

NIEVES ESTARES BALDOS, SUBSTITUTED BY FRANCISCO BALDOS AND MARTIN BALDOS, PETITIONERS, VS. COURT OF APPEALS AND REYNALDO PILLAZAR A.K.A. REYNALDO ESTARES BALDOS, RESPONDENTS.

G.R. No. 170645. July 09, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] of the 8 August 2005 Decision[2] and the 22 November 2005 Resolution[3] of the Court of Appeals in CA G.R. CV No. 65693. The 8 August 2005 Decision affirmed the 16 August 1999 Order[4] of the Regional Trial Court (Branch 74) of Olongapo City in Civil Case No. 79-0-95. The 22 November 2005 Resolution denied petitioners' motion for reconsideration.

The Antecedent Facts

Reynaldo Pillazar, alias Reynaldo Baldos, was born on 30 October 1948. However, his birth was not registered in the office of the local civil registrar until roughly 36 years later or on 11 February 1985. His certificate of live birth[5] indicated Nieves Baldos as his mother and Bartolome Baldos as his father. Nieves Baldos also appeared as the informant on the certificate of live birth.

On 8 March 1995, Nieves Baldos filed in the Regional Trial Court of Olongapo City a complaint,[6] docketed as Civil Case No. 79-0-95, for cancellation of the late registration of Reynaldo's birth. She claimed that Reynaldo was not really her son.

The Trial Court's Ruling

The trial court treated the complaint as a petition. In its 16 August 1999 Order,[7] the trial court dismissed the petition for lack of merit. The trial court reasoned as follows:

A thorough examination of the evidence adduced by the plaintiff vis-a-vis the evidence of the defendant shows that apart from the scornful denial of plaintiff that defendant is her son, all documentary evidence available points to the contrary. The declaration of two disinterested persons, who were neighbors of the petitioner and his deceased husband, has never been refuted.

No one was presented by plaintiff to corroborate her stand.

In the realm of the evidence on record, there is no doubt that the oppositor is petitioner's son. Petitioner's reason for disowning the oppositor is obvious; he did not live up to her expectation; his wife is ungrateful to everything she did for her and the oppositor. Bad blood runs in the veins of the parties. But while oppositor

may have done an act that caused plaintiff to rue she gave him life, such acts however, are not justifications of what she prays from this Court.

An ungrateful act is not a ground to cancel a validly executed document, nor a reason to strip a person of one's filiation. It may be a ground for disinheritance though. The documents adduced on record are the best evidence of the parties' relationship.[8]

Undeterred, Nieves appealed to the Court of Appeals. She insisted that the late registration of Reynaldo's birth was contrary to Presidential Decree No. 651 (P.D. No. 651).

The Ruling of the Court of Appeals

In its 8 August 2005 Decision,[9] the Court of Appeals affirmed the trial court's Order. The appellate court held that P.D. No. 651 did not proscribe the late registration of births of persons born before 1 January 1974. The Court of Appeals explained that the purpose of the decree was to encourage registration of births as well as deaths.

Nieves Baldos died on 17 May 1999. Her lawyer filed a motion for substitution[10] six years later or on 20 October 2005. In its 22 November 2005 Resolution,[11] the Court of Appeals granted the motion for substitution. From then on, Bartolome's brothers, Francisco Baldos and Martin Baldos, substituted for Nieves Baldos.

The Issue

The sole issue is whether the late registration of Reynaldo's birth is valid.

The Court's Ruling

The petition lacks merit.

Petitioners insist that the late registration of Reynaldo's birth is not authorized by P.D. No. 651. They claim that P.D. No. 651 applies only to births within the period from 1 January 1974 up to the date when the decree became effective. They point out that Reynaldo was born on 30 October 1948, outside of the period covered by the decree. Thus, petitioners submit the Court of Appeals violated basic rules of statutory construction when it interpreted P.D. No. 651 to include births before 1 January 1974. Petitioners contend the late registration of Reynaldo's birth amounts to simulation of birth.

Respondent Reynaldo counters that P.D. No. 651 does not proscribe the late registration of births of persons born before 1 January 1974. He maintains that he has sufficiently proven, by clear and convincing evidence,

the fact that he is the son of Nieves and Bartolome Baldos. He asserts that a certificate of live birth is a public document covered by the presumption of regularity in the performance of official functions.

Presidential Decree No. 651, otherwise known as An Act Requiring the Registration of Births and Deaths in the Philippines which Occurred from 1 January 1974 and Thereafter, provides:

Sec. 1. Registration of births. All babies born in hospitals, maternity clinics, private homes, or elsewhere within the period starting from January 1, 1974 up to the date when this decree becomes effective, irrespective of the nationality, race, culture, religion or belief of their parents, whether the mother is a permanent resident or transient in the Philippines, and whose births have not yet been registered must be reported for registration in the office of the local civil registrar of the place of birth by the physician, nurse, midwife, hilot, or hospital or clinic administrator who attended the birth or in default thereof, by either parent or a responsible member of the family or a relative, or any person who has knowledge of the birth of the individual child.

The report referred to above shall be accompanied with an affidavit describing the circumstances surrounding the delayed registration. (Emphasis supplied)

Sec. 2. Period of registration of births. The registration of the birth of babies referred to in the preceding section must be done within sixty (60) days from the date of effectivity of this decree without fine or fee of any kind. Babies born after the effectivity of this decree must be registered in the office of the local civil registrar of the place of birth within thirty (30) days after birth, by the attending physician, nurse, midwife, hilot or hospitals or clinic administrator or, in default of the same, by either parent or a responsible member of the family or any person who has knowledge of the birth.

The parents or the responsible member of the family and the attendant at birth or the hospital or clinic administrator referred to above shall be jointly liable in case they fail to register the new born child. If there was no attendant at birth, or if the child was not born in a hospital or maternity clinic, then the parents or the responsible member of the family alone shall be primarily liable in case of failure to register the new born child. (Emphasis supplied)

Presidential Decree No. 766[12] amended P.D. No. 651 by extending the period of registration up to 31 December 1975. P.D. No. 651, as amended, provided for special registration within a specified period to address the problem of under-registration of births as well as deaths. It allowed, without fine or fee of any kind, the late registration of births and deaths occurring within the period starting from 1 January 1974 up to the date when the decree became effective.

Since Reynaldo was born on 30 October 1948, the late registration of his birth is outside of the coverage of P.D. No. 651, as amended. The late registration of Reynaldo's birth falls under Act No. 3753, otherwise known as the Civil Registry Law, which took effect on 27 February 1931. As a general law, Act No. 3753 applies to the registration of all births, not otherwise covered by P.D. No. 651, as amended, occurring from 27 February 1931 onwards. Considering that the late registration of Reynaldo's birth took place in 1985, National Census Statistics Office (NCSO) Administrative Order No. 1, Series of 1983[13] governs the implementation of Act No. 3753 in this case.

Under NCSO A.O. No. 1-83, the birth of a child shall be registered in the office of the local civil registrar within 30 days from the time of birth.[14] Any report of birth made beyond the reglementary period is considered delayed.[15] The local civil registrar, upon receiving an application for delayed registration of birth, is required to publicly post for at least ten days a notice of the pending application for delayed registration.[16] If after ten days no one opposes the registration and the local civil registrar is convinced beyond doubt that the birth should be registered, he should register the same.[17]

Reynaldo's certificate of live birth, as a duly registered public document, is presumed to have gone through the process prescribed by law for late registration of birth. It was only on 8 March 1995, after the lapse of ten long years from the approval on 11 February 1985 of the application for delayed registration of Reynaldo's birth, that Nieves registered her opposition. She should have done so within the ten-day period prescribed by law. Records[18] show that no less than Nieves herself informed the local civil registrar of the birth of Reynaldo. At the time of her application for delayed registration of birth, Nieves claimed that Reynaldo was her son. Between the facts stated in a duly registered public document and the flip-flopping statements of Nieves, we are more inclined to stand by the former.

Applications for delayed registration of birth go through a rigorous process. The books making up the civil register are considered public documents and are prima facie evidence of the truth of the facts stated there.[19] As a public document, a registered certificate of live birth enjoys the presumption of validity.[20] It is not for Reynaldo to prove the facts stated in his certificate of live birth, but for petitioners who are assailing the certificate to prove its alleged falsity. Petitioners miserably failed to do so. Thus, the trial court and the Court of Appeals correctly denied for lack of merit the petition to cancel the late registration of Reynaldo's birth.

WHEREFORE, we DENY the petition. We AFFIRM the 8 August 2005 Decision and the 22 November 2005 Resolution of the Court of Appeals in CA G.R. CV No. 65693 affirming the 16 August 1999 Order of the Regional Trial Court (Branch 74) of Olongapo City in Civil Case No. 79-0-95.

Costs against petitioners.

SO ORDERED.

Brion,[*] Abad, Villarama, Jr.,[**] and Perez,[***] JJ., concur.

[*] Designated additional member per Raffle dated 5 July 2010.

[**] Designated additional member per Special Order No. 858.

[***] Designated additional member per Special Order No. 863.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 28-38. Penned by Associate Justice Jose Catral Mendoza, with Presiding Justice Romeo A. Brawner and Associate Justice Edgardo P. Cruz, concurring.

[3] Id. at 39-40. Penned by Associate Justice Jose Catral Mendoza, with Associate Justices Conrado M. Vasquez, Jr. and Edgardo P. Cruz, concurring.

[4] Records, pp. 106-109.

[5] Id. at 4.

[6] Id. at 1-3.

[7] Id. at 106-109.

[8] Id. at 108-109.

[9] Rollo, pp. 28-38.

[10] CA rollo, p. 61.

[11] Id. at 71-72.

[12] Effective 8 August 1975.

[13] Amended by NCSO Administrative Order No. 1, Series of 1993.

[14] Rule 8 of NCSO Administrative Order No. 1, Series of 1983.

[15] Rule 46 of NCSO Administrative Order No.1, Series of 1983.

[16] Rule 47 of NCSO Administrative Order No.1, Series of 1983.

[17] Rule 48 of NCSO Administrative Order No.1, Series of 1983.

[18] Records, p. 4.

[19] Sec. 13, Act No. 3753, otherwise known as the Civil Registry Law.

[20] Yturralde v. Vagilidad, 138 Phil. 416 (1969).

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