

ROICE ANNE F. FOX, PETITIONER, V. THE PHILIPPINE STATISTICS AUTHORITY AND THE OFFICE OF THE SOLICITOR GENERAL, RESPONDENTS.

G.R. No. 233520. March 06, 2019

Ponente: A. REYES, JR., J.

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A. REYES, JR., J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court filed by Roice Anne F. Fox (petitioner), assailing the Orders dated March 24, 2017[1] and July 24, 2017[2] of the Regional Trial Court (RTC), Branch 54 of Davao City, which dismissed outright her petition for correction of entry on the ground of lack of jurisdiction.

Antecedent Facts

On October 29, 2012, petitioner married Thomas Kenneth K. Fox (Thomas), a Canadian citizen, in a ceremony held at the Grand Regal Hotel in Lanang, Davao City. Right after their union, they flew to Thomas's hometown in Weyburn, Saskatchewan, Canada where they have decided to settle and raise a family. Not long thereafter, the petitioner conceived and gave birth to a baby girl, whom they named Zion Pearl Fox (Zion), on June 27, 2015. The fact of birth of the petitioner's daughter was duly registered at the Registrar's Office in Regina Saskatchewan, Canada, which issued the corresponding birth certificate. In the said certificate, the petitioner's minor daughter's birthdate was correctly stated as June 27, 2015. Thereafter, in October 2015, her daughter was issued a Canadian passport which also properly reflected the exact date of birth of the child.[3]

On June 7, 2016, considering that the petitioner's daughter was born outside of the Philippines, the Philippine Consulate Office (PCO) in Calgary, Alberta submitted a Report of Birth[4] of the child to the national office of the Philippine Statistics Authority (PSA) in Manila. Unfortunately, through oversight or mistake, the PCO erroneously indicated the child's birthdate as June 27, 2016, instead of June 27, 2015, in the said Report of Birth. The petitioner brought the said discrepancy to the attention of the concerned officials of the PCO which, instead of taking immediate action, advised her to file a petition before the proper court in the Philippines for the correction of entry in the Report of Birth of her daughter.[5]

Ruling of the RTC

On January 17, 2017, the petitioner filed before the RTC of Davao City, where she was a resident, a Petition[6] entitled "In the Matter of the Petition of Roice Anne F. Fox to Correct in the Report of Birth under Registration Number 2016-124030 the Year of Birth of Her Minor Daughter Zion Pearl F. Fox From June 27, 2016 to June 27, 2015," which was docketed as SP Case No. R-DV0-17-00181-SP. In an Order[7] dated March 24, 2017, however, the RTC *motu proprio* dismissed the petition on the ground of lack of jurisdiction. The pertinent portions of the order read, thus:

Acting on the petition, this court cites Section 1 of Rule 108 of the Rules of Civil Procedure which provides for

the Cancellation or Correction of Entries in the Civil Registry, as follows:

Section 1, Rule 108

"Any person interested in any act, event, order, or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation or correction of any entry relating thereto, with the [Regional Trial Court] of the province where the corresponding civil registry is located."

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Evidently, the Regional Trial Court in Davao City has no jurisdiction over the instant petition which seeks to direct the Philippine Statistics Authority in Manila to make the correction of entry in the report of birth of Zion Pearl F. Fox made by the Philippine Consulate Office of Calgary, Alberta, Canada to the said office in Manila.

WHEREFORE, the foregoing premises considered, the instant petition is hereby **DISMISSED** for lack of jurisdiction.

SO ORDERED.[8]

On April 10, 2017, the petitioner filed a Motion for Reconsideration,[9] but the same was denied in the Order[10] dated July 24, 2017, which pertinently states:

In the instant petition, the fact of birth of petitioner's daughter Zion Pearl F. Fox was reported by petitioner to the Philippine Consulate in Calgary, Alberta, Canada, which in turn caused to be recorded directly said fact of birth before the Philippine Statistics Authority (PSA) in Manila and not to any local civil registrar. Consequently, the Petition for Correction of Entry in the Report of Birth of Zion Pearl F. Fox recorded directly before the Philippine Statistics Office in Manila should have been filed before the Regional Trial Court in Manila pursuant to Section 1 of Rule 108 of the Rules of Court. There is no evidence that said fact of birth was recorded in the Civil Registry of Davao City. Consequently, the Regional Trial Court in Davao City is **NOT** the proper venue of the instant petition for correction of entry in the report of birth of the minor daughter of the petitioner.

WHEREFORE, premises considered, the Motion for Reconsideration is hereby **DENIED**.

SO ORDERED.[11]

The petitioner turns to this Court for relief in a petition for review on certiorari raising a pure question of law, particularly whether the RTC was correct in motu proprio dismissing her petition for correction of entry on the ground of lack of jurisdiction.

Ruling of the Court

The petition lacks merit.

In the assailed Order dated March 24, 2017, the RTC motu proprio dismissed the petition on the ground of lack of jurisdiction. It ruled that the proper court is the RTC of Manila, where the PSA Office, in which the Report of Birth of the petitioner's daughter was registered, is situated.

To be clear, the petition filed before the RTC was a petition for correction of entry which, under Section 1 of Rule 108 of the Rules of Court, must be filed in the RTC where the corresponding civil registry is located. The Rule provides:

Section 1. Who may file petition. - Any person interested in any act, event, order or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation

or correction of any entry relating thereto, with the [Regional Trial Court] of the province where the corresponding civil registry is located.

Section 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) marriage; (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.

Based on the above-mentioned rule, a petition for the cancellation or correction of any entry concerning the civil status of persons which has been recorded in the civil register may be filed with the RTC of the province where the corresponding civil registry is located.

It bears stressing that Rule 108 is a special proceeding for which specific rules apply. In *Fujiki v. Marinay*,^[12] the Court noted, thus:

Rule 1, Section 3 of the Rules of Court provides that "[a] special proceeding is a remedy by which a party seeks to establish a status, a right, or a particular fact." Rule 108 creates a remedy to rectify facts of a person's life which are recorded by the State pursuant to the Civil Register Law or Act No. 3753. These are facts of public consequence such as birth, death or marriage, which the State has an interest in recording.^[13]

Given that Rule 108 pertains to a special proceeding, the specific provisions stated thereunder, particularly on venue, must be observed in order to vest the court with jurisdiction.

Apart from the foregoing, the petition likewise failed to comply with other jurisdictional requirements such as impleading the civil registrar and all persons who may have a claim or interest in the correction sought. The local civil registrar is an indispensable party for which no final determination of the case can be reached. In *Republic v. Court of Appeals*,^[14] the Court reiterated the importance of impleading the civil registrar on petitions filed under Rule 108, viz.:

The local civil registrar is thus required to be made a party to the proceeding. He is an indispensable party, without whom no final determination of the case can be had. As he was not impleaded in this case much less given notice of the proceeding, the decision of the trial court, insofar as it granted the prayer for the correction of entry, is void. The absence of an indispensable party in a case renders ineffectual all the proceedings subsequent to the filing of the complaint including the judgment.^[15]

The inescapable consequence of the failure to implead the civil registrar is that the RTC will not acquire jurisdiction over the case or, if proceedings were conducted, to render the same a nullity. In *Republic*, the Court emphasized, thus:

The necessary consequence of the failure to implead the civil registrar as an indispensable party and to give notice by publication of the petition for correction of entry was concerned, null and void for lack of jurisdiction both as to party and as to the subject matter.^[16]

In view of the defects in the filing of the petition, the RTC of Davao City cannot be faulted in dismissing the same on the ground of lack of jurisdiction. Nonetheless, the dismissal is without prejudice to the refiling of the petition in the proper court, with full compliance to the specific requirements of Rule 108.

WHEREFORE, the petition is DENIED. The Orders dated March 24, 2017 and July 24, 2017 of the Regional Trial Court, Branch 54 of Davao City are AFFIRMED.

SO ORDERED.

Peralta (Chairperson), Leonen, Hernando, and Carandang[*], JJ., concur.

[*] Designated Member per Special Order No. 2624, dated November 29, 2018.

[1] Rollo, pp. 8-9.

[2] Id. at 6-7.

[3] Id. at 16-17.

[4] Id. at 32.

[5] Id. at 17.

[6] Id. at 24-27.

[7] Id. at 8-9.

[8] Id. at 9.

[9] Id. at 35-37.

[10] Supra note 2.

[11] Id. at 7.

[12] 712 Phil. 524 (2013).

[13] Id. at 548-549.

[14] 325 Phil. 361 (1996).

[15] Id. at 369.

[16] Id. at 370.

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