

THIRD DIVISION

[G.R. No. 197792, December 09, 2015]

CIVIL SERVICE COMMISSION, PETITIONER, VS. MADLAWI B. MAGOYAG, RESPONDENT.

DECISION

PERALTA, J.:

This is to resolve the Petition for Review^[1] dated September 12, 2011 of petitioner Civil Service Commission (CSC) assailing the Decision^[2] dated May 12, 2011 of the Court of Appeals (CA) and the latter's Resolution^[3] dated July 22, 2011 that directed the CSC to comply with the Decision of the Regional Trial Court (RTC) of Lanao del Sur, 12th Judicial Region, Branch 9, Marawi City ordering the correction of entry on the date of birth of respondent Madlawi B. Magoyag.

The facts follow.

Respondent filed with the RTC of Lanao del Sur, 12th Judicial Region, Marawi City, a petition for correction of his date of birth from July 22, 1947 to July 22, 1954. On November 20, 2007, the RTC granted the said petition. The dispositive portion of the decision reads as follows:

WHEREFORE, the petition, being supported by evidence, is hereby granted and judgment is hereby rendered as follows:

1. The Government Service Insurance System is ordered to correct the entry of the date of Birth of petitioner with the latter's Membership with the system from July 22, 1947 to the correct date of birth of July 22, 1954 at Miondas, Tamparan, Lanao del Sur in conformity with his certificate of live birth; and
2. The Bureau of Customs at Cagayan de Oro Port, Cagayan de Oro City is likewise ordered to effect a correction in the entry of date of birth of petitioner Madlawi B. Magoyag from July 22, 1957 to that of July 22, 1954 in conformity with his delayed certificate of live birth.

No cost.

SO ORDERED.

The RTC Decision was amended on June 2, 2008 to read as follows:

The decision in the above-entitled case dated November 20, 2007 is hereby amended by further direction to the Local Civil Registrar of

Tamparan, Lanao del Sur and the Civil Service Commission to immediately effect a correction of the entry of the live birth of petitioner in their records from July 22, 1947 to that of July 22, 1954 in conformity with the above decision.

SO ORDERED.

Meanwhile, on February 6, 2008, respondent, who was then the Deputy Collector of the Bureau of Customs in Cagayan de Oro City requested the CSC Regional Office No. X to correct his date of birth appearing in his employment records from July 22, 1947 to July 22, 1954. The said request was then forwarded to the CSC-National Capital Region (NCR) in view of the unavailability in CSC Regional Office No. X of the records of employees of the Bureau of Customs and, thereafter, the request was endorsed to the CSC pursuant to CSC Resolution No. 04-0966 (MC. 20, s. 2004).

In support of his request, respondent submitted copies of his certificate of live birth issued by the National Statistics Office (NSO), together with the November 20, 2007 Decision of the RTC in the case entitled, "In the Matter of the Correction of Date of Birth Madlawi B. Magoyag," docketed as Special Proceeding Case No. 1716-07 and also presented the following documents:

1. Respondent's sworn affidavit attesting to his date of birth;
2. Photocopy of his late registration Certificate of Live Birth issued by the Local Civil Registrar of Tamparan, Lanao del Sur;
3. Joint Affidavit executed by Solaiman Basher and Monandato Palap attesting to respondent's date of birth;
4. Certified true copy of respondent's diploma, indicating that he graduated from the Central Philippine University, Iloilo City in 1967, with the degree of Bachelor of Science in Commerce;
5. Certified true copy of his Transcript of Records, issued on April 4, 2005 by the Office of the University Registrar, Liceo de Cagayan University, Cagayan de Oro City; and,
6. Certified true copy of the Special Order issued by the Bureau of Private Schools.

Respondent claims that the discrepancy in his date of birth arose when he applied for employment with Amanah Bank in 1974 when he mistakenly placed 1947 instead of 1954 as his year of birth in the application form. Thus, according to him, such wrong date appeared in the records of the GSIS and was maintained in the entire length of his stay in the government.

Petitioner CSC denied respondent's request on the ground that the RTC decision rendered on November 20, 2007 was not yet final and executory. The dispositive portion of CSC Resolution No. 090987 dated July 7, 2009, reads as follows:

WHEREFORE, the request of Madlawi Magoyag, Collector of Customs II, Bureau of Customs, Department of Finance, Cagayan de Oro City that his

date of birth appearing in the records of the Commission corrected from July 22, 1947 to July 22, 1954 is hereby DENIED.

Respondent filed a motion for reconsideration and attached to it was the Certificate of Finality of Judgment^[4] issued by the RTC, but on March 16, 2010, the CSC, in its Resolution No. 100491, denied the said motion, thus:

WHEREFORE, the motion for reconsideration of Madlawi M. Magoyag, Collector of Customs II, Bureau of Customs, Department of Finance, Cagayan de Oro City, is hereby DENIED. Accordingly, CSC Resolution No. 09-0987 dated July 7, 2009, is AFFIRMED IN ALL RESPECTS.

Aggrieved, respondent filed a Petition for Review under Rule 43 of the Rules of Court with the CA and the latter granted the petition and ordered the CSC to comply with the Decision of the RTC of Lanao del Sur, with the dispositive portion stating:

WHEREFORE, in view of the foregoing premises, the instant petition is GRANTED. The Civil Service Commission is directed to comply with the Decision of the RTC of Lanao del Sur, 12th Judicial Region, Branch 9, Marawi City, in Spl. Proc. No. 1716-07.

SO ORDERED.

The motion for reconsideration having been denied by the CA, petitioner filed the present petition alleging the following grounds:

I.

RESOLUTION NOS. 090087 DATED 7 JULY 2009 AND 100491 DATED 16 MARCH 2010 ISSUED BY PETITIONER ARE NOT REVIEWABLE UNDER RULE 43 OF THE RULES OF COURT.

II.

ASSUMING ARGUENDO THAT THE CSC RESOLUTIONS ARE REVIEWABLE UNDER RULE 43, THE COURT A *QUO* ERRED IN ORDERING THE CSC TO COMPLY WITH THE RTC DECISION.

Petitioner argues that the resolutions it issued regarding the request of the respondent for the correction of his date of birth are mere responses to the said request and that although discretion was exercised by petitioner in denying the request, said exercise of discretion cannot be said to be judicial in nature because there were no investigations or hearings held to determine or ascertain the facts. Thus, according to the petitioner, the issuance of those resolutions was not the result of its quasi-judicial function, but of its administrative function only. As such, petitioner insists, respondent erred in resorting to Rule 43 of the Rules of Court when he elevated the case to the CA. Petitioner further reiterates that only those judgments, final orders or resolutions issued in the exercise of its quasi-judicial functions may be the subject of a petition for review under Rule 43.

Another argument raised by the petitioner is that, assuming that petitioner is legally bound to comply with the Decision dated November 20, 2007 and Order dated June 2, 2008 issued by the RTC, Branch 9 of Lanao del Sur, resort to the remedy under