

## TWELFTH DIVISION

[ CA-G.R. CV No. 101592, March 27, 2015 ]

**ABRAHAM JOSEPH IGNACIO, PETITIONER-APPELLEE, VS. THE  
LOCAL CIVIL REGISTRAR OF MANILA AND MARITES SANCHEZ  
RESPONDENTS,**

**REPUBLIC OF THE PHILIPPINES OPPOSITOR-APPELLANT.**

### **DECISION**

**MACALINO, J:**

#### **THE CASE**

This is an Appeal<sup>[1]</sup> from the Decision<sup>[2]</sup> dated 06 December 2012 ("Assailed Decision") of the Regional Trial Court, Branch 11, City of Manila ("Trial Court") entitled, "Abraham Joseph Ignacio versus Local Civil Registrar of Manila & Marites Sanchez," docketed as SP. PROC. NO. 12-128572 for the correction of entries in a birth certificate, the dispositive portion<sup>[3]</sup> of which reads:

*"WHEREFORE, in view of the foregoing, judgment is hereby rendered directing the office of the Civil Registrar of Manila and all persons who shall be affected by herein proceedings to cause the correction of the wrong entries appearing in the Certificate of Live Birth of petitioner **ABRAHAM JOSEPH IGNACIO**, to wit:*

- 1. Entry No. 1, petitioner's last name should be **IGNACIO** instead of **FRANCISCO**;*
- 2. Entry No. 2, name of father-- should be **Blank** instead of **Cesar de Guzman**, and*
- 3. Entry No. 12, date and place of marriage of parents-- should be **Blank** instead of **February 14, 1990, Manila**.*

*Let copies of this order be furnished all offices concerned for their information and guidance.*

*SO ORDERED."*

#### **FACTS OF THE CASE**

On 30 August 2012, Abraham Joseph Ignacio ("Petitioner-Appellee") filed a Petition<sup>4</sup> with the Trial Court, praying that a correction in the entries in his birth registration record<sup>[5]</sup> be made by deleting the surname "Francisco" in favor of "Ignacio" as well as the deletion of entries in the said record respecting information about his paternity.

Petitioner-Appellee alleges that he is the son of Guillerma O. Ignacio without the benefit of marriage and as such, his surname should be that of his mother. He also alleges that he has been using such surname when he started going to school as evidenced by his secondary student's permanent record for school year 2002-2003<sup>[6]</sup> as well as his alumni association card.<sup>[7]</sup>

Petitioner-Appellee further avers that his mother was assisted by her friend, Ms. Marites Sanchez, when the former registered his birth after almost nine (9) months because she did not know what to write as to the name of the father of his son as they were not legally married. As a solution, Ms. Marites Sanchez registered her former boyfriend, Cesar De Guzman Francisco, as Petitioner-Appellee's father. Moreover, she also reassured Petitioner-Appellee's mother that, for purposes of registration, she herself will supply the information under the entry date and place of marriage of parents. Thus, the date February 14, 1990, Manila appears on said birth record. Petitioner-Appellee claims that all his mother did was to affix her signature, unaware of the consequences of the supplied information made by Ms. Marites Sanchez.

An Order<sup>[8]</sup> dated 5 September 2012 found the Petition to be sufficient in form and substance. The Trial Court set the hearing of the Petition on 27 November 2012, directing that all interested parties may appear to show cause why said Petition should not be granted.

On 27 November 2012, the hearing was held wherein the jurisdictional requirements of the case was established with the admission of several exhibits presented by Petitioner-Appellee.<sup>[9]</sup> During the hearing, the latter testified that it was indeed Ms. Marites Sanchez who supplied the wrong information in his birth certificate solely for the purpose of registration.<sup>[10]</sup>

### **THE RULING OF THE TRIAL COURT**

On 06 December 2012, The Trial Court rendered a Decision<sup>[11]</sup> granting the Petition, directing the Office of the Civil Registrar of Manila and all persons affected by the proceedings to cause the correction of the wrong entries appearing in the Certificate of Live Birth of Petitioner-Appellee.

In finding for the Petitioner-Appellee, the Trial Court ruled in this wise:

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"On same date, the petitioner [Petitioner-Appellee] appeared and testified that: he is the same Abraham Joseph Ignacio who filed the instant petition; that he was born out of wedlock on April 2, 1991 in the City of Manila; that he is the son of Guillerma O. Ignacio without the benefit of marriage; that the said birth of the petitioner was registered by his mother together with her friend, a certain Marites Sanchez after almost nine (9) months because she did know what to write as to the name of the father of the petitioner because they are not legally married at the time of petitioner's birth, and that the mother's friend registered another surname purportedly the surname of Marites' former boyfriend

Cesar de Guzman Francisco, who is not the true and biological father of herein petitioner; that the office of the Civil Registrar of Manila issued a Certificate of Live Birth (Exhibit "H") in favor of Abraham Joseph Ignacio Francisco instead of Abraham Joseph Ignacio; that in his birth certificate in entry No. 1, the name of the child (Exhibit H-1) was erroneously entered therein as Abraham Joseph Ignacio Francisco instead of Abraham Joseph Ignacio; that in Entry No. 9, the name of the father it was entered as Cesar De Guzman Francisco, where in truth and in fact the latter is not his biological father, it should be blank, and the last is Entry No. 12, the date and place of marriage of parents, it was entered therein February 14, 1990, but the truth is, on that date her mother was never married; that he has been using the name Abraham Joseph Ignacio when he started going to school; that he was in the care and custody of his grandmother since his mother left him and he does not know the whereabouts of his mother. To prove that petitioner is using the name Abraham Joseph Ignacio, he presented additional documents , viz.:: his Secondary Student's Permanent Record issued by Manuel L. Quezon High School (Exhibit "I") and School ID ("J") issued by PMI Alumni Association Inc., That (sic.) it is the desire of the petitioner to correct the erroneous entries in his birth certificate to avoid confusion on his personal record.

The testimony of the witness was terminated and no other witness was presented. After which, his counsel made his formal offer of evidence. All of which exhibits were admitted by the Court as part of the testimony of the witness, and the case was thereafter submitted for resolution.

It is clearly established by the evidence presented that the Certificate of Live Birth (Exhibit "H" and submarkings) of Abraham Joseph Ignacio should be corrected. A consideration of the applicable law led this Court to conclude that this petition filed pursuant to Rule 108 of the Revised Rules of Court be favorably **GRANTED.**"

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The Republic of the Philippines, through the Office of the Solicitor-General ("OSG"), moved for the reconsideration of said Decision by filing a Motion for Reconsideration<sup>[12]</sup> on 28 January 2013. In praying that the instant Petition be denied for lack of merit, the OSG alleges that the Petitioner-Appellee failed to include the proper party, the father recorded in his birth certificate, which is mandatory in adversarial proceedings under Rule 108 for the Revised Rules of Court, which is the applicable law in the case at bench. The OSG also claims that the Trial Court erred in granting the Petition in a non-adversarial proceeding as the changing of Petitioner-Appellee's surname undoubtedly affects his filiation and legitimacy and thus, should not be changed in a proceeding summary in nature.

On 04 July 2013, the Trial Court issued an Order<sup>[13]</sup> denying the Motion for Reconsideration for lack of merit.

Thereafter, the OSG appealed to this Court via a Notice of Appeal<sup>[14]</sup> on 16 September 2013. Upon completion of the records of the case, the OSG was directed on 17 February 2014 to file an Appellant's Brief of the Assailed Decision of the Trial

Court.<sup>[15]</sup>

The Appellant's Brief<sup>[16]</sup> was filed by the OSG on 13 May 2014, arguing that although there may be cases where the Supreme Court held that failure to implead and notify the affected or interested parties may be cured by publication of the notice of hearing, there should be earnest efforts made by Petitioner-Appellee in bringing to court all possible interest parties, which the latter failed to do in this instance. Petitioner-Appellee filed his Appellee's Brief<sup>[17]</sup> on 27 August 2014, stating that he was in full compliance with the requirements of the law. Thus, the Trial Court did not err in deciding the Petition in his favor.

On 04 March 2015, sans a Reply Brief, this Court issued a Resolution<sup>[18]</sup> submitting the appeal for Decision.

### **THE ISSUES**

Herein Appeal assigned the following lone error<sup>[19]</sup>:

*"THE TRIAL COURT ERRED IN ORDERING THE CHANGE OF PETITIONER-APPELLEE'S STATUS FROM LEGITIMATE TO ILLEGITIMATE IN A NON-ADVERSARIAL PROCEEDING."*

### **THE RULING OF THIS COURT**

#### **The Appeal is without merit.**

On the proper procedure that must be followed in canceling or correcting entries in the civil registry, reference must be made to pertinent provisions of Rule 108 of the Revised Rules of Court:

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*"SECTION 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.*

*SECTION 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.*

*SECTION 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.*

*SECTION 6. Expediting proceedings. — The court in which the proceeding is brought may make orders expediting the proceedings, and may also grant preliminary injunction for the preservation of the rights of the*