chinese, married, and Bernardina Bantoto, Filipina, married (Exhibit H); and Joy was born in Dumaguete, Negros Oriental, on September 12, 1952, and her certificate of birth shows that she is of Filipino nationality, and an illegitimate child of Coo Ak, a Chinese citizen, single, and Bernardina Bantoto, single, a Filipina (Exhibit J).

The main question for determination in this appeal is whether or not in a proceeding brought under the provisions of Article 412 of the new Civil Code, corrections that may affect the civil status of a person, or his nationality or citizenship, may be made in the entry of birth of said person in the corresponding civil register.

Defining the scope of the proceeding contemplated in Article 412 of the new Civil Code, this Court, in two recent decisions (*Ty Kong Tin vs. Republic of the Philippines*, 94 Phil., 321; 50 Off. Gaz., 1077 and *Ansaldo vs. Republic of the Philippines*, 102 Phil., 1046), held that the proceeding contemplated in said article is summary in nature and merely embraces corrections of mistakes that are clerical in nature and does not include such controversial issues as those that may affect the civil status or the nationality or citizenship of a person. In the *Ty Kong Tin* case (*supra*), it was held:

"After a mature deliberation, the opinion was reached that what was contemplated therein are mere corrections of mistakes that are clerical in nature and not those that may affect the civil status or the nationality or citizenship of the person involved. If the purpose of the petition is merely to correct a clerical error then the court may issue an order in order that the error or mistake may be corrected. If it refers to a substantial change, which affects the status or citizenship of a party, the matter should be threshed out in a proper action depending upon the nature of the issue involved. Such action can be found at random in our substantive and remedial laws the implementation of which will naturally depend upon the factors and circumstances that might arise affecting the interested parties. This opinion is predicated upon the theory that the procedure contemplated in article 412 is summary in nature which cannot cover cases involving controversial issues."

and in the *Ansaldo* case (*supra*), the Court said:

"For the information of the parties concerned, and for the guidance of the public in general, we may venture the opinion that the clerical errors which might be corrected through judicial sanction under Article 412 of the New Civil Code, would be those harmless and innocuous changes, such as, correction of a name that is clearly misspelled, occupation of the parents, etc.; but for changes involving the civil status of the parents, their nationality or citizenship, these are grave and important matters which may have a bearing and effect on the citizenship and nationality not only of said parents, but of the offsprings, and to seek said changes, it is necessary to file a proper suit wherein not only the State, but also all parties concerned and affected should be made parties defendants or respondents, and evidence should be submitted, either to support the allegations of the petition or complaint, or also to disprove the same so that any order or decision in the case may be made with due process of law and on the basis of facts proven. Then and only then may the change or changes be made in the entry in a civil register that will affect or even determine conclusively the citizenship or nationality of a person therein involved."

The instant case is governed by the above rule. The mistakes in the entries in the civil registers, whose correction is sought by the petitioners and which was ordered by the trial court, do not merely embrace clerical errors but involve controversial matters that concern the citizenship and civil status not only of the petitioners but also of their parents. It is true that the evidence shows that the petitioners were all born in the province of Negros Oriental, and that they were the illegitimate children of Coo Ak alias Coo Siong Chi, a Chinese citizen, and

Bernardina Bantoto, a Filipino citizen, who were both single at the time of their conceptions and births, from which it may be presumed that mistakes concerning their nationality and civil status as well as the civil status and nationality of their parents have been made in the entries of their respective births in the local civil registers. These, however, are controversial matters which should be threshed out in appropriate actions. They cannot be threshed out in the instant proceeding which is summary in nature, a condition which was not changed by the fact that the hearing of the petition was published and notice thereof was served on the State.

Wherefore, the order appealed from is reversed, and another is hereby entered dismissing the instant proceeding, without any special pronouncement as to costs.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, and De Leon, JJ., concur.

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