

THIRD DIVISION

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

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

D E C I S I O N

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*