

## SECOND DIVISION

**[ G.R. NO. 140305, December 09, 2005 ]**

**PLATON AND LIBRADA CERUILA, PETITIONERS, VS. ROSILYN DELANTAR, REPRESENTED BY HER GUARDIAN, DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, RESPONDENT.**

### DECISION

**AUSTRIA-MARTINEZ, J.:**

Petitioners-spouses Platon Ceruila and Librada D. Ceruila (Ceruilas) filed an action with the Regional Trial Court (RTC) of Manila, docketed as Spec. Proc. No. 97-818932, for the annulment and cancellation of the birth certificate of Maria Rosilyn Telin Delantar (Rosilyn), the child-victim in the rape case involving Romeo Jaloslos. [1] The RTC granted the Ceruilas' petition in its decision dated April 11, 1997 [2] which was nullified, however, by the Court of Appeals (CA) on June 10, 1999. [3] The CA denied petitioners' motion for reconsideration. [4] Hence the present petition.

The antecedents are as follows:

Sometime in 1996, Rosilyn complained against her father, Simplicio Delantar (Simplicio) for child abuse, particularly prostitution. Simplicio was incarcerated at the Pasay City Jail starting August 22, 1996 which prompted the filing of a petition for involuntary commitment of Rosilyn in favor of the Department of Social Welfare and Development (DSWD), as the whereabouts of the mother, Librada Ceruila, was unknown. The petition was granted by the RTC of Pasay City, Branch 119 on November 9, 1996 and Simplicio's motion to vacate said judgment was denied by said court on January 20, 1997. [5]

On February 3, 1997, the Ceruilas filed a petition before the RTC of Manila, entitled "IN THE MATTER OF CANCELLATION AND ANNULMENT OF THE BIRTH CERTIFICATE OF MARIA ROSILYN TELIN DELANTAR," praying that the birth certificate of Rosilyn be canceled and declared null and void for the reasons that said birth certificate was made an instrument of the crime of simulation of birth and therefore invalid and spurious, and it falsified all material entries therein, as follows:

- a. The name of her mother which should not be petitioner Librada A. Telin;
- b. The signature of informant referring to "Librada T. Delantar" being a forgery;
- c. The name of Simplicio Delantar as the biological father, considering that, as already mentioned, he is merely the foster father and co-guardian in fact of Maria Rosilyn and the name of the natural father in (sic) unknown;
- d. The date of marriage of the supposed parents, since the parents reflected in said certificate were (sic) actually full blood brother and

- sister and therefore marriage between the two is virtually impossible;
- e. The status of Maria Rosilyn as a legitimate child as the same (sic) is actually not legitimate;
  - f. The date of actual birth of Marial (sic) Rosilyn, since the known father merely made it appear that she was born at the time the informations for the birth certificate were supplied by him to the civil registrar or (sic) proper recording;
  - g. The name of the physician who allegedly attended at the time of birth of Maria Rosilyn, being a fictitious 'Dr. Santos'.<sup>[6]</sup>

On February 7, 1997, the RTC issued an Order setting the case for hearing on March 19, 1997 and directed the publication of said order once a week for three consecutive weeks in a newspaper of general circulation. The Order also stated that any person who is interested in the petition may interpose his/her comment or opposition thereto on or before the scheduled hearing.<sup>[7]</sup>

Summons was sent to the Civil Register of Manila.<sup>[8]</sup> However, no representative appeared during the scheduled hearing.<sup>[9]</sup>

On April 11, 1997, the RTC rendered its decision granting the petition of the Ceruilas as follows:

WHEREFORE, judgment is hereby rendered:

1. DECLARING the certificate of live birth of the Minor Maria Rosilyn Telin Delantar as registered under the Local Civil Registry No. 85-27325 of the office of the City Civil Registrar of Manila as null and void ab initio: and
2. ORDERING the City Civil Registrar of Manila and the National Statistics Office, Manila, to expunge from their respective marriage registers the entry of the birth of said minor and such other documents pertaining thereto, if any.

Let a copy of this Decision be served on the Office of the City Civil Registrar of Manila and the National Statistics Office for record purposes.

SO ORDERED.<sup>[10]</sup>

The RTC explained in its Decision thus:

During the initial trial, the petition was read aloud in open court to find out if there is any opposition thereto. There being none, the petitioner's counsel, Atty. Goering G.C. Paderanga, then established the jurisdictional requirements (Exhibits "A" to "E").<sup>[11]</sup> Thereafter, petitioner husband Platon Ceruila was placed on the stand as the lone witness for the petitioner and after he completed his testimony, Atty. Paderanga formally offered his evidence and rested his case.

The evidence on record reveals the following:

On May 11, 1985, a child was born at the Dr. Jose Fabella Memorial Hospital in Sta. Cruz, Manila. The name of the child was entered in her birth certificate as Maria Rosilyn Telin Delantar (Exhibit "I"). In the said birth certificate the name of the child's mother appear as Librada A. Telin (Entry No. 6) while that of her father as Simplicio R. Delantar (Entry No. 9). The birth certificate likewise shows that the parents of the child, Simplicio R. Delantar and Librada A. Telin, were married on February 14, 1977 in Manila (Entry No. 12). Likewise, in Entry No. 21 of the same document, it is made to appear that the mother of the child was 27 years old when the child was born and that she was attended in her delivery thereof by Dr. Santos (Entry No. 13). The birth certificate was signed by one Librada T. delos Santos as the informant and mother of the child with her given address as 2165 P. Burgos St., Pasay City (Entry No. 14). This is the very certificate of live birth that is being seriously impugned by the herein petitioners.

In support of their petition, the petitioners submitted the baptismal certificates of Simplicio Delantar (Exhibit "J") and Librada Delantar (Exhibit "K") to prove that they are full blood brother and sister and could not have been possible for them to have sired Rosilyn (sic). In the said baptismal certificates, the names of the parents of Simplicio and Librada are similarly entered as Juan Delantar and Carila Telen (Exhibit "J-1" and "K-1"). The Court is inclined to concur with the observation of the petitioner that it is highly unlikely that the alleged parents of Rosilyn would commit an incestuous act and proclaim to the whole world that they are the parents of the herein minor. The court has also observed that in the baptismal certificate of Librada Delantar, it is entered therein that she was born on January 8, 1940 in Tubod, Manglanilla, Cebu (Exhibit "K-2"). Such being the case, then Librada must have been 45 years of age at the time of the birth of Rosilyn in stark contrast to her age appearing in Entry No. 27 (sic) of the birth certificate of the latter which shows that Librada was 27 years old at the time of her delivery. The presentation of the baptismal certificate of Librada Delantar as secondary evidence of her birth certificate was resorted to after the Office of the Local Civil Registrar of Minglanilla, Cebu gave a certification to the effect that the records of birth on file with the office for the period January, 1940 to April, 1945 were all destroyed by WORLD WAR II (Exhibit "L"). And going for the jugular, so to speak, the signature of the person named Librada T. delos Santos in the birth certificate (Exhibit "I") purporting to be that of the petitioner wife and the signature of the latter appearing in the verification of the petitioner (sic) (Exhibit "A-6") are so strikingly dissimilar that they could not have but proceeded from two different hands. For it does not require the trained eye of an expert calligrapher to discern such discrepancy in the writing style.

In fine, there being an abundance of evidence to support the petitioner's claim that the birth certificate is indeed a falsified document, the Court is left with no other alternative but to grant the relief prayed for in the petition. To let the birth certificate remain (sic) as it is would adversely affect the rights and interests of the herein petitioners.<sup>[12]</sup>

On July 15, 1997, Rosilyn, represented by her legal guardian, the DSWD, filed, with the CA, a petition for the annulment of judgment in the petition for cancellation of entry of her birth certificate.<sup>[13]</sup> She claimed that she and her guardian were not notified of the petition and the subsequent judgment and learned about the same only from the news on May 16, 1997.<sup>[14]</sup> She argued that the RTC decision was issued without jurisdiction and in violation of her right to due process; that the Judge did not have authority to declare her to be illegitimate; and that mere correction of entries, not cancellation of the entire certificate, is the appropriate remedy.<sup>[15]</sup>

Rosilyn further argued that: granting, without admitting that Librada is not her mother, still it was erroneous to cancel or annul her entire birth certificate; Librada is not an interested party concerning the issue of whether Simplicio is the father, the date of actual birth, and the name of the physician who attended to the birth;<sup>[16]</sup> Librada's allegations are also contradicted by (a) the "Records Based on Cord Dressing Room Book ... dated April 13-May 29, 1985," issued by Emelita H. Avinante, Head of the Medical Records Section and Admitting Unit of the Fabella Hospital, which is attached to the petition for annulment as Annex "E" and which states that Maria Rosilyn Delantar was born on May 11, 1985 at the Fabella Hospital and that her parents are Librada Telin and Simplicio Delantar;<sup>[17]</sup> and (b) the admission of Simplicio in his Motion to Vacate Judgment<sup>[18]</sup> in Sp. Proc. No. 96-419<sup>[19]</sup> regarding the custody of Rosilyn, which is attached to the petition to annul as Annex "F," where he stated that he, as the rightful parent of Rosilyn, should not be deprived of his parental authority.<sup>[20]</sup>

On June 10, 1999, the CA rendered the herein assailed decision, the dispositive portion of which reads:

*WHEREFORE*, premises considered, the instant Petition is *GRANTED*.

Judgment is hereby rendered *DECLARING NULL* and *VOID* the decision of the respondent Regional Trial Court dated April 11, 1997 in Special Proceedings No. 97-81893.

With costs against private respondents.

SO ORDERED.<sup>[21]</sup>

The CA reasoned that:

As shown in the caption of the petition in Special Proceedings No. 97-81893 entitled "In the Matter of Cancellation and Annulment of the Birth Certificate of Maria Rosilyn Telin Delantar", herein petitioner Rosilyn Delantar represented by her legal guardian, DSWD, was not made a party-respondent therein,"contrary to the mandatory provision of Section 3 of Rule 108 of the Rules of Court "

In the said Special Proceeding No. 97-81893, petitioners therein, Platon Ceruila and Librada D. Ceruila, sought not only a cancellation or correction of an entry in the birth certificate of Rosilyn Telin Delantar but in effect sought to annul, cancel or expunge from the Civil Register the

subject birth certificate. With more reasons, therefore, that all parties, particularly Rosilyn Telin Delantar, or thru her legal guardian, the DSWD, whose birth certificate was sought to be annulled or cancelled from the Civil Register must not only be notified but must be made a party in the said petition.

...

Petitioner and her guardian are undoubtedly persons who have interest which would be affected by the petition for the obvious reason that it is the entry of her birth which is being sought to be annulled and cancelled.

...

In a similar case, the Supreme Court ruled that corrections of substantial entries in the certificate other than mere clerical errors, should be passed upon in an appropriate adversary proceedings with all the persons interested are made parties therein... Republic vs. Valencia (141 SCRA 462; 468-469; 470-474).

The proceedings undertaken in said Special Proceedings No. 97-81893 is indeed wanting of the required notice to all the parties having claim or interest which would be affected thereby, and of the adversarial proceedings, as disclosed in the decision dated April 11, 1997...

...

With the foregoing disquisitions, We find that the decision dated April 11, 1997 null and void for want of jurisdiction over the person of herein petitioner Rosilyn Delantar and the DSWD as her legal guardian and all persons who have or claim any interest which would be affected by the said decision. Also, the said decision dated April 11, 1997 is considered null and void for lack of due process there being no adversarial proceedings (was) conducted by the public respondent Regional Trial Court.

...

And, even if the same judgment had already become final and executory, and had in fact been executed, as in the instant case, still the execution thereof produces no legal effects. [22]

The CA denied the motion for reconsideration of petitioners.[23] Hence, the present petition raising the following issues:

## I

WHETHER OR NOT THE COURT OF APPEALS ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN DECLARING NULL AND VOID THE DECISION RENDERED BY THE REGIONAL TRIAL COURT OF MANILA BRANCH 38 DATED APRIL 11, 1997 IN SPEC. PROCEEDING NO. 97-81893 ENTITLED: IN THE MATTER OF