

# FIRST DIVISION

[ G.R. No. 234251, June 30, 2020 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, V. SALOME C. TIMARIO, RESPONDENT.**

## DECISION

**LAZARO-JAVIER, J.:**

### The Case

This petition for review on certiorari assails the following dispositions of the Court of Appeals in CA-G.R. CV No. 04366-MIN entitled, *"In the Matter of the Correction of the Birth Record of Salome Casera Timario particularly the name of the father from Pedro Langam to Antonio Casera and Date of Birth from November 17, 1949 to November 17, 1950, Salome C. Timario v. The Local Civil Registrar of Ozamis City, Republic of the Philippines"*:

1. Decision<sup>[1]</sup> dated May 31, 2017 denying the Republic's appeal and affirming the grant of respondent's petition for correction of entries; and
2. Resolution dated August 29, 2017 denying reconsideration.

### Antecedents

In her petition for correction of entries dated November 5, 2015,<sup>[2]</sup> respondent Salome C. Timario essentially alleged:

She was born on November 17, 1950 as the eldest daughter of Spouses Rosenda B. Acasio and Antonio A. Casera. Her birth record was duly registered with the Local Civil Registrar, Ozamiz City under Registry No. 2013-7336.<sup>[3]</sup> All her personal and official records reflected "Antonio Casera" as her father's name. Too, her Voter Certification,<sup>[4]</sup> Baptismal Certificate<sup>[5]</sup> and Marriage Contract<sup>[6]</sup> stated that her date of birth was November 17, 1950.

When she was securing official documents for her survivorship benefits with the Government Service Insurance System (GSIS), she was surprised to discover that she had another birth certificate<sup>[7]</sup> registered with the Local Civil Registrar, Ozamiz City under Registry No. 92-03432. It erroneously indicated that she was born on November 17, 1949 and her father's name was "Pedro Langam".<sup>[8]</sup>

Hence, on November 5, 2015, she filed the petition to cancel Registry No. 92-03432. The petition was published for three (3) consecutive weeks in *The Panguil Bay Monitor*,<sup>[9]</sup> a newspaper of general circulation. The case was set for initial hearing on December 10, 2015.<sup>[10]</sup>

On February 19, 2016, the Office of the Solicitor General (OSG) entered its appearance as counsel for the Republic and deputized the Office of the City Prosecutor of Ozamiz City to appear and litigate the case before the trial court.<sup>[11]</sup>

On February 29, 2016, the trial court allowed respondent to present her evidence *ex parte*.<sup>[12]</sup>

### **The Trial Court's Ruling**

After due proceedings, the trial court rendered its Decision<sup>[13]</sup> dated April 8, 2016 granting the petition for correction of entries, *viz*:

WHEREFORE, premises considered, judgment is hereby rendered directing the Local Civil Registrar of Ozamiz City to effect the correction of the birth certificate of Salome Casera Timario as follows:

a) Name of      From Pedro P. Langam to **Antonio**  
Father          **Casera**

b) Date      of      From November 17, 1949 to **November**  
birth          **17, 1950.**

SO ORDERED.<sup>[14]</sup>

It held that respondent's Voter Certification, Baptismal Certificate and Marriage Contract clearly established there was indeed a need to correct the erroneous entries in Registry No. 92-03432.<sup>[15]</sup>

The Republic filed its Comment/Opposition dated April 26, 2016,<sup>[16]</sup> claiming it was only able to receive copy of the petition on April 21, 2016. The Republic averred that the proceedings were void for respondent's failure to comply with the jurisdictional requirements under Section 3, Rule 108 of the Revised Rules of Court. Under this provision, respondent was required to implead both her purported fathers "Pedro Langam" and "Antonio Casera", her mother "Rosenda B. Acasio", as well as her siblings since their successional rights and filiation might be affected by the outcome of the proceedings.<sup>[17]</sup> Strict compliance with Rule 108 was warranted as the correction sought would affect respondent's filiation with her supposed father "Pedro Langam" or "Antonio Casera."<sup>[18]</sup>

The Republic further asserted that respondent failed to adduce sufficient proof to entitle her to the relief prayed for:<sup>[19]</sup>

**First.** Respondent's claim that she just "recently discovered" the existence of her two (2) birth certificates was suspicious. For she herself caused the registration of both Registry No. 92-03432 and Registry No. 2013-7336 in 1992 and 2013, respectively.<sup>[20]</sup>

**Second.** Respondent also failed to establish that she had no criminal, civil, or other derogatory record which would have shown that her petition was not for the purpose of evading any liability or derogatory record.

**Third.** Being an entry in the official record made by a public officer in the performance of his duty, a birth certificate is *prima facie* evidence of the facts stated

therein.<sup>[21]</sup> Accordingly, its evidentiary value should be sustained in the absence of strong, complete, and conclusive proof of its falsity or nullity.<sup>[22]</sup> Too, Section 1, Rule 131, in relation to Section 1, Rule 133 of the 1989 Rules on Evidence imposed the burden of proof upon the party who alleges the truth of his or her claim.<sup>[23]</sup> Respondent failed to discharge this burden.

Obviously, the Republic's Comment/Opposition was deemed mooted by the decision already rendered by the trial court granting the petition. In view of this development, the Republic interposed an appeal from the Amended Order dated May 30, 2016.<sup>[24]</sup>

### **The Court of Appeals' Ruling**

The Republic essentially reiterated the arguments in its Comment/Opposition in support of its appeal before the Court of Appeals.<sup>[25]</sup>

By Decision dated May 31, 2017,<sup>[26]</sup> the Court of Appeals affirmed. It ruled that the petition complied with all the jurisdictional requirements under Rule 108. Respondent's supposed failure to implead indispensable parties was deemed cured when the trial court's order setting the case for initial hearing was posted and published for three (3) consecutive weeks in a newspaper of general circulation.<sup>[27]</sup>

Notices of hearings, too, were duly served on the OSG, the City Prosecutor of Ozamis City and the local civil registrar. Since the city prosecutor who was deputized by the OSG did not oppose respondent's motion to present evidence *ex parte*, the OSG may no longer complain that the proceedings before the trial court were irregular.<sup>[28]</sup>

As for respondent's alleged failure to present valid grounds and credible evidence to justify subject substantial correction, it ruled that evidence on record clearly reflected "Antonio Casera" as her father and "November 17, 1950" as her date of birth.<sup>[29]</sup>

By its assailed Resolution<sup>[30]</sup> dated August 29, 2017, the Court of Appeals denied the Republic's motion for reconsideration.

### **The Present Petition**

The Republic prays that the assailed dispositions be reversed and set aside.

The Republic basically adopts its arguments before the courts below. It also faults the Court of Appeals for holding that the publication of the petition was deemed to have cured respondent's failure to implead indispensable parties *i.e.* "Antonio Casera", "Pedro Langan", her mother "Rosenda Acasio", and her siblings.<sup>[31]</sup>

Too, the Court of Appeals is faulted for ruling that the Republic was duly represented by the deputized prosecutor when, in fact, the presentation of evidence was done *ex parte* before the Clerk of Court. Thus, the Republic was deprived of the opportunity to cross-examine respondent during the *ex parte* hearing.<sup>[32]</sup>

Respondent did not file her comment to the petition despite our directive under Resolution dated January 22, 2018.<sup>[33]</sup>