

THIRD DIVISION

[G.R. No. 186610, July 29, 2013]

**POLICE SENIOR SUPERINTENDENT DIMAPINTO MACAWADIB,
PETITIONER, VS. THE PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT,
RESPONDENT.**

D E C I S I O N

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to nullify and set aside the Decision^[1] and Resolution^[2] of the Court of Appeals (CA), dated December 17, 2008 and February 25, 2009, respectively, in CA-G.R. SP No. 02120-MIN. The assailed CA judgment nullified the December 4, 2001 Decision^[3] of the Regional Trial Court (RTC) of Marawi City, Branch 8, in Spl. Proc. No. 782-01, while the questioned CA Resolution denied petitioner's Motion for Reconsideration.

The factual and procedural antecedents of the case are as follows:

Petitioner was a police officer with the rank of Police Senior Superintendent. On July 30, 2001, pursuant to the provisions of Section 39 of Republic Act 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990," the Chief of Directorial Staff of the Philippine National Police (PNP) issued General Order No. 1168, enumerating the names of commissioned officers who were subject to compulsory retirement on various dates in the month of January 2002 by virtue of their attainment of the compulsory retirement age of 56. Among the names included in the said Order was that of petitioner, who was supposed to retire on January 11, 2002, as the files of the PNP Records Management Division indicate that he was born on January 11, 1946.

On September 3, 2001, petitioner filed an application for late registration of his birth with the Municipal Civil Registrar's Office of Mulondo, Lanao del Sur. In the said application, petitioner swore under oath that he was born on January 11, 1956. The application was, subsequently, approved.

On October 15, 2001, petitioner filed with the RTC of Marawi City, Branch 8, a *Petition for Correction of Entry in the Public Service Records Regarding the Birth Date*. Pertinent portions of his allegations are as follows:

x x x x

1. That herein petitioner is 45 years old, married, Filipino citizen, PNP (Police Superintendent) by occupation and resident of Camp Bagong

Amai, Pakpak, Marawi City. x x x;

2. That on January 11, 1956, herein petitioner was born in Mulondo, Lanao del Sur, x x x, copy of his live birth certificate is attached and marked as Annex "A", for ready reference;

3. That when petitioner herein joined with (sic) the government service, particularly the local police force and later on the Integrated National Police, he honestly entered his birth date as January 11, 1946, while in his (sic) Government Service Insurance System (GSIS, in short) and National Police Commission, he erroneously entered his birth date as January 11, 1946, which entry are honestly based on estimation, as Muslim (sic) in the south do not register their marriages and births before;

4. That herein petitioner has correctly entered his true and correct birth date, January 11, 1956, in his Service Record at the National Headquarters, Philippine National Police, Directorate for Personnel and Records Management, Camp Crame, Quezon City, copy of which is attached and marked as Annex "B", x x x;

5. That herein petitioner is submitting Joint Affidavit of two (2) disinterested person (sic) x x x;

6. That this petition is not intended to defraud anybody but to establish the true and correct birth date of herein petitioner.

x x x x^[4]

The petition was docketed as Spl. Proc. No. 782-01.

On December 4, 2001, the RTC rendered its Decision, disposing as follows:

WHEREFORE, judgment is hereby rendered in favor of petitioner DIMAPINTO BABAI MACAWADIB, to wit:

1. Ordering the Chief, Records Management, PNP NHQ, Camp Crame, Quezon City, to make a correction upon the birth date of herein petitioner to January 11, 1956;

2. Ordering the Director, Personnel and Records Management Service, NAPOLCOM, Makati City, to make correction upon the birth date of herein petitioner from January 11, 1946 to January 11, 1956; and

3. Ordering the Chief[,] Records of the Civil Service Commission, Manila and all other offices concern (sic), to make the necessary correction in the Public Records of herein petitioner to January 11, 1956.

SO ORDERED.^[5]

Subsequently, the RTC issued an Entry of Final Judgment^[6] indicating therein that its December 4, 2001 Decision in Spl. Proc. No. 782-01 has become final and executory on March 13, 2002.

On January 8, 2008, herein respondent filed a Petition for Annulment of Judgment with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction with the CA, seeking to nullify the above-mentioned Decision of the RTC on the ground that the trial court failed to acquire jurisdiction over the PNP, "an unimpleaded indispensable party."^[7]

On December 17, 2008, the CA promulgated its assailed Decision with the following dispositive portion:

WHEREFORE, finding the instant petition impressed with merit, the same is hereby GRANTED. The assailed Decision dated December 4, 2001 of the respondent court in Spl. Proc. No. 782-01 is NULLIFIED and SET ASIDE. Also, so as to prevent further damage upon the PNP, let a permanent injunction issue in the meantime, barring the private respondent Dimapinto Babai Macawadib from continuing and prolonging his tenure with the PNP beyond the mandatory retirement age of fifty-six (56) years.

SO ORDERED.^[8]

Petitioner filed a Motion for Reconsideration,^[9] but the CA denied it in its Resolution^[10] dated February 25, 2009.

Hence, the instant petition with the following Assignment of Errors:

1. THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT PNP-DPRM IS AN INDISPENSABLE PARTY IN SPECIAL PROCEEDING NO. 782-01 AND THAT THE RTC HAVE (sic) NOT ACQUIRED JURISDICTION OVER THE PERSON OF THE PNP-DPRM.

2. THE HONORABLE COURT OF APPEALS ERRED IN NOT DISMISSING CA-G.R. SP NO. 02120-MIN DESPITE THE FACT THAT THE ASSAILED RTC DECISION DATED DECEMBER 4, 2001 IN SPECIAL PROCEEDING NO. 782-01 HAS LONG BECOME FINAL AND EXECUTORY AND WAS IN FACT FULLY AND COMPLETELY EXECUTED AFTER THE PNP-DPRM CORRECTED THE DATE OF BIRTH OF THE PETITIONER FROM JANUARY 11, 1946 TO JANUARY 11, 1956.

3. THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT PNP-DPRM IS NOT ESTOPPED FROM ASSAILING THE VALIDITY OF THE RTC DECISION IN SPECIAL PROCEEDING NO. 782-01.

4. THE HONORABLE COURT OF APPEALS ERRED IN NOT DISMISSING CA-G.R. SP NO. 02120-[MIN] FOR BEING INSUFFICIENT IN FORM AND SUBSTANCE.^[11]

In his first assigned error, petitioner contends that respondent is not an indispensable party. The Court is not persuaded. On the contrary, the Court agrees with the ruling of the CA that it is the integrity and correctness of the public records in the custody of the PNP, National Police Commission (NAPOLCOM) and Civil Service Commission (CSC) which are involved and which would be affected by any decision rendered in the petition for correction filed by herein petitioner. The aforementioned government agencies are, thus, required to be made parties to the proceeding. They are indispensable parties, without whom no final determination of the case can be had. An indispensable party is defined as one who has such an interest in the controversy or subject matter that a final adjudication cannot be made, in his absence, without injuring or affecting that interest.^[12] In the fairly recent case of *Go v. Distinction Properties Development and Construction, Inc.*,^[13] the Court had the occasion to reiterate the principle that:

Under Section 7, Rule 3 of the Rules of Court, "parties in interest without whom no final determination can be had of an action shall be joined as plaintiffs or defendants." If there is a failure to implead an indispensable party, any judgment rendered would have no effectiveness. **It is "precisely 'when an indispensable party is not before the court (that) an action should be dismissed.' The absence of an indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even to those present."** The purpose of the rules on joinder of indispensable parties is a complete determination of all issues not only between the parties themselves, but also as regards other persons who may be affected by the judgment. A decision valid on its face cannot attain real finality where there is want of indispensable parties.^[14]

Citing previous authorities, the Court also held in the Go case that:

The general rule with reference to the making of parties in a civil action requires the joinder of all indispensable parties under any and all conditions, their presence being a *sine qua non* of the exercise of judicial power. (*Borlasa v. Polistico*, 47 Phil. 345, 348) For this reason, our Supreme Court has held that when it appears of record that there are other persons interested in the subject matter of the litigation, who are not made parties to the action, it is the duty of the court to suspend the trial until such parties are made either plaintiffs or defendants. (*Pobre, et al. v. Blanco*, 17 Phil. 156). x x x Where the petition failed to join as party defendant the person interested in sustaining the proceeding in the court, the same should be dismissed. x x x **When an indispensable party is not before the court, the action should be dismissed.**^[15]