

SECOND DIVISION

[G.R. No. 200102, September 18, 2019]

THE REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ARTHUR TAN MANDA, RESPONDENT.

DECISION

REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari* is the January 4, 2012 Decision^[1] of the Court of Appeals-Cebu City (CA) in CA-G.R. CV No. 00026. The assailed decision dismissed the appeal filed by Republic of the Philippines (Petitioner) and consequently affirmed the January 15, 2004 Decision^[2] of the Regional Trial Court, Cebu City, Branch 6 (RTC), in SP. PROC. No. 12146-CEB granting the Petition for Correction of Entry in the Birth Certificate of Arthur Tan Manda (Respondent).

The Antecedents

Respondent alleged that he was born to spouses Siok Ting Tan Manda and Chin Go Chua Tan. His birth certificate reflects his father's and mother's citizenship as Chinese implying that he is also a Chinese citizen. Respondent averred that the foregoing entries were erroneous because his father Siok Ting Tan Manda is a Filipino citizen by birth and his mother Chin Go Chua Tan is also a Filipino citizen by marriage. He consequently prayed that both erroneous entries of his parents' citizenship be corrected from Chinese to Filipino. In support of his allegations, respondent presented Identification Certificates^[3] issued by the then Commission on Immigration and Deportation (CID) to his parents stating that they are Filipino citizens.

The RTC Ruling

In its January 15, 2004 Decision, the RTC granted respondent's petition on the basis of the Identification Certificates and the birth certificate of respondent's father. It ordered the Office of the Local Civil Registrar of Cebu City to correct the entries pertaining to his parents' citizenship from Chinese to Filipino.

Aggrieved, petitioner elevated an appeal before the CA.

The CA Ruling

In its January 4, 2012 Decision, the CA affirmed the RTC ruling. It held that respondent complied with the requirements of an adversarial proceeding. The appellate court opined that the publication of the notice of hearing in a newspaper of general circulation and the notices sent to petitioner and the Local Civil Registrar of Cebu City were sufficient *indicia* of an adverse proceeding. It added that the Identification Certificates issued by the then CID adequately proved that respondent's father was a Filipino citizen by birth while his mother was a Filipino citizen by marriage.

Hence, this Petition for Review on *Certiorari*.

The Issues

I. Whether the petition should be denied for failure to implead indispensable parties; and

II. Whether respondent sufficiently proved that his parents are Filipino citizens.

Petitioner argues that the changes sought to be effected with respect to the citizenship of respondent's parents as appearing in his record of birth are substantial because these may have an effect on the citizenship of his parents and siblings, thus, an adversarial proceeding should be had where all interested parties are impleaded, or at least notified, and allowed to be heard before the intended changes are effected; that only the Local Civil Registrar of Cebu City was made a party defendant in the petition; that there is no showing that respondent's parents and his siblings were notified of the case or that they participated in the proceedings before the trial court; and that it is not enough that respondent adduced in evidence the Identification Certificates issued by the then CID to warrant the correction or change of entry in his record of birth pertaining to the nationality of his parents.^[4]

On June 1, 2011, however, respondent passed away.^[5] Thus, he was substituted by his wife, Arlinda D. Manda (Arlinda). In her Comment,^[6] Arlinda counters that the publication of the notice of hearing cures the failure to implead indispensable parties; that the Identification Certificates of respondent's parents which showed and proved that they are Filipino citizens enjoy the presumption of regularity; and that petitioner has not adduced any evidence to the contrary to dispute such presumption.

The Court's Ruling

The petition is meritorious.

In a long line of cases, starting with *Republic v. Valencia*^[7] the Court has already settled that even substantial errors in a civil registry may be corrected and the true facts established provided the parties aggrieved by the error avail themselves of the appropriate adversary proceeding. In that case, the Court declared:

It is undoubtedly true that if the subject matter of a petition is not for the correction of clerical errors of a harmless and innocuous nature, but one involving nationality or citizenship, which is indisputably substantial as well as controverted, affirmative relief cannot be granted in a proceeding *summary* in nature. However, it is also true that a right in law may be enforced and a wrong may be remedied as long as the *appropriate remedy is used*. This Court adheres to the principle that even substantial errors in a civil registry may be corrected and the true facts established provided the parties aggrieved by the error avail themselves of the appropriate adversary proceeding. x x x

What is meant by "appropriate adversary proceeding?" Black's Law Dictionary defines "adversary proceeding" as follows:

One having opposing parties; contested, as distinguished from an [*ex parte*] application, one of which the party seeking relief