

## FIRST DIVISION

[ G.R. No. 130277, May 09, 2002 ]

**MA. LOURDES BARRIENTOS ELEOSIDA, FOR AND IN BEHALF OF  
HER MINOR CHILD, CHARLES CHRISTIAN ELEOSIDA,  
PETITIONER, VS. LOCAL CIVIL REGISTRAR OF QUEZON CITY,  
AND CARLOS VILLENA BORBON, RESPONDENTS.**

### D E C I S I O N

**PUNO, J.:**

This is a petition for review on certiorari of the Order<sup>[1]</sup> of the Regional Trial Court of Quezon City, Branch 89, which dismissed *motu proprio* the petition of Ma. Lourdes Eleosida to correct some entries in the birth certificate of her son, Charles Christian. The birth certificate shows, among others, that the child's full name is Charles Christian Eleosida Borbon. He was born on May 24, 1992 to Ma. Lourdes Barrientos Eleosida and Carlos Villena Borbon. The birth certificate also indicates that the child's parents were married on January 10, 1985 in Batangas City.<sup>[2]</sup>

On January 30, 1997, petitioner Ma. Lourdes Eleosida filed a petition before the Regional Trial Court of Quezon City seeking to correct the following entries in the birth certificate of her son, Charles Christian: first, the surname "Borbon" should be changed to "Eleosida;" second, the date of the parents' wedding should be left blank; and third, the informant's name should be "Ma. Lourdes B. Eleosida," instead of "Ma. Lourdes E. Borbon." In support of her petition, petitioner alleged that she gave birth to her son out of wedlock on May 24, 1992; that she and the boy's father, Carlos Borbon, were never married; and that the child is therefore illegitimate and should follow the mother's surname. The petition impleaded the Local Registrar of Quezon City and Carlos Villena Borbon as respondents.<sup>[3]</sup>

On April 23, 1997, the trial court issued a notice of hearing stating:

"Verified petition having been filed by petitioner Ma. Lourdes Barrientos Eleosida, praying that the entries in the Certificate of Live Birth of her minor child, Charles Christian Eleosida Borbon, be changed and/or corrected, such that, his last name BORBON be deleted and instead place therein the name ELEOSIDA, which is the surname of his mother-petitioner; the entry "January 10, 1985 - Batangas City", be likewise deleted, since the petitioner and respondent Carlos Villena Borbon, at the time of the minor's birth were not legally married; and the surname BORBON of petitioner Ma. Lourdes E. Borbon under the column Informant, be also deleted;

NOTICE IS HEREBY GIVEN, that this petition is set for hearing on June 26, 1997 at 8:30 o'clock in the morning, in the Session Hall of this Court sitting at the Ground Floor, Room 118, Hall of Justice, Quezon City, which

is ordered published once a week for three (3) consecutive weeks, in a newspaper of general circulation and published in Metro Manila, to be selected by raffle, at the expense of the petitioner, at which date, time and place, the petitioner shall appear and prove her petition, in that all other persons having or claiming any interest thereon shall also appear and show cause why, if any, they have, the petition shall not be granted.

Let copies of this notice be furnished the petitioner, and together with copies of the petition, respondent Carlos Villena Borbon; the Offices of the Local Civil Registrar of Quezon City and the Solicitor General, who are given fifteen (15) days from notice of the petition, or from the last date of publication of such notice, within which to file their opposition thereto, if any. In the event that the Solicitor General may not be able to appear on the scheduled hearing, to designate the City Prosecutor of Quezon City to appear for and in behalf of the State.

SO ORDERED.”<sup>[4]</sup>

On June 26, 1997, the trial court issued another order setting the date for the presentation of evidence on July 23, 1997. It stated:

“Considering that there is no opposition filed despite notice to the Solicitor General as contained in the notice of hearing dated April 23, 1997 requiring that office to file their opposition, if any, to the petition for correction of entries in the birth certificate of minor child Charles Christian Eleosida, the petitioner will be allowed to present compliance with the jurisdictional requirements and at the same time initially present evidence on July 23, 1997, at 8:30 o'clock in the morning.”<sup>[5]</sup>

On August 25, 1997, the trial court *motu proprio* dismissed the petition for lack of merit. It ruled:

“It is an established jurisprudence that, only CLERICAL ERRORS OF A HARMLESS AND INNOCUOUS NATURE like: misspelled name, occupation of the parents, etc., may be the subject of a judicial order (contemplated under Article 412 of the New Civil Code), authorizing changes or corrections and: NOT as may affect the CIVIL STATUS, NATIONALITY OR CITIZENSHIP OF THE PERSONS INVOLVED.

In the present case, it is very clear that the changes desired by the petitioner will ultimately affect the CIVIL STATUS OF CHARLES CHRISTIAN, as she wants the Court to direct the Civil Registrar of Quezon City to substitute her maiden name, ELEOSIDA, with that of BORBON; to delete the information supplied in ITEM 12, respecting the date and place of marriage of parents, on the ground that she was never married to respondent CARLOS VILLENA BORBON and amend the information in ITEM 14, respecting the name of the informant, from MA. LOURDES E. BORBON to MA. LOURDES B. ELEOSIDA, and is indicative of petitioner's intention and device to establish that CHARLES CHRISTIAN's civil status as ILLEGITIMATE.

With the petition's ultimate purpose on the part of petitioner to secure judicial order, which would authorize a change in the civil status of