

## SECOND DIVISION

[ G.R. No. 211435, April 10, 2019 ]

### **RAMON CORPUS TAN, PETITIONER, VS. OFFICE OF THE LOCAL CIVIL REGISTRAR OF THE CITY OF MANILA, AND THE NATIONAL STATISTICS OFFICE OF QUEZON CITY (NOW PHILIPPINE STATISTICS AUTHORITY), RESPONDENTS.**

#### **DECISION**

**REYES, J. JR., J.:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> which seeks to set aside the Decision<sup>[2]</sup> dated September 27, 2013 and the Resolution<sup>[3]</sup> dated February 24, 2014 of the Court of Appeals (CA) in CA-G.R. CV No. 98952, which affirmed the Orders dated December 27, 2011<sup>[4]</sup> and May 18, 2012<sup>[5]</sup> of the Regional Trial Court of Manila, Branch 27 (RTC) in Spec. Proc. No. 11-126383, a special proceeding for correction of entry in the civil registry under Rule 108 of the Revised Rules of Court filed by herein petitioner.

#### **The Facts**

On September 7, 2011, petitioner filed a Petition for Correction of Entry<sup>[6]</sup> before the RTC. Realizing that he failed to implead the Office of the Local Civil Registrar of Manila (LCR Manila) and the National Statistics Office (now Philippine Statistics Authority PSA), petitioner filed an Ex-Parte Motion to Admit Amended Petition<sup>[7]</sup> and an Amended Petition for Correction of Entry<sup>[8]</sup> on September 30, 2011, this time impleading the aforesaid offices as respondents.

In his Amended Petition, petitioner alleged that he was born on November 13, 1965 at St. Paul Hospital in the City of Manila; that his birth was duly registered in the civil registry of Manila; that he had been using his real name "Ramon Corpuz Tan" during his lifetime; that when he later secured a copy of his Certificate of Live Birth, he discovered that his name was entered as "Ramon Corpus Tan Ko" instead of his true and correct name which is "Ramon Corpuz Tan"; that the aforesaid material errors and mistakes in the entries of his Certificate of Live Birth were due to inadvertence and error of the hospital personnel who prepared the subject certificate; that "Ko," which was the first name of his father, was inadvertently included in his last name; and that the mistake was not immediately rectified because he only discovered the same, after having his own children.

In support of his claim and prayer, petitioner appended the following documents to his petition:, (a) Diploma from the Philippine Chung Hua School; (b) Certification from the Philippine Chung Hua School stating that petitioner completed his kindergarten course therein; (c) Secondary Report Card from the Philippine Chung Hua School; (d) COMELEC Voter's Identification Card; (e) COMELEC Voter's

Affidavit; (f) BIR Tax Identification Number and Identification Card (g) Community Tax Certificate issued by Quezon City; and (h) Certificate of Marriage to Maria Teresa Gatuz.

After finding the petition sufficient in form, the RTC set the case for hearing on November 23, 2011.

On November 23, 2011, petitioner and his counsel appeared for the hearing of the case for purposes of the jurisdictional requirements of the petition. On the same day, petitioner testified through his judicial affidavit.

The petitioner was also cross-examined by the prosecutor who was deputized by the Office of the Solicitor General (OSG).

On November 24, 2011, petitioner, through counsel, filed a Formal Offer of Exhibits. Among the pieces of evidence offered in evidence in support of petitioner's material allegations are: (1) Petitioner's Judicial Affidavit;<sup>[9]</sup> (2) Certificate of Live Birth indicating petitioner's name as "Ramon Corpus Tan Ko";<sup>[10]</sup> (3) BIR Identification Card indicating petitioner's name as "Tan Ramon Corpuz";<sup>[11]</sup> (4) Firearm License Card indicating petitioner's name as "Tan, Ramon Corpuz";<sup>[12]</sup> (5) PhilHealth Identification Card indicating petitioner's name as "Tan, Ramon Corpuz";<sup>[13]</sup> (6) Certificate of Marriage;<sup>[14]</sup> and (7) Certificates of Live Birth of petitioner's children.<sup>[15]</sup> The Republic of the Philippines (Republic) did not interpose any objection to the offer.

On December 2, 2011, the RTC issued an Order<sup>[16]</sup> admitting the pieces of evidence offered.

### ***Ruling of the RTC***

In its assailed Order dated December 27, 2011, the RTC dismissed the subject petition for correction of entry. The RTC ratiocinated that the petitioner failed to comply with the requirements of an adversarial proceeding noting that the correction sought for, is a substantial correction and is governed by Rule 108 of the Rules of Court, which is not summary, but an adversarial proceeding.

The trial court explained that Section 3, Rule 108, requires all interested persons who may be affected by the petition to be made parties thereto. The trial court noted that aside from the fact that in Entry No. 3, petitioner's last name was indicated as "Tan Ko," the name of petitioner's father was also indicated as "Tan Ko" in Entry No. 7. Moreover, in Entry No. 17, petitioner's mother, Trinidad Corpuz, signed as "T.C. Tan Ko" over her printed name as informant. Thus, noting that petitioner claimed that his father was already dead, the trial court declared that petitioner's mother should have been made a party to the case. Since his mother was not impleaded as a party, petitioner failed to comply with the requirements of an adversarial proceeding. The dispositive portion of the RTC Order states:

WHEREFORE, in view of the foregoing, the instant petition is hereby  
DISMISSED.

SO ORDERED.<sup>[17]</sup>

Aggrieved, petitioner moved for reconsideration, but the same was denied by the RTC in its May 18, 2012 Order.

Not satisfied, the petitioner elevated an appeal to the CA.<sup>[18]</sup>

### ***Ruling of the CA***

In its Decision dated September 27, 2013, the CA affirmed the December 27, 2011 and May 18, 2012 Orders of the RTC. The appellate court concurred with the trial court that the error sought to be corrected is a substantial one which requires an adversarial proceeding. It observed that the surname "Tan Ko" consistently appeared in petitioner's Certificate of Live Birth, specifically in the entries of his name, as well as in the names of both his parents. Thus, it opined that the alleged mistake was not only a misspelled surname but involves a deletion of a word which entails a change in the surname. It then stressed that the correction of petitioner's surname from "Tan Ko" to "Tan" would be an adjudication that indeed his father's first name is "Ko" and his surname is "Tan." In effect, the correction prayed for would entail not only a substantial change in his name, but would also affect the identity of his father. Hence, an adversarial proceeding is required.

The appellate court ruled that the totality of the evidence presented by the petitioner is insufficient to cause the change of his surname from "Tan Ko" to "Tan." It stated that while the documentary evidence presented by the petitioner may show that he had been using the surname "Tan," they do not prove that "Tan" is his correct surname.

The appellate court submitted that petitioner should have impleaded or at least presented his mother to testify considering that she was the informant in his Certificate of Live Birth, and is, therefore, the best person to testify on the details surrounding his birth. However, petitioner did not implead or present his mother as a witness. Clearly, he failed to substantiate his claim that the "Ko" in his surname was erroneously entered. The appellate court further noted that in petitioner's Certificate of Live Birth, it was stated that his mother gave birth to three children prior to petitioner's birth. However, not one of his siblings or even just their birth certificates were presented to bolster the claim that indeed their surname is "Tan" and not "Tan Ko." The dispositive portion of the CA Decision provides:

**WHEREFORE**, in view of the foregoing premises, the appeal filed in this case is hereby **DENIED** and the December 27, 2011 Order and the May 18, 2012 Order of the Regional Trial Court, Branch 27, stationed in Manila in Spec. Proc. No. 11-126383 are hereby **AFFIRMED**.

**SO ORDERED.**<sup>[19]</sup>

Petitioner moved for reconsideration, but the same was denied by the CA in its February 24, 2014 Resolution.

Hence, this petition.

## The Issue

WHETHER THE TRIAL AND APPELLATE COURTS ERRED WHEN THEY RULED THAT THE PETITIONER FAILED TO OBSERVE THE REQUIREMENTS OF AN ADVERSARIAL PROCEEDING IN THIS CASE.

Petitioner insists that the error sought to be corrected is merely a clerical error which does not require a material or substantial alteration so as to necessitate an adversarial proceeding. He argues that changing his surname from "Tan Ko" to "Tan" would not materially affect his relationship with his mother or his deceased father. The correction of his name would not involve an alteration on his citizenship, legitimacy of paternity, filiation, or legitimacy of marriage.

Petitioner also claims that her mother could not be considered as a real party-in-interest in his petition for correction of entry by the mere fact that she appears to be the informant in the subject Certificate of Live Birth. After all, whatever happens to his petition, whether it be granted or denied, his mother would not be affected as her surname would still remain as "Corpuz." He further states that he was not even sure about the authenticity of the purported signature of his mother as appearing in his Certificate of Live Birth. Thus, petitioner asserts, it is clear that the error in the entry of his name was committed by other persons who prepared his Certificate of Live Birth, particularly, the personnel at St. Paul Hospital, Manila where he was born.

Lastly, the petitioner claims that he properly impleaded the LCR Manila, and no other, considering that no other person would be affected by his petition. He also stresses that the OSG, through the deputized prosecutor, participated in the case. Thus, petitioner submits that the requirement of adversarial proceeding, if any was required, has been substantially complied with. In sum, the petitioner prays for the Court to issue an order directing the correction of his name to "RAMON CORPUS TAN."

In its Manifestation<sup>[20]</sup> dated July 18, 2014, the Republic, through the OSG, adopted as its Comment the Appellee's Brief<sup>[21]</sup> it filed before the CA. In its Appellee's Brief/Comment, the Republic submits that the petitioner has substantially complied with the procedural requirements of an adversary proceeding. Nevertheless, it contends that petitioner failed to prove his cause of action by clear and substantial evidence. That petitioner has shown reasonable cause and compelling reason for the correction of his name, is immaterial to his case. The Republic points out that reasonable cause and compelling reason are relevant only to a petition for change of name under Rule 103 of the Rules of Court, and not to a petition for correction of entry under Rule 108. Thus, the dismissal of the subject petition for correction of entry is correct.

## The Court's Ruling

The petition utterly lacks merit.

***The correction sought by petitioner involves a substantial change, not a mere clerical error.***

At the onset, the Court notes that the change sought by petitioner in his Petition for Correction of Entry before the RTC is inconsistent with the correction he prays for in

the present petition. In his Petition for Correction of Entry before the trial court, petitioner prayed that his name be corrected from "Ramon Corpus Tan Ko" to "Ramon CORPUZ Tan." This is consistent with his government-issued identification cards and other supporting documents he submitted.

In the present petition, however, he prays that his name be rectified from "Ramon Corpus Tan Ko" to "Ramon CORPUS Tan." The Court considers this variance as a result of a typographical error due perhaps to the ineptness of petitioner's counsel. Thus, for purposes of this petition, the Court considers the correction to "Ramon CORPUZ Tan" as petitioner's proper prayer considering that it is the one consistent with his supporting documents.

Rule 108 of the Revised Rules of Court governs the proceeding for the cancellation or correction of any entry concerning the civil status of persons which has been recorded in the civil register.<sup>[22]</sup>

In *Republic of the Philippines v. Valencia*,<sup>[23]</sup> the Court declared that a petition for correction of entry under Rule 108 of the Rules of Court covers not only clerical errors, but also substantial changes. The difference lies only on the procedure which would govern the correction sought. "If the correction is clerical, then the procedure to be adopted is summary. If the rectification affects the civil status, citizenship or nationality of a party, it is deemed substantial, and the procedure to be adopted is adversary."<sup>[24]</sup>

A clerical error is one which is visible to the eyes or obvious to the understanding; an error made by a clerk or a transcriber; a mistake in copying or writing, or a harmless change such as a correction of name that is clearly misspelled or of a misstatement of the occupation of the parent. On the other hand, substantial or contentious alterations may be allowed only in adversarial proceedings, in which all interested parties are impleaded and due process is properly observed.<sup>[25]</sup> Substantial and controversial alterations include those which may affect the citizenship, legitimacy of paternity or filiation, or legitimacy of marriage.<sup>[26]</sup>

Corrections in the name, whether of the owner of the Certificate of Live Birth or any of the parents indicated therein, may also involve substantial and controversial matters which would require an adversarial proceeding.

In *Republic of the Philippines v. Benemerito (Benemerito)*,<sup>[27]</sup> the respondent Petronio L. Benemerito filed a petition for the correction of the entries in the Certificate of Live Birth of his son who was born on June 1, 1990. He claimed that his name was incorrectly entered in the Certificate of Live Birth as "Peter Laurente Benemerito." He also sought to change the date of his marriage to his wife as entered in the birth certificate from September 1, 1989 to January 25, 1998. The Republic argued that the changes sought by respondent are substantial, and not innocuous. As such, an adversarial proceeding to fully ventilate respondent's allegations is required.

The Court agreed with the Republic and declared that the corrections sought by the respondent could hardly qualify as just clerical errors. The Court explained that in order to effect the desired changes, it would be essential to establish that "Peter Laurente Benemerito" and the respondent Petronio L. Benemerito refer to the same