

## THIRD DIVISION

[ G.R. No. 239011, June 17, 2019 ]

### CIVIL SERVICE COMMISSION, PETITIONER, VS. PACOL DISUMIMBA RASUMAN, RESPONDENT.

#### D E C I S I O N

##### PERALTA, J.:

Before us is a petition for review on *certiorari*<sup>[1]</sup> which seeks to annul and set aside the Decision<sup>[2]</sup> dated October 25, 2017 and the Resolution<sup>[3]</sup> dated April 26, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 151017.

The facts are as follows:

On April 16, 2014, respondent Pacol Disumimba Rasuman, a Senior Executive Assistant in the Bureau of Customs (*BOC*), filed before the Regional Trial Court (*RTC*) of Lanao del Sur, Branch 9, Marawi City, a verified petition<sup>[4]</sup> for correction of his date of birth from February 12, 1952 to February 12, 1956, docketed as SPL. PROC. No. 2191-14, impleading as respondent the Local Civil Registrar of Marantao, Lanao del Sur. The RTC issued an Order<sup>[5]</sup> setting the case for hearing and directing the publication of the Order in a newspaper of general circulation in Marawi City and Iligan City for three consecutive weeks at the expense of respondent, and that the Order and the petition, as well as its annexes, be furnished the Local Civil Registrar of Marantao, Lanao del Sur, the Office of the Solicitor General, and the Civil Registrar General which respondent complied with. Respondent later filed an Amended Petition<sup>[6]</sup> to implead the BOC.

In a Decision<sup>[7]</sup> dated July 23, 2015, the RTC granted the petition for correction. The dispositive portion of which reads:

WHEREFORE, premises considered, Judgment is hereby rendered GRANTING the petition, and therefore, it is hereby judicially declared that the True and Correct date of birth of petitioner, Pacol Disumimba Rasuman, is February 12, 1956.

Consequently, the Local Civil Registrar of Marantao, Lanao del Sur is hereby directed to make marginal annotation of the x x x Decision to the Certificate of Live Birth of petitioner on file in his office, relative to the latter's correct date of birth, which is February 12, 1956 and, thereafter to forward the corrected copy of the Certificate of Live Birth of the petitioner to the Administrator and Civil [Registrar] General of the National Statistics Office, Sta. Mesa, Manila. Further, the Bureau of Customs is also directed to effect the correction of the date of birth of the petitioner in the latter's official records in the Agency.

SO ORDERED.<sup>[8]</sup>

The decision became final and executory on October 8, 2015.

On January 21, 2016, respondent filed with the Civil Service Commission-National Capital Region (CSC-NCR) a request<sup>[9]</sup> for correction of his date of birth in his service records. In a letter<sup>[10]</sup> dated March 3, 2016, the CSC-NCR required respondent to submit certain documents. Respondent submitted the following documents: the original copy of his Certificate of Live Birth issued by the Philippine Statistics Authority with remarks that his date of birth was corrected from February 12, 1952 to February 12, 1956 pursuant to the July 23, 2015 RTC Decision; his affidavits explaining the discrepancy in his date of birth and the fact that he was not baptized as it is not a Muslim practice; affidavits of two witnesses attesting to the truthfulness of his claim that his date of birth was February 12, 1956; and the certified true copies of his service records card and the Personal Data Sheet issued by the CSC Field Office, Department of Public Works and Highways, indicating his birthdate as February 12, 1952.

On June 27, 2016, the CSC-NCR issued Resolution No. 1601236<sup>[11]</sup> denying respondent's request for correction. The decretal portion of which reads:

WHEREFORE, the instant request is hereby DENIED. Accordingly, the records of the Commission shall still reflect February 12, 1952 as the correct date of birth of petitioner.

Let copies of this Resolution be furnished [to] Pacol Disumimba Rasuman and [the] Civil Service Commission - National Capital Region, Department of Public Works and Highways Field Office at their known addresses.<sup>[12]</sup>

It held that while respondent's Certificate of Live Birth (belatedly registered) supported his claim that his date of birth was February 12, 1956, however, his employment and school records showed otherwise; that his personal data sheet on file with the CSC Field Office showed that he attended elementary school from 1957 to 1962; thus, if his birthday was February 12, 1956, he was only one year old at the time he first attended elementary school.

Respondent filed a petition for review with the CSC Proper.

On January 13, 2017, the CSC issued Decision No. 170058 dismissing the petition for review. It held that it is not bound by the July 23, 2015 RTC decision in the correction of respondent's birthdate because it was not impleaded therein, although it was an indispensable party; that the RTC decision would have no effect insofar as the CSC is concerned, citing our decision in *Police Senior Superintendent Macawadib v. The Philippine National Police Directorate for Personnel and Records Management*.

<sup>[13]</sup> The dispositive portion of the decision reads:

WHEREFORE, the Petition for Review of Pacol Disumimba Rasuman, Senior Executive Assistant, Bureau of Customs (BoC), Manila is DISMISSED. Accordingly, Resolution No. 1601236 dated June 27, 2016 of the Civil Service Commission National Capital Region (CSC NCR), Quezon City, denying Rasuman's request for correction of personal information is

AFFIRMED. The date of birth of Rasuman appearing in the records of the Commission shall remain as February 12, 1952.

Copies of the Decision shall be furnished [to] the Bureau of Customs (BoC) and the CSC NCR for their reference and appropriate action.<sup>[14]</sup>

Respondent's motion for reconsideration was denied by the CSC in its Resolution No. 1700847<sup>[15]</sup> dated May 8, 2017.

Respondent filed a petition for review with the CA. The parties filed their respective pleadings, and the case was submitted for decision.

On October 25, 2017, the CA issued its assailed decision, the dispositive portion of which reads:

WHEREFORE, the instant petition for review is GRANTED. Accordingly, the January 13, 2017 Decision No. 170058 and May 8, 2017 Resolution No. 1700847 of the Civil Service Commission in NDC-2016-07025 are hereby REVERSED and SET ASIDE. The Civil Service Commission is DIRECTED to comply with the July 23, 2015 Decision of the Regional Trial Court of Lanao del Sur, Branch 9, Marawi City in SPL. PROC. No. 2191-14.

SO ORDERED.<sup>[16]</sup>

Petitioner filed a motion for reconsideration which the CA denied in a Resolution dated April 26, 2018.

Petitioner filed the instant petition for review on the ground that:

THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN RULING THAT PETITIONER ERRED WHEN IT DENIED RESPONDENT'S REQUEST FOR THE CORRECTION OF HIS SERVICE RECORD.<sup>[17]</sup>

The CA found that a petition directed against the thing itself or the res, which concerns the status of a person, like correction of entries in the birth certificate, is an action *in rem* and which jurisdiction over the person of the defendant is not a prerequisite to confer jurisdiction on the court, provided the latter has jurisdiction over the res. The service of summons or notice to the defendant is not for the purpose of vesting the court with jurisdiction, but merely for satisfying the due process requirements. Being a proceeding *in rem*, the decision in the correction of entry case binds not only the parties, but the whole world; and that an *in rem* proceeding is validated essentially through publication.

The CSC, however, contends that it is an indispensable party to the petition for correction of respondent's date of birth filed in the RTC; and for not having been impleaded, it is not bound by the RTC decision granting the petition, so it properly denied respondent's request for correction of his date of birth in his service records.

We find merit in the petition.

Petition for cancellation or correction of entries in the civil registry is governed by Rule 108 of the Rules of Court which provides, among others:

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.

The essential requirement for allowing substantial correction of entries in the civil registry is that the true facts be established in an appropriate adversarial proceeding.<sup>[18]</sup> Section 3 requires that all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding. Sections 4 and 5 of Rule 108 provide for two sets of notices to two different potential oppositors, *i.e.*, (1) notice to the persons named in the petition; and (2) notice to other persons who are not named in the petition, but, nonetheless, may be considered interested or affected parties.<sup>[19]</sup> The two sets of notices are mandated under the above-quoted Section 4 and are validated by Section 5, also above-quoted, which provides for two periods (for the two types of "potential oppositors") within which to file an opposition (15 days from notice or from the last date of publication).<sup>[20]</sup> Summons must, therefore, be 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.<sup>[21]</sup>

In *De Pedro v. Romasan Development Corporation*,<sup>[22]</sup> we held:

Jurisdiction over the parties is required regardless of the type of action - whether the action is *in personam*, *in rem*, or *quasi in rem*.

In actions *in personam*, the judgment is for or against a person directly. Jurisdiction over the parties is required in actions *in personam* because they seek to impose personal responsibility or liability upon a person.

Courts need not acquire jurisdiction over parties on this basis in *in rem* and *quasi in rem* actions. Actions *in rem* or *quasi in rem* are not directed against the person based on his or her personal liability.

Actions *in rem* are actions against the thing itself. They are binding upon the whole world. *Quasi in rem* actions are actions involving the status of a property over which a party has interest. *Quasi in rem* actions are not binding upon the whole world. They affect only the interests of the particular parties.