

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HONORABLE
GEORGE P. MACLI-ING, IN HIS CAPACITY AS THE PRESIDING JUDGE
OF THE COURT OF FIRST INSTANCE OF BAGUIO CITY AND
BENGUET,...**

G.R. No. 57211. March 18, 1985

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

In this Petition for Review on Certiorari, the Republic seeks to annul the Decision of the former Court of First Instance of Baguio and Benguet (Branch III), the dispositive portion of which reads:

"PREMISES CONSIDERED, the Local Civil Registrar of Baguio City is hereby ordered as prayed for that (a) the Certificate of Live Birth of OSCAR SY and the entries in the corresponding Civil Registry of Births of the Local Civil Registry of Births be corrected by deleting the name 'Esteban' as the name of his father and substituting therein the true, correct and official name 'PIAO', so that the name of his (Oscar Sy's) father be read as 'SY PIAO', SY being the family name and PIAO being the first name in the Chinese way of writing names, and (b) the Certificate of Live Birth of JOSE SY as well as the corresponding entries in the Civil Registry of Births of the City Registrar of Baguio be corrected so that the name JOE be corrected to read as 'JOSE', after the required fees have been paid and the requirements of the law shall have been complied with.

SO ORDERED."

In a verified Petition filed before the lower Court (Spec. Proc. Case No. 882 [62]), private respondents sought to correct the entries in the respective Registries of Birth of Oscar Sy and Jose Sy. The entry sought to be corrected in the birth record of Oscar Sy is the name of his father from "Esteban Sy" to "Sy Piao" upon the claim that "Esteban" is only his father's nickname. And as to the birth record of Jose Sy, it is prayed that the name "Joe" therein be corrected to read "Jose".

Petitioner opposed the corrections requested on the ground that the remedy availed of was improper considering that the changes sought are substantial in nature.

After a full-dress hearing, respondent Court authorized the corrections prayed for, hence, this appeal in so far as the correction of the entry in the record of birth of Oscar Sy is concerned. Thus, the correction ordered entered in the birth record of Jose Sy has become final and executory.

The principal ground relied upon in this appeal is that Rule 108 of the Rules of Court upon which private respondents anchor their Petition is applicable only to changes contemplated in Article 412 of the Civil Code, which are clerical or innocuous errors, or to corrections that are not controversial and are supported by indubitable evidence.[1]

It is true that the change from Esteban Sy to Sy Piao would necessarily affect the identity of the father[2]. In that sense, it can be said to be substantial. However, we find indubitable evidence to support the correction prayed for.

In the Alien Certificate of Registration of the father (Exhibit "C"), his name appears as "Sy Piao". The same is true in his Immigrant Certificate of Residence (Exhibit "C-3"). In the "Record of Annual Report in Person of Alien" of the father from 1961 yearly up to 1974, he always signed his name as "Sy Piao". His Income Tax Return for the calendar year 1972 also lists his name as "Sy Piao" (Exhibit "G-1"). The school records of Oscar Sy both in high school and at St. Louis University in Baguio, recorded the name of his father as "Sy Piao" (Exhibits "F" and "F-1"). Oscar Sy and Jose Sy are brothers of the full blood. And yet, in their respective birth certificates, it is only in Oscar's birth certificate, that the name of their father is listed as "Esteban Sy." In Jose's birth certificate, his father's name is "Sy Piao". Testimonial evidence was likewise presented showing that Esteban is the father's nickname by which he was known by his Filipino friends. That explains why Mrs. Felicidad Meris, who attended to Oscar's birth, supplied the father's name as "Esteban Sy". The mother, Lee Giok Yan, also joined the Petition and declared that Sy Piao is her husband and the father of Oscar and Jose and their four other children. We find no reason to doubt that "Sy Piao" and "Esteban Sy" are one and the same person.

In the case of *Ty Kong Tin vs. Republic*, 94 Phil. 321 (1954), as well as subsequent cases predicated thereon, we forbade only the entering of material corrections in the record of birth by virtue of a judgment in a summary action. The proceedings below, although filed under Rule 108 of the Rules of Court, were not summary. The Petition was published by order of the lower Court once a week for three consecutive weeks in a newspaper of general circulation in accordance with law. The Solicitor General was served with copy of the Petition as well as with notices of hearings. He filed his Opposition to the Petition. The Local Civil Registrar of the City of Baguio was likewise duly served with copy of the Petition. A Fiscal was always in attendance at the hearings in representation of the Solicitor General. He participated actively in the proceedings, particularly, in the cross-examination of witnesses. And, notwithstanding that all interested persons were cited to appear to show cause why the petition should not be granted, no one appeared to oppose except the State through the Solicitor General. But neither did the State present evidence in support of its Opposition.

In sum, no doubt has been cast on the credibility of private respondents' allegations nor upon the evidence adduced by them. Noteworthy also is the fact that neither the citizenship, paternity, filiation, or status of Oscar and Jose, nor that of their father is in issue.

WHEREFORE, the judgment under review is hereby affirmed. No costs.

SO ORDERED.

Teehankee, (Chairman), Plana, Gutierrez, Jr., De La Fuente, and Alampay, JJ., concur.
Relova, J., took no part.

[1] *Tiong vs. Republic*, 15 SCRA 262 (1965).

[2] *Barillo vs. Republic*, 3 SCRA 725 (1961).

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