IN THE MATTER TO CORRECT ENTRY IN BIRTH CERTIFICATE OF GEORGE C. UY. CHUA TIAN SANG ALIAS JOHN UY AND JULIANA YU, PETITIONERS AND APPELLEES, VS. REPUBLIC OF THE PHILIPPINES, OPP...

G.R. No. 15101. September 30, 1960

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

An appeal taken by the Republic of the Philippines from a resolution of the Court of First Instance of Manila, dated January 15, 1959, the dispositive part of which reads:

> "WHEREFORE, the Court hereby grants the amended petition and directs the Local Civil Registrar of Manila to change the entries in the hirth certificate of George C. Uy in the following manner:
>
> (1) Name of father, from Chua Kee iin to Chua Tian Sang alias John Uy;
>
> (2) Name of mother, from Helen Tan to Juliana Yu;
>
> (3) Residence of both parents, from 410 San Fernando Street, Manila, to 629 Soler, Manila;
>
> (4) Age of the father, from 25 to 37 years, and the age of the mother from 23 to 31 years;
>
> (5) Birthplace of the father from Amoy, China to Chinkang, China, and the birthplace of the mother from Sta. Cruz, Manila to Manila;
>
> (6) Religion of both parents from Roman Catholic to Confuscian;
>
> (7) Number of children born to this mother including present birth, from 1 to 6; and
>
> (8) Number of children born to this mother now living, from 1 to 5."

On October 18, 1957, petitioners Chua Tian Sang", alias John Uy, and Juliana Yu filed, with the Court of First Instance of Manila, a petition, dated October 11, 1957, alleging that they are husband and wife residing at No. 410 San Fernando Street, Manila; that "on January 20, 1956, George C. Uy was born to the petitioners at St. Luke's Hospital, Magdalena Street, Manila," that "due to an honest mistake, it was erroneously entered in the birth certificate of 3aid George C. Uy that his parents are the spouses Chua Kee Lin and Helen Tan, who are only his God-parents' who wish to adopt the child; that "the error was recently discovered;" and that "to avoid confusion, it is very important and necessary" that the Local Civil Registrar of Manila be ordered "to amend and/or correct the entry in the birth certificate of George C. Uy, with respect to the alleged parents of said child, to the true and correct names and personal circumstances of the real parents of the said child, the petitioners herein."

The Solicitor General moved to dismiss the petition, but the lower court decided to consider the merit of said motion upon presentation of the evidence for the petitioners. Under date of July 15, 1958, petitioners filed an amended petition, with specification of tlie particulars to be amended in the birth certificate of George £. 1fly. Jlie

prayer in said amended petition reads as follows:

> "Wherefore, your petitioners pray that, .after due hearing, an order be issued, ordering the Local Civii Registrar of Manila to amend and/or correct the entry in the Birth Certiiicate of George C. Uy as follows:
>
> "1. To change the name of the father Chua Kee Lin to Chua Tian Sang alias John Uy;
>
> "2. To change the name of the mother Helen Tan to Juliana Yu;
>
> "3. To change the residence gft both parents from 410 San Fernando St., Manila to 629 Soler St., Manila;
>
> "4. To change the age at the last birthday of the father ftom 25 years to 37 years;
>
> "5. To change the age at the last birthday of the mother from 23 years to, 81 years;
>
> "6. To change the birthplace of the father from Amoy, China to Chinkang, China;
>
> "7. To change the birthplace of the mother from Sta. Cruz, Manila, to Manila;
>
> "8. To change the religion of both parents from Roman Catholic to Confuscian;
>
> "9. To change the number of children born to the mother including present birth from one (1) to six (6); and
>
> "10. To change the number of children of the mother now living from one (1) to five (5)."

After due hearing, the lower court issued the order complained. of, granting the. relief prayed . for in said amended petition, upon the authority of Article 412 of the Civil Code of the Philippines. Hence, this appeal by the Solicitor General, which is based mainly upon Ty Kong Ting vs. Republic (94 Phil., 321; 50 Off. Gaz., 1077). Black vs. Republic (J04 Phil., 848; 56 Off, Gaz. [30] 4752), andAnsaldo vs. Republic (102 Phil., 1046; 54 Oft. Gaz. [22] 5886). Upon the other hand, petitioners-Appellees maintain that the lower court was justified in issuing said order, upon the ground that the corrections therein directed are not substantial, but merely clerical, harmless and innocuous in character.

Appellees' pretense is devoid of merit. The changes sought affect paternity and filiation, and, hence, the status of the child. What is more, it appears from the order appealed from that Chua Kee Lin and Helen Tan were reported to be the parents of George C. Uy, in pursuance of an agreement reached with petitioners herein, so that the alleged inaccuracy of the data appearing in his birth certificate was due, not to an error or mistake, but to a deliberate attempt to pervert the truth in a public document. Referring to Article 412 of the Civil Code of the Philippines reading:

> "No entry in a civil register shall be changed or corrected, without a judicial order."

we have already held that "what was contemplated therein are mere corrections of mistakes that are clerical in nature, and not those which may affect the civil status or the nationality or citizenship of the persons involved;" that, "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" (Ty Kong Ting vs. Republic, 94 Phil., 321; 50 Off. Gaz., 1077); that, in order to be subject to correction under said provision the error involved must be "one that is visible to the eyes or obvious to the understanding. It is an error made by a clerk or transcriber a mistake in copying or writing" (Black vs Republic, supra; and that Article 412 authorizes no more than "harmless and innocuous changes, such as correction of a name that is clearly misspelled, occupation of the parents, etc." (Ansaldo vs. Republic, supra.) Obviously, the case at bar does not come within the purview of said rulings.

Wherefore, the resolution appealed from is hereby reversed and set aside, and the petition herein dismissed, with

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costs against the petitioners. It is so ordered.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Gutierrez David, Paredes, and Dizon, JJ., concur.

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