

## TWENTIETH DIVISION

[ CA-G.R. CEB-CV. NO. 04201, March 26, 2014 ]

**CORAZON JANE Y. PEREÑA, PETITIONER-APPELLEE, VS. THE  
CIVIL REGISTRAR GENERAL (NSO) AND THE LOCAL CIVIL  
REGISTRAR OF DAANBANTAYAN CEBU, RESPONDENTS-  
APPELLEES, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-  
APPELLANT.**

### D E C I S I O N

**LAGURA-YAP, J.:**

This appeal seeks to nullify the Decision<sup>[1]</sup> dated May 30, 2011, rendered by the Regional Trial Court (RTC), Branch 61, Bogu, Cebu in SP. Proc. Case No. Bogu-02461, the decretal whereof, reads:

"WHEREFORE, premises considered, judgment is hereby rendered ordering the Civil Registrar General, National Statistics Office and the Local Civil Registrar of Daanbantayan, Cebu, to enter/correct the birth records of petitioner as follows:

1. At the LCR of Daanbantayan, Cebu, to enter, reconstruct and or reconstitute all the data appearing in the Birth Certificate and Baptismal Certificate into its records:
2. At the National Statistics Office to correct the name of petitioner from Cora Jane Tan to Corazon Jane Yee Pereña which is her true and correct name;

and to issue a new birth certificate which bears the necessary corrections.

SO ORDERED."

### ***Factual Antecedents***

On October 18, 2010, petitioner-appellee, Corazon Jane Y. Pereña<sup>[2]</sup> filed a Petition<sup>[3]</sup> for Correction of the Records of her Birth, before the Regional Trial Court (RTC), Branch 61, Bogu City docketed as SP. Proc. Case No. BOGO-02461 and naming as respondents thereto, The Civil Registrar General (NSO) and The Local Civil Registrar of Daanbantayan, Cebu.

After the jurisdictional facts have been established, the petition was called in open court to determine if there were oppositor. No one surfaced to oppose.<sup>[4]</sup>

When Corazon was presented in court, she testified<sup>[5]</sup> that she is 55 years old,

married and a resident of Poblacion, Daanbantayan, Cebu. She is the daughter of Spouses Abundio Pareña and Socorro Yee as evidenced by the Marriage Certificate<sup>[6]</sup> of her parents. She also presented her own Marriage Certificate<sup>[7]</sup> to show that she was married to Rodigelio R. Quijano. In all her transactions she is using the name Quijano, Corazon Jane Pereña and to prove that she is using that name, she presented her Voter's Certification<sup>[8]</sup> issued by the COMELEC.

Further, Corazon claimed that her name was erroneously entered as "Cora Jane Tan" instead of "Corazon Jane Yee Pereña" in her Birth Certificate from the National Statistics Office<sup>[9]</sup>. To prove the mistake, she showed her Birth Certificate<sup>[10]</sup> from the Local Civil Registrar (LCR) of Daanbantayan, Cebu showing her correct name as Corazon Jane Pereña and that her parents' name are Socorro Yee and Abundio C. Pereña. Also, she presented the documents to prove her allegations, to wit: (1) Diploma<sup>[11]</sup>; (2) Transcript of Records<sup>[12]</sup> (TOR) issued by the University of San Carlos (USC); (3) Driver's License<sup>[13]</sup>; and (4) Passport<sup>[14]</sup>

Lastly, Corazon testified that she was never charged of any case and presented her Police Clearance<sup>[15]</sup> and Barangay Certification<sup>[16]</sup> as proof thereto.

On May 30, 2011, the court *a quo* rendered the assailed decision<sup>[17]</sup> granting Corazon's petition.

On July 18, 2011, the Republic of the Philippines<sup>[18]</sup> through the Office of the Solicitor General (OSG) filed a Notice of Appeal<sup>[19]</sup>.

### ***Assignment of Errors***

The OSG interposed the following:

#### **"I.**

The court *a quo* erred in taking cognizance of the petition to change her name from "Cora Jane Tan" to "Corazon Jane Yee Pereña" - a petition which falls within the provisions of Rule 103 of the Revised Rules of Court - despite substantial defect in the petition.

#### **II.**

Assuming *arguendo* that appellee availed of the remedies under Rule 108 of the Revised Rules of Court, the court *a quo* erred in granting appellee's petition considering that the entry sought to be corrected in her Certificate of Live Birth can only be granted in an adversarial proceeding wherein indispensable parties must be notified and impleaded as parties to the case.<sup>[20]</sup>"

The Ruling of this Court

Anent the first assignment of error, the Republic argued that the instant case falls appropriately under Rule 103 of the Rules of Court since Corazon seeks to change her name from "Cora Jane Tan" to Corazon Jane Pereña". Thus, the petition is fatally

defective since its caption failed to indicate the applicant's real name as required under Rule 103.

We disagree with the Republic.

In *Silverio v. Republic of the Philippines*<sup>[21]</sup>, the Supreme Court distinguish the word "to correct" and "to change" as follows:

**"To correct** simply means "to make or set aright; to remove the faults or error from" while **to change** means "to replace something with something else of the same kind or with something that serves as a substitute."

In this case, it appears from the records and from Corazon's testimony that she did not seek to change her name from "Cora Jane Tan" to "Corazon Jane Pereña". What she essentially prayed from the RTC is to correct the entries in her Birth Certificate from the NSO which erroneously bears the name Cora Jane Tan instead of Corazon Jane Pereña. To prove the mistake, she presented, among others, her Birth Certificate from the Office of the LCR which indicated that her name is indeed Corazon Jane Pereña. Hence, the instant case is covered by Rule 108 of the Rules of Court (Cancellation or correction of entries in the Civil Registry) since it seeks to change the entries in of her birth record and not to replace her name with another as contemplated under Rule 103 ( Change of name).

Anent the second assignment of error, the OSG posited that the court a quo committed reversible error in granting Corazon's petition because her father, Abundio Tan or Abundio Pereña was not notified and made a respondent in the case to make the proceeding adversarial.

We are not persuaded.

Pertinent provisions of Rule 108 of the Rules of Court read:

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 in 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. (Emphasis and underscoring supplied)

Undoubtedly, Corazon's father, Abundio Pereña or Abundio Tan is among the parties referred to in Section 3. However, We find that the failure to implead was only