

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. MERLYN MERCADERA THROUGH HER ATTORNEY-IN-FACT, EVELYN M. OGA, RESPONDENT.

G.R. No. 186027. December 08, 2010

Ponente: MENDOZA, J.

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MENDOZA, J.:

This petition for review on certiorari assails the December 9, 2008 Decision[1] of the Court of Appeals (CA), in CA G.R. CV No. 00568-MIN, which affirmed the September 28, 2005 Order of the Regional Trial Court of Dipolog City, Branch 8 (RTC), in a petition for correction of entries, docketed as Special Proceedings No. R-3427 (SP No. R-3427), filed by respondent Merlyn Mercadera (Mercadera) under Rule 108 of the Rules of Court.

The Factual and Procedural Antecedents

On June 6, 2005, Merlyn Mercadera (Mercadera), represented by her sister and duly constituted Attorney-in-Fact, Evelyn M. Oga (Oga), sought the correction of her given name as it appeared in her Certificate of Live Birth - from Marilyn L. Mercadera to Merlyn L. Mercadera before the Office of the Local Civil Registrar of Dipolog City pursuant to Republic Act No. 9048 (R.A. No. 9048).[2]

Under R.A. No. 9048, the city or municipal civil registrar or consul general, as the case may be, is now authorized to effect the change of first name or nickname and the correction of clerical or typographical errors in civil registry entries. "Under said law, jurisdiction over applications for change of first name is now primarily lodged with administrative officers. The law now excludes the change of first name from the coverage of Rules 103 until and unless an administrative petition for change of name is first filed and subsequently denied"[3] and removes "correction or changing of clerical errors in entries of the civil register from the ambit of Rule 108." Hence, what is left for the scope of operation of the rules are substantial changes and corrections in entries of the civil register.[4]

The Office of the Local Civil Registrar of Dipolog City, however, refused to effect the correction unless a court order was obtained "because the Civil Registrar therein is not yet equipped with a permanent appointment before he can validly act on petitions for corrections filed before their office as mandated by Republic Act 9048." [5]

Mercadera was then constrained to file a Petition For Correction of Some Entries as Appearing in the Certificate of Live Birth under Rule 108 before the Regional Trial Court of Dipolog City (RTC). The petition was docketed as Special Proceedings No. R-3427 (SP No. R-3427). Section 2 of Rule 108 reads:

SEC. 2. Entries subject to cancellation or correction. - Upon good and valid grounds, the following entries in the civil register may be cancelled or corrected: (a) births; (b) marriages; (c) deaths; (d) legal separations; (e) judgments of annulments of marriage; (f) judgments declaring marriages void from the beginning; (g) legitimations; (h) adoptions; (i) acknowledgments of natural children; (j) naturalization; (k) election, loss or recovery of citizenship; (l) civil interdiction; (m) judicial determination of filiation; (n) voluntary emancipation of a minor; and (o) changes of name. [Underscoring supplied]

Upon receipt of the petition for correction of entry, the RTC issued an order, dated June 10, 2005, which reads:

Finding the petition sufficient in form and substance, notice is hereby given that the hearing of said petition is set on JULY 26, 2005 at 8:30 o'clock in the morning, at the Session Hall of Branch 8, this Court, Bulwagan ng Katarungan, Dipolog City, on which date, time and place, anyone appearing to contest the petition shall state in writing his grounds there[for], serving a copy thereof to the petitioner and likewise file copies with this Court on or before the said date of hearing.

Let this order be published at the expense of petitioner once a week for three (3) consecutive weeks in a newspaper edited and published in Dipolog City and of general circulation therein, the City of Dapitan and the province of Zamboanga del Norte, and copies hereof be furnished to the Office of the Solicitor General of (sic) 134 Amorsolo St., Legaspi Village, Makati, Metro Manila, the City Civil Registrar of Dipolog, and posted on the bulletin boards of the City Hall of Dipolog, the Provincial Capitol Building, and of this Court.

IT IS SO ORDERED.

The Office of the Solicitor General (OSG) entered its appearance for the Republic of the Philippines and deputized the Office of the City Prosecutor to assist in the case only on the very day of the hearing. This prompted the court to reset the hearing on September 5, 2005. On said day, there being no opposition, counsel for Mercadera moved for leave of court to present evidence ex parte. Without any objection from the City Prosecutor, the trial court designated the branch clerk of court to receive evidence for Mercadera.

On September 15, 2005, the testimony of Oga and several photocopies of documents were formally offered and marked as evidence to prove that Mercadera never used the name "Marilyn" in any of her public or private transactions. On September 26, 2005, the RTC issued an order^[6] admitting Exhibits "A" to "I"^[7] and their submarkings, as relevant to the resolution of the case.

The following facts were gathered from documentary evidence and the oral testimony of Oga, as reported by the lower court:

Petitioner Merlyn M. Mercadera was born on August 19, 1970 at Dipolog City. She is the daughter of spouses Tirso U. Mercadera and Norma C. Lacquiao. The fact of her birth was reported to the Office of the City Civil Registrar of Dipolog City on September 8, 1970. It was recorded on page 68, book no. 9, in the Registry of Births of said civil registry. In the certification of birth dated May 9, 2005 issued by the same registry, her given name appears as Marilyn and not Merlyn (Exhibit "C").

On September 29, 1979, petitioner was baptized according to the rites and ceremonies of the United Church of Christ in the Philippines. As reflected in her certificate of baptism issued by said church, she was baptized by the name Merlyn L. Mercadera (Exhibit "D").

In her elementary diploma issued by the Paaralang Sentral ng Estaka, Dipolog City; her high school diploma issued by the Zamboanga del Norte School of Arts and Trades, Dipolog City; and college diploma issued by the Silliman University, Dumaguete City, where she earned the degree of Bachelor of Secondary Education, uniformly show her name as Merlyn L. Mercadera (Exhibits "E", "F", and "G").

Presently, she is working in U.P. Mindanao, Buhangin, Davao City. Her certificate of membership issued by the Government Service Insurance System also bears his [sic] complete name as Merlyn Lacquiao Mercadera (Exhibit "H").

When she secured an authenticated copy of her certificate of live birth from the National Statistics Office, she discovered that her given name as registered is Marilyn and not Merlyn; hence, this petition.

In its September 28, 2005 Decision,^[8] the RTC granted Mercadera's petition and directed the Office of the City

Civil Registrar of Dipolog City to correct her name appearing in her certificate of live birth, Marilyn Lacquiao Mercadera, to MERLYN Lacquiao Mercadera. Specifically, the dispositive portion of the RTC Decision reads:

WHEREFORE, the petition is GRANTED. Accordingly, the Office of the City Civil Registrar of Dipolog City is hereby directed to correct the given name of petitioner appearing in her certificate of live birth, from Marilyn Lacquiao Mercadera to MERLYN Lacquiao Mercadera.

In a four-page decision, the RTC ruled that the documentary evidence presented by Mercadera sufficiently supported the circumstances alleged in her petition. Considering that she had used "Merlyn" as her given name since childhood until she discovered the discrepancy in her Certificate of Live Birth, the RTC was convinced that the correction was justified.

The OSG timely interposed an appeal praying for the reversal and setting aside of the RTC decision. It mainly anchored its appeal on the availment of Mercadera of the remedy and procedure under Rule 108. In its Brief[9] filed with the CA, the OSG argued that the lower court erred (1) in granting the prayer for change of name in a petition for correction of entries; and (2) in admitting the photocopies of documentary evidence and hearsay testimony of Oga.

For the OSG, the correction in the spelling of Mercadera's given name might seem innocuous enough to grant but "it is in truth a material correction as it would modify or increase substantive rights." [10] What the lower court actually allowed was a change of Mercadera's given name, which would have been proper had she filed a petition under Rule 103 and proved any of the grounds therefor. The lower court, "may not substitute one for the other for purposes of expediency." [11] Further, because Mercadera failed to invoke a specific ground recognized by the Rules, the lower court's order in effect allowed the change of one's name in the civil registry without basis.

The CA was not persuaded. In its December 9, 2008 Decision, [12] the appellate court affirmed the questioned RTC Order in CA-G.R. CV No. 00568-MIN. The CA assessed the controversy in this wise:

Appellant's insistence that the petition should have been filed under Rule 103 and not Rule 108 of the Rules of Court is off the mark. This Court does not entertain any doubt that the petition before the trial court was one for the correction on an entry in petitioner's Certificate of Live Birth and not one in which she sought to change her name. In *Co v. Civil Register of Manila*, G.R. No. 138496, February 23, 2004, the High Court reiterated the distinction between the phrases "to correct" and "to change." Said the High Court:

To correct simply means "to make or set aright; to remove the faults or error from." To change means "to replace something with something else of the same kind or with something that serves as a substitute. Article 412 of the New Civil Code does not qualify as to the kind of entry to be changed or corrected or distinguished on the basis of the effect that the correction or change may be. Such entries include not only those clerical in nature but also substantial errors. After all, the role of the Court under Rule 108 of the Rules of Court is to ascertain the truths about the facts recorded therein.

That appellee sought to correct an entry and not to change her name is patent to the Court from the allegations in her petition, specifically, paragraphs 7 and 8 thereof--

x x x x

Anent the RTC's error in admitting the photocopies of Mercadera's documentary evidence and in vesting probative value to Oga's testimony, the CA cited the well-established rule that "evidence not objected to may be admitted and may be validly considered by the court in arriving at its judgment." [13]

On March 6, 2009, the OSG filed the present petition. On behalf of Mercadera, the Public Attorney's Office (PAO) filed its Comment[14] on July 3, 2009. The OSG declined to file a reply claiming that its petition already

contained an exhaustive discussion on the following assigned errors:[15]

I

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN GRANTING THE CHANGE IN RESPONDENT'S NAME UNDER RULE 103.

II

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN CONSIDERING SECONDARY EVIDENCE.

Rule 103 procedurally governs judicial petitions for change of given name or surname, or both, pursuant to Article 376 of the Civil Code.[16] This rule provides the procedure for an independent special proceeding in court to establish the status of a person involving his relations with others, that is, his legal position in, or with regard to, the rest of the community.[17] In petitions for change of name, a person avails of a remedy to alter the "designation by which he is known and called in the community in which he lives and is best known." [18] When granted, a person's identity and interactions are affected as he bears a new "label or appellation for the convenience of the world at large in addressing him, or in speaking of, or dealing with him." [19] Judicial permission for a change of name aims to prevent fraud and to ensure a record of the change by virtue of a court decree.

The proceeding under Rule 103 is also an action in rem which requires publication of the order issued by the court to afford the State and all other interested parties to oppose the petition. When complied with, the decision binds not only the parties impleaded but the whole world. As notice to all, publication serves to indefinitely bar all who might make an objection. "It is the publication of such notice that brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it." [20]

Essentially, a change of name does not define or effect a change of one's existing family relations or in the rights and duties flowing therefrom. It does not alter one's legal capacity or civil status.[21] However, "there could be instances where the change applied for may be open to objection by parties who already bear the surname desired by the applicant, not because he would thereby acquire certain family ties with them but because the existence of such ties might be erroneously impressed on the public mind." [22] Hence, in requests for a change of name, "what is involved is not a mere matter of allowance or disallowance of the request, but a judicious evaluation of the sufficiency and propriety of the justifications advanced x x x mindful of the consequent results in the event of its grant x x x." [23]

Rule 108, on the other hand, implements judicial proceedings for the correction or cancellation of entries in the civil registry pursuant to Article 412 of the Civil Code.[24] Entries in the civil register refer to "acts, events and judicial decrees concerning the civil status of persons," [25] also as enumerated in Article 408 of the same law.[26] Before, only mistakes or errors of a harmless and innocuous nature in the entries in the civil registry may be corrected under Rule 108 and substantial errors affecting the civil status, citizenship or nationality of a party are beyond the ambit of the rule. In the abandoned case of *Chua Wee v. Republic*, [27] this Court declared that,

x x x if Rule 108 were to be extended beyond innocuous or harmless changes or corrections of errors which are visible to the eye or obvious to the understanding, so as to comprehend substantial and controversial alterations concerning citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, said Rule 108 would thereby become unconstitutional for it would be increasing or modifying substantive rights, which changes are not authorized under Article 412 of the new Civil Code."

In the latter case of *Wong v. Republic*, [28] however, Justice Vicente Abad Santos, in a separate concurrence,

opined that Article 412, which Rule 108 implements, contemplates all kinds of issues and all types of procedures because "the provision does not say that it applies only to non-controversial issues and that the procedure to be used is summary in nature." In *Republic v. Judge De la Cruz*,^[29] the dissenting opinion penned by Justice Pacifico De Castro echoed the same view:

It is not accurate to say that Rule 108 would be rendered unconstitutional if it would allow the correction of more than mere harmless clerical error, as it would thereby increase or modify substantive rights which the Constitution expressly forbids because Article 412 of the Civil Code, the substantive law sought to be implemented by Rule 108, allows only the correction of innocuous clerical errors not those affecting the status of persons. As was stressed in the dissent on the aforesaid *Wong Case*, Article 412 does not limit in its express terms nor by mere implication, the correction authorized by it to that of mere clerical errors. x x x it would be reasonable and justified to rule that Article 412 contemplates of correction of erroneous entry of whatever nature, procedural safeguards having only to be provided for, as was the manifest purpose of Rule 108.

x x x proceedings for the correction of erroneous entry should not be considered as establishing one's status in a legal manner conclusively beyond dispute or controversion, x x x the books making up the civil register and all documents relating thereto x x x shall be prima facie evidence of the facts therein contained. Hence, the status as corrected would not have a superior quality for evidentiary purpose. Moreover, the correction should not imply a change of status but a mere rectification of error to make the matter corrected speak for the truth. x x x

Finally in *Republic v. Valencia*,^[30] the above stated views were adopted by this Court insofar as even substantial errors or matters in a civil registry may be corrected and the true facts established, provided the parties aggrieved avail themselves of the appropriate adversary proceeding. "If the purpose of the petition is merely to correct the clerical errors which are visible to the eye or obvious to the understanding, the court may, under a summary procedure, issue an order for the correction of a mistake. However, as repeatedly construed, changes which may affect the civil status from legitimate to illegitimate, as well as sex, are substantial and controversial alterations which can only be allowed after appropriate adversary proceedings depending upon the nature of the issues involved. Changes which affect the civil status or citizenship of a party are substantial in character and should be threshed out in a proper action depending upon the nature of the issues in controversy, and wherein all the parties who may be affected by the entries are notified or represented and evidence is submitted to prove the allegations of the complaint, and proof to the contrary admitted x x x."^[31] "Where such a change is ordered, the Court will not be establishing a substantive right but only correcting or rectifying an erroneous entry in the civil registry as authorized by law. In short, Rule 108 of the Rules of Court provides only the procedure or mechanism for the proper enforcement of the substantive law embodied in Article 412 of the Civil Code and so does not violate the Constitution."^[32]

In the case at bench, the OSG posits that the conversion from "MARILYN" to "MERLYN" is not a correction of an innocuous error but a material correction tantamount to a change of name which entails a modification or increase in substantive rights. For the OSG, this is a substantial error that requires compliance with the procedure under Rule 103, and not Rule 108.

It appears from these arguments that there is, to some extent, confusion over the scope and application of Rules 103 and Rule 108. Where a "change of name" will necessarily be reflected by the corresponding correction in an entry, as in this case, the functions of both rules are often muddled. While there is no clear-cut rule to categorize petitions under either rule, this Court is of the opinion that a resort to the basic distinctions between the two rules with respect to alterations in a person's registered name can effectively clear the seeming perplexity of the issue. Further, a careful evaluation of circumstances alleged in the petition itself will serve as a constructive guide to determine the propriety of the relief prayed for.

The "change of name" contemplated under Article 376 and Rule 103 must not be confused with Article 412 and Rule 108. A change of one's name under Rule 103 can be granted, only on grounds provided by law. In order to justify a request for change of name, there must be a proper and compelling reason for the change and proof that the person requesting will be prejudiced by the use of his official name. To assess the sufficiency of the grounds invoked therefor, there must be adversarial proceedings.[33]

In petitions for correction, only clerical, spelling, typographical and other innocuous errors in the civil registry may be raised. Considering that the enumeration in Section 2, Rule 108[34] also includes "changes of name," the correction of a patently misspelled name is covered by Rule 108. Suffice it to say, not all alterations allowed in one's name are confined under Rule 103. Corrections for clerical errors may be set right under Rule 108.

This rule in "names," however, does not operate to entirely limit Rule 108 to the correction of clerical errors in civil registry entries by way of a summary proceeding. As explained above, Republic v. Valencia is the authority for allowing substantial errors in other entries like citizenship, civil status, and paternity, to be corrected using Rule 108 provided there is an adversary proceeding. "After all, the role of the Court under Rule 108 is to ascertain the truths about the facts recorded therein." [35]

A serious scrutiny of this petition reveals a glaring lack of support to the OSG's assumption that Mercadera intended to change her name under Rule 103. All that the petition propounded are swift arguments on the alleged procedural flaws of Mercadera's petition before the RTC. In the same vein, no concrete contention was brought up to convince this Court that the dangers sought to be prevented by the adversarial proceedings prescribed in Rule 103 are attendant in this case. Instead, the RTC found the documents presented by Mercadera to have satisfactorily shown that she had been known as MERLYN ever since, discounting the possibility that confusion, or a modification of substantive rights might arise. Truth be told, not a single oppositor appeared to contest the petition despite full compliance with the publication requirement.

Thus, the petition filed by Mercadera before the RTC correctly falls under Rule 108 as it simply sought a correction of a misspelled given name. To correct simply means "to make or set aright; to remove the faults or error from." To change means "to replace something with something else of the same kind or with something that serves as a substitute." [36] From the allegations in her petition, Mercadera clearly prayed for the lower court "to remove the faults or error" from her registered given name "MARILYN," and "to make or set aright" the same to conform to the one she grew up to, "MERLYN." It does not take a complex assessment of said petition to learn of its intention to simply correct the clerical error in spelling. Mercadera even attempted to avail of the remedy allowed by R.A. No. 9048 but she unfortunately failed to enjoy the expediency which the law provides and was constrained to take court action to obtain relief. Thus, the petition was clear in stating:

7. That as such, there is a need to correct her given name as appearing in her Certificate of Live Birth from MARILYN to MERLYN to conform to her true and correct given name that she had been using and had been known within the community x x x.

8. That herein petitioner went to the Office of the Local Civil Registrar of Dipolog City and requested them to effect such correction in her Certificate of Live Birth, however, the Local Civil Registrar of Dipolog City will not effect such correction unless an order is obtained by herein petitioner from this Honorable Court because the Local Civil Registrar therein is not yet equipped with permanent appointment before he can validly act on petitions for corrections filed before their office as mandated by Republic Act 9048, hence the filing of this petition. [Emphases supplied]

Indeed, there are decided cases involving mistakes similar to Mercadera's case which recognize the same a harmless error. In Yu v. Republic [37] it was held that "to change 'Sincio' to 'Sencio' which merely involves the substitution of the first vowel 'i' in the first name into the vowel 'e' amounts merely to the righting of a clerical

error." In *Labayo-Rowe v. Republic*,^[38] it was held that the change of petitioner's name from "Beatriz Labayo/Beatriz Labayu" to "Emperatriz Labayo" was a mere innocuous alteration wherein a summary proceeding was appropriate. In *Republic v. Court of Appeals, Jaime B. Caranto and Zenaida P. Caranto*, the correction involved the substitution of the letters "ch" for the letter "d," so that what appears as "Midael" as given name would read "Michael." In the latter case, this Court, with the agreement of the Solicitor General, ruled that the error was plainly clerical, such that, "changing the name of the child from 'Midael C. Mazon' to 'Michael C. Mazon' cannot possibly cause any confusion, because both names can be read and pronounced with the same rhyme (tugma) and tone (tono, tunog, himig)."^[39]

In this case, the use of the letter "a" for the letter "e," and the deletion of the letter "i," so that what appears as "Marilyn" would read as "Merlyn" is patently a rectification of a name that is clearly misspelled. The similarity between "Marilyn" and "Merlyn" may well be the object of a mix-up that blemished Mercadera's Certificate of Live Birth until her adulthood, thus, her interest to correct the same.

The CA did not allow Mercadera the change of her name. What it did allow was the correction of her misspelled given name which she had been using ever since she could remember.

It is worthy to note that the OSG's reliance on *Republic vs. Hernandez*^[40] is flawed. In that case, this Court said that "a change in a given name is a substantial matter" and that it "cannot be granted by means of any other proceeding that would in effect render it a mere incident or an offshoot of another special proceeding." While this Court stands true to the ruling in *Hernandez*, the said pronouncement therein was stated in a different tenor and, thus, inapplicable to this case. *Hernandez* was decided against an entirely different factual milieu. There was a petition for adoption that must not have led to a corresponding change in the adoptee's given name because "it would be procedurally erroneous to employ a petition for adoption to effect a change of name in the absence of a corresponding petition for the latter relief at law." In the present case, the issue is the applicability of either Rule 103 or Rule 108 and the relief sought by Mercadera can in fact be granted under the latter. This Court finds no attempt on the part of Mercadera to render the requirements under Rule 103 illusory as in *Hernandez*.

Besides, granting that Rule 103 applies to this case and that compliance with the procedural requirements under Rule 108 falls short of what is mandated, it still cannot be denied that Mercadera complied with the requirement for an adversarial proceeding before the lower court. The publication and posting of the notice of hearing in a newspaper of general circulation and the notices sent to the OSG and the Local Civil Registry are sufficient indicia of an adverse proceeding. The fact that no one opposed the petition, including the OSG, did not deprive the court of its jurisdiction to hear the same and did not make the proceeding less adversarial in nature. Considering that the OSG did not oppose the petition and the motion to present its evidence ex parte when it had the opportunity to do so, it cannot now complain that the proceedings in the lower court were procedurally defective. Indeed, it has become unnecessary to further discuss the reasons why the CA correctly affirmed the findings of the lower court especially in admitting and according probative value to the evidence presented by Mercadera.

WHEREFORE, the December 9, 2008 Decision of the Court of Appeals in CA-G.R. CV No. 00568-MIN is AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Peralta, and Abad, JJ., concur.

[1] Rollo, pp. 19-25. Penned by Associate Justice Romulo V. Borja and concurred in by Associate Justices Mario

V. Lopez and Elihu A. Ybanez, of the Twenty-first Division, Cagayan de Oro City.

[2] An Act Authorizing the City or Municipal Civil Registrar or the Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register without Need of a Judicial Order, Amending for this Purpose Articles 376 and 412 of the Civil Code of the Philippines.

[3] Rommel Jacinto Dantes Silverio v. Republic of the Philippines, G.R. No. 174689, October 22, 2007, 536 SCRA 373, 385.

[4] Milagros M. Barco, as the Natural Guardian and Guardian Ad Litem of Mary Joy Ann Gustillo v. Court of Appeals, 465 Phil. 39, 61 (2004).

[5] Paragraph 8, Petition for Correction of Some Entries as Appearing in the Certificate of Live Birth of Merlyn Mercadera; Records, p. 2.

[6] Records, p. 33.

[7] Exhibit "A"-Affidavit of Publication; Exhibit "A-1" to "A-3"-newspaper clippings; Exhibit "B"-Special Power of Attorney; Exhibit "C"-Birth Certificate; Exhibit "D"-Certificate of Baptism; Exhibit "E"-Elementary School Certificate; Exhibit "F"-High School Diploma; Exhibit "G"-College Diploma; Exhibit "H"-GSIS Certificate of Membership; and Exhibit "I"-Community Tax Certificate.

[8] Records, pp. 34-37.

[9] CA rollo, Brief for the Appellant, pp. 13-22.

[10] Id. at 4.

[11] Id. at 18.

[12] CA rollo, pp. 48-54.

[13] Heirs of Marcelino Doronio v. Heirs of Fortunato Doronio, G.R. No. 186027, December 27, 2007, 541 SCRA 479.

[14] Rollo, pp. 33-44.

[15] Id., Manifestation, at 45-46.

[16] "No person can change his name or surname without judicial authority."

[17] Republic v. Court of Appeals, G.R. No. 97906, May 21, 1992, 209 SCRA 189.

[18] In the Matter of the Adoption of Stephanie Nathy Astorga Garcia, 494 Phil. 515 (2005).

[19] Del Prado v. Republic, 126 Phil. 1 (1967).

[20] Milagros M. Barco, as the Natural Guardian and Guardian Ad Litem of Mary Joy Ann Gustillo v. Court of Appeals, supra note 4 at 57, citing Republic v. Honorable Judge of Branch III, CFI of Cebu City, 217 Phil 442 (1984).

[21] Supra note 17.

[22] In the matter of the petition to change name of Ong Huan Tin to Teresita Tan Ong Huan Tin v. Republic of the Philippines, 126 Phil. 201 (1967).

[23] In re: Petition for Change of Name and/or Correction/Cancellation of Entry in Civil Registry of Julian Lin

Carulasan Wang v. Cebu City Civil Registry, 494 Phil. 149 (2005).

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

[25] Article 407, Civil Code.

[26] Article 408. The following shall be entered in the civil register: (1) Births; (2) marriages; (3) deaths; (4) legal separations; (5) annulments of marriage; (6) judgments declaring marriages void from the beginning; (7) legitimations; (8) adoptions; (9) acknowledgments of natural children; (10) naturalization; (11) loss, or (12) recovery of citizenship; (13) civil interdiction; (14) judicial determination of filiation; (15) voluntary emancipation of a minor; and (16) changes of name. (Emphasis supplied)

[27] 148 Phil. 422 (1971).

[28] 201 Phil. 69 (1982).

[29] 203 Phil. 402 (1982).

[30] 225 Phil. 408 (1986).

[31] Lee v. Court of Appeals, 419 Phil. 392 (2001), citing Labayo-Rowe v. Republic of the Philippines, 250 Phil. 300 (1988).

[32] Antonio Chiao Ben Lim v. Hon. Mariano A. Zosa and the Local Civil Registrar of the City of Cebu, 230 Phil. 444 (1986).

[33] "One having opposing parties, contested, as distinguished from an ex parte application, one [in] which the party seeking relief has given legal warning to the other party, and afforded the latter an opportunity to contest it. xxx," cited in Republic of the Philippines v. Labrador, 364 Phil. 934 (1999).

[34] Section 2, Rule 108 x x x (a) births; (b) marriages; (c) deaths; (d) legal separations; (e) judgments of annulments of marriage; (f) judgments declaring marriages void from the beginning; (g) legitimations; (h) adoptions; (i) acknowledgments of natural children; (j) naturalization; (k) election, loss or recovery of citizenship; (l) civil interdiction; (m) judicial determination of filiation; (n) voluntary emancipation of a minor; and (o) changes of name.

[35] Hubert Tan Co and Arlene Tan Co v. The Civil Register of Manila, 467 Phil. 904 (2004).

[36] Id. at 432.

[37] 129 Phil. 248 (1967).

[38] Emperatriz Labayo-Rowe v. Republic of the Philippines, 250 Phil. 300 (1988).

[39] 325 Phil. 361 (1996).

[40] 323 Phil. 606 (1996).

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