

THE REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ARTHUR TAN MANDA, RESPONDENT.

G.R. No. 200102. September 18, 2019

Ponente: REYES, J. JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-200102/>

REYES, J. JR., J.:

Assailed in this Petition for Review on Certiorari is the January 4, 2012 Decision[1] of the Court of Appeals-Cebu City (CA) in CA-G.R. CV No. 00026. The assailed decision dismissed the appeal filed by Republic of the Philippines (Petitioner) and consequently affirmed the January 15, 2004 Decision[2] of the Regional Trial Court, Cebu City, Branch 6 (RTC), in SP. PROC. No. 12146-CEB granting the Petition for Correction of Entry in the Birth Certificate of Arthur Tan Manda (Respondent).

The Antecedents

Respondent alleged that he was born to spouses Siok Ting Tan Manda and Chin Go Chua Tan. His birth certificate reflects his father's and mother's citizenship as Chinese implying that he is also a Chinese citizen. Respondent averred that the foregoing entries were erroneous because his father Siok Ting Tan Manda is a Filipino citizen by birth and his mother Chin Go Chua Tan is also a Filipino citizen by marriage. He consequently prayed that both erroneous entries of his parents' citizenship be corrected from Chinese to Filipino. In support of his allegations, respondent presented Identification Certificates[3] issued by the then Commission on Immigration and Deportation (CID) to his parents stating that they are Filipino citizens.

The RTC Ruling

In its January 15, 2004 Decision, the RTC granted respondent's petition on the basis of the Identification Certificates and the birth certificate of respondent's father. It ordered the Office of the Local Civil Registrar of Cebu City to correct the entries pertaining to his parents' citizenship from Chinese to Filipino.

Aggrieved, petitioner elevated an appeal before the CA.

The CA Ruling

In its January 4, 2012 Decision, the CA affirmed the RTC ruling. It held that respondent complied with the requirements of an adversarial proceeding. The appellate court opined that the publication of the notice of hearing in a newspaper of general circulation and the notices sent to petitioner and the Local Civil Registrar of Cebu City were sufficient indicia of an adverse proceeding. It added that the Identification Certificates issued by the then CID adequately proved that respondent's father was a Filipino citizen by birth while his mother was a Filipino citizen by marriage.

Hence, this Petition for Review on Certiorari.

The Issues

- Whether the petition should be denied for failure to implead indispensable parties; and
- Whether respondent sufficiently proved that his parents are Filipino citizens.

Petitioner argues that the changes sought to be effected with respect to the citizenship of respondent's parents as appearing in his record of birth are substantial because these may have an effect on the citizenship of his parents and siblings, thus, an adversarial proceeding should be had where all interested parties are impleaded, or at least notified, and allowed to be heard before the intended changes are effected; that only the Local Civil Registrar of Cebu City was made a party defendant in the petition; that there is no showing that respondent's parents and his siblings were notified of the case or that they participated in the proceedings before the trial court; and that it is not enough that respondent adduced in evidence the Identification Certificates issued by the then CID to warrant the correction or change of entry in his record of birth pertaining to the nationality of his parents.[4]

On June 1, 2011, however, respondent passed away.[5] Thus, he was substituted by his wife, Arlinda D. Manda (Arlinda). In her Comment,[6] Arlinda counters that the publication of the notice of hearing cures the failure to implead indispensable parties; that the Identification Certificates of respondent's parents which showed and proved that they are Filipino citizens enjoy the presumption of regularity; and that petitioner has not adduced any evidence to the contrary to dispute such presumption.

The Court's Ruling

The petition is meritorious.

In a long line of cases, starting with *Republic v. Valencia*[7] the Court has already settled that even substantial errors in a civil registry may be corrected and the true facts established provided the parties aggrieved by the error avail themselves of the appropriate adversary proceeding. In that case, the Court declared:

It is undoubtedly true that if the subject matter of a petition is not for the correction of clerical errors of a harmless and innocuous nature, but one involving nationality or citizenship, which is indisputably substantial as well as controverted, affirmative relief cannot be granted in a proceeding summary in nature. However, it is also true that a right in law may be enforced and a wrong may be remedied as long as the appropriate remedy is used. This Court adheres to the principle that even substantial errors in a civil registry may be corrected and the true facts established provided the parties aggrieved by the error avail themselves of the appropriate adversary proceeding. x x x

What is meant by "appropriate adversary proceeding?" Black's Law Dictionary defines "adversary proceeding" as follows:

One having opposing parties; contested, as distinguished from an [ex parte] application, one of which the party seeking relief has given legal warning to the other party, and afforded the latter an opportunity to contest it. Excludes an adoption proceeding.[8] x x x (Citation omitted)

Sections 3, 4, and 5, Rule 108 of the Rules of Court (Rules) state:

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 publication. — 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. (Emphases supplied)

The fact that the notice of hearing was published in a newspaper of general circulation and notice thereof was served upon the State will not change the nature of the proceedings taken.[9] A reading of Sections 4 and 5 shows that the Rules mandate two (2) sets of notices to potential oppositors: one given to persons named in the petition, and another given to other persons who are not named in the petition but nonetheless may be considered interested or affected parties.[10] Consequently, the petition for a substantial correction of an entry in the civil registry should implead as respondents the civil registrar, as well as all other persons who have or claim to have any interest that would be affected thereby.[11] Summons is thus served not for the purpose of vesting the courts with jurisdiction but to comply with the requirements of fair play and due process to afford the person concerned the opportunity to protect his interest if he so chooses.[12]

In this case, respondent merely impleaded the Office of the Civil Registry of Cebu City. In filing the petition, however, he seeks the correction of his parents' citizenship as appearing in his birth certificate from "Chinese" to "Filipino." Thus, respondent should have impleaded and notified not only the Local Civil Registrar but also [his] parents and siblings as the persons who have interest and are affected by the changes or corrections [he] wanted to make.[13]

Indeed, it is true that in some cases, failure to implead and notify the affected or interested parties was cured by the publication of the notice of hearing. In those cases, however, earnest efforts were made by petitioners in bringing to court all possible interested parties; the interested parties themselves initiated the corrections proceedings; when there is no actual or presumptive awareness of the existence of the interested parties; or when a party is inadvertently left out.[14]

Consequently, when a petition for cancellation or correction of an entry in the civil register involves substantial and controversial alterations, including those on citizenship, legitimacy of paternity or filiation, or legitimacy of marriage, a strict compliance with the requirements of Rule 108 of the Rules is mandated.[15] "If the entries in the civil register could be corrected or changed through mere summary proceedings and not through appropriate action wherein all parties who may be affected by the entries are notified or represented, the door to fraud or other mischief would be set open, the consequence of which might be detrimental and far reaching." [16]

Finally, respondent merely presented the Identification Certificates issued by the then CID to his parents to prove that they are Filipino citizens. Surely, their Chinese citizenship could not be converted to Filipino just because certain government agencies recognized them as such.[17] "The exercise of the rights and privileges granted only to Filipinos is not conclusive proof of citizenship, because a person may misrepresent himself to be a Filipino and thus enjoy the rights and privileges of citizens of this country." [18]

WHEREFORE, the petition is hereby GRANTED. The January 4, 2012 Decision of the Court of Appeals in CA-G.R. CV No. 00026 is SET ASIDE. Consequently, the January 15, 2004 Decision of the Regional Trial Court, Branch 6, Cebu City, in Sp. Proc. No. 12146-CEB granting the Petition for Correction of Entry in Birth Certificate filed by respondent Arthur Tan Manda, is NULLIFIED.

SO ORDERED.

Carpio (Chairperson),[*] Caguioa, Lazaro-Javier, and Zalameda, JJ., concur.

[*] Acting Chief Justice per Special Order No. 2703 dated September 10, 2019.

- [1] Penned by Associate Justice Eduardo B. Peralta, Jr., with Executive Justice Pampio A. Abarintos and Associate Justice Gabriel T. Ingles, concurring; rollo, pp. 30-35.
- [2] Penned by Judge Anacleto L. Caminade; id. at 36-37.
- [3] Id. at 42-43.
- [4] Id. at 10-26.
- [5] Id. at 80.
- [6] Id. at 142-151.
- [7] 225 Phil. 408 (1986).
- [8] Id. at 413.
- [9] Labayo-Rowe v. Republic, 250 Phil. 300, 308 (1988).
- [10] Republic v. Coseteng-Magpayo, 656 Phil. 550, 560 (2011).
- [11] Id. at 558.
- [12] Ceruila v. Delantar , 513 Phil. 237, 252 (2005).
- [13] Republic v. Lugsanay Uy, 716 Phil. 254, 265 (2013).
- [14] Id. at 265-266; citations omitted.
- [15] Onde v. The Office of the Local Civil Registration of Las Piñas City, 742 Phil. 691, 696 (2014).
- [16] Supra note 9, at 306-307.
- [17] In re: Florencio Mallare, 131 Phil. 817, 825 (1968).
- [18] Go, Sr. v. Ramos, 614 Phil. 451, 478-479 (2009).

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.