

## FIRST DIVISION

[ CA-G.R. CV NO. 82105, August 16, 2006 ]

**IN THE MATTER OF CORRECTION OF ENTRY IN THE CIVIL  
REGISTRY OF THE MINOR RUPERT BRYAN LADISLA RICON  
LILIBETH TY LADISLA, PETITIONER-APPELLEE, VS. REPUBLIC OF  
THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### D E C I S I O N

**DE GUIA-SALVADOR, J.:**

The procedural requirements for substantial or contentious alterations in the civil registry are at issue in this appeal perfected by the Office of the Solicitor General from the Decision dated July 30, 2002 issued by the Regional Trial Court of Pasay City, Branch 118, in Special Proceeding No. 02-0006, which granted the application for the correction of the last name and filiation of the minor Rupert Bryan Ladisla Ricon.<sup>[1]</sup>

#### ***The Facts***

The record shows that the minor Rupert Bryan Ladisla Ricon was born on December 13, 1987 at the San Juan de Dios Hospital in Pasay City to his unmarried parents, Ramil Ricon and appellee Lilibeth Ty Ladisla. For the ostensible purpose of sparing him from the stigma of illegitimacy, however, appellee told the hospital nurse who prepared said child's birth certificate that she was married to Ramil Ricon.<sup>[2]</sup> Despite the fact that the child correspondingly bore his father's surname in said document,<sup>[3]</sup> however, it appears that he subsequently used appellee's surname<sup>[4]</sup> and came to be known as Rupert Bryan T. Ladisla.

Still single and by then desirous of rectifying the error in her son's record of birth, appellee commenced the case at bench on January 30, 2002 for the purpose of changing said minor's filiation from legitimate to illegitimate and his surname from Ricon to Ladisla.<sup>[5]</sup> Finding the same sufficient in form and substance, the trial court issued the April 1, 2002 order setting the initial hearing of the petition on June 5, 2002 and directing all interested parties to appear and show cause why the petition should not be granted.<sup>[6]</sup> Aside from being published for three consecutive weeks in the in the ***Philippine Courier***, a newspaper of general circulation in the metropolitan area and nearby provinces,<sup>[7]</sup> copies of said order were furnished the National Statistics Office, the Local Civil Registrar of Pasay City,<sup>[8]</sup> the Office of the Pasay City Prosecutor<sup>[9]</sup> and the Office of the Solicitor General.<sup>[10]</sup>

Having proved compliance with the jurisdictional requirements at the initial hearing thus scheduled, appellee went on to present evidence in support of the petition at the June 25, 2002 hearing set in the case. On the witness stand, she admitted the circumstances surrounding her son's birth and her motivations for covering up her

illicit relationship with Ramil Ricon. Convinced by appellee's quest for truthfulness in said child's documented antecedents,<sup>[11]</sup> the trial court rendered the appealed July 30, 2002 decision,<sup>[12]</sup> disposing of the petition in the following wise:

"IN VIEW OF THE FOREGOING, judgment is hereby rendered granting the PETITION and hereby ordering the Local Civil Registrar of Pasay City to correct the Certificate of Live Birth of Rupert Bryan Ladisla Ricon regarding Entry No. 12 Date and Place of Marriage of Parents from AUGUST 17, 1987, CITY HALL, PASAY CITY to NOT MARRIED (ILLEGITIMATE) and to correct and change the last name in Entry No. 1 from RICON to LADISLA of said child, the latter being illegitimate.

SO ORDERED."<sup>[13]</sup>

Dissatisfied, the Office of the Solicitor General sought the reconsideration of the foregoing decision on behalf of appellant Republic of the Philippines. Contending that it had belatedly received the notices for the June 5, 2002 initial hearing and the June 25, 2002 setting in the case, the Office of the Solicitor General argued that the corrections sought by appellee were substantial in nature and required adversarial proceedings.<sup>[14]</sup> With the denial of said motion in the trial court's March 4, 2002 order,<sup>[15]</sup> appellant filed its notice of appeal within the reglementary period.<sup>[16]</sup>

### ***The Issue***

Appellant seeks the reversal of the appealed decision on the following ground, to wit:

"THE PROCEEDINGS CONDUCTED BY THE TRIAL COURT AS REGARDS THE CORRECTION OF THE ALLEGED DATE AND PLACE OF MARRIAGE OF RUPERT BRYAN'S PARENTS FROM "AUGUST 17, 1987, PASAY CITY HALL, PASAY CITY" TO "NOT MARRIED (ILLEGITIMATE)" IN RUPERT BRYAN'S CERTIFICATE OF LIVE BIRTH IS SHORT OF THE APPROPRIATE ADVERSARIAL PROCEEDINGS PRESCRIBED IN SECTION 3, RULE 108 OF THE RULES OF COURT."<sup>[17]</sup>

### ***The Court's Ruling***

We find the appeal impressed with merit.

Rule 108 of the Revised Rules of Court provides the procedure for cancellation or correction of entries in the civil registry.<sup>[18]</sup> Sections 3 through 5 of the self same Rule specifically provides as follows:

"Section 3. **Parties.** – When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have a claim or 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 publication 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.”

The proceedings under the aforesaid rule may either be summary or adversary in nature. If the correction sought to be made in the civil register is clerical, then the procedure to be adopted is summary. If the rectification, on the other hand, affects the civil status, citizenship or nationality of a party, it is deemed substantial, and the procedure to be adopted is adversary. This was the Supreme Court’s ruling in **Republic vs. Valencia**<sup>[19]</sup> where it was held that even substantial errors in a civil registry may be corrected and the true facts established under Rule 108 provided the parties aggrieved by the error avail themselves of the appropriate adversary proceeding, *i.e.*, one where the trial court has conducted proceedings where all relevant facts have been fully and properly developed, where opposing counsel have been given opportunity to demolish the opposite party’s case, and where the evidence has been thoroughly weighed and considered.

Our perusal of the record shows that, to her credit, appellee had attempted to procure the substantial or contentious alterations in her son’s record of birth through adversarial proceedings before the trial court. With notices to the National Statistics Office, the Local Civil Registrar of Pasay City,<sup>[20]</sup> the Office of the Pasay City Prosecutor<sup>[21]</sup> and the Office of the Solicitor General,<sup>[22]</sup> the order setting the petition for initial hearing was likewise duly published in the **Philippine Courier**.<sup>[23]</sup> The appealed July 30, 2002 Decision was, in fact, rendered by the trial court on the strength of the evidence adduced by appellee at the June 5, 2002 hearing conducted in the case.<sup>[24]</sup>

More than the belated receipt by the Office of the Solicitor General of the notices for the hearings in the case, however, we find appellee’s failure to implead indispensable parties to the petition fatal to her cause. Conformably with Section 3, Rule 108 of the **Revised Rules of Court**, the petition for correction or alteration of entries in the civil registry should implead as respondents not only the civil registrar but also all other persons who may have or may claim to have any interest that would be affected thereby.<sup>[25]</sup> To our mind, no party would be more interested in the case at bench or greatly affected by the decision rendered by the trial court than the minor Rupert Bryan Ladisla Ricon himself, in whose behalf appellee presumably commenced the case at bench. Without even considering the exclusion of his father, Ramil Ricon, and his paternal grandparents, if any, the fact that said minor was not even named a party to the petition indicate that the proceedings *a quo* were not sufficiently adversarial as to warrant the changes sought by appellee.

In finding merit in appellant’s arguments in support of the grant of the appeal at bench, we find the following pronouncement the Supreme Court made in the case of **Labayo-Rowe vs. Republic**,<sup>[26]</sup> quite instructive, to wit:

“In David vs. Republic, this Court held that where the petition for correction of entries in the civil registry, if granted, will have the effect of