

## EIGHTH DIVISION

[ CA-G.R. CV NO. 99529, March 19, 2014 ]

**IN RE: IN THE MATTER OF THE PETITION FOR THE CORRECTION  
OF ENTRIES IN THE CERTIFICATE OF LIVE BIRTH OF MISHCA  
KOLLEEN ALPAY DAZO, MICHAEL KENNETH AMBAY DAZO,  
PETITIONER-APPELLEE,**

**REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### D E C I S I O N

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

Before Us is an appeal of the Decision dated January 18, 2012 of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 11 of Manila, in Sp. Proc. No. 11-125520. The dispositive portion of the appealed Decision reads:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered directing the Office of the Civil Registrar of Manila, and all persons who shall be affected by herein proceedings to cause the correction of the erroneous entries in the Certificate of Live Birth of petitioner's daughter MISHCA KOLLEEN ALPAY DAZO, to wit:

a) Entry No. 1 – Name: MISHCA KOLLEEN ALDAY DAZO it should be **MISHCA KOLLEEN ALPAY DAZO**;

b) Entry No. 6 - Mother's Name: ROCHELLE GABRILE ALDAY it should be MA. ROCHELLE GABRIEL ALPAY;

c) Entry No. 13 – Father's Name: MICHAEL JENNETH AMBAY DAZO it should be **MICHAEL KENNETH AMBAY DAZO**;

d) Entry No. 18 – the Date and Place of Marriage: July 15, 1995, Pangasinan should be deleted.

Let copies of this order be furnished all offices concerned for their information and guidance.

SO ORDERED." (Rollo, pp. 35-36)

The antecedents:

In a petition (Records, pp. 1-4) filed on April 13, 2011, petitioner-appellee Michael Kenneth Ambay Dazo (hereinafter appellee) sought the correction of entries in the certificate of live birth of his daughter Mishca Kolleen Alpay Dazo (hereinafter Mishca). He pointed out that Mishca's middle name was erroneously entered as "ALDAY" instead of "ALPAY." He further asserted that the name of Mishca's mother

was incorrectly entered as "ROCHELLE GABRIEL ALDAY" which should be corrected to "MA. ROCHELLE GABRIEL ALPAY." Another entry that was allegedly erroneous is appellee's name as what is reflected in the certificate of live birth is "MICHAEL JENNETH AMBAY DAZO" instead of "MICHAEL KENNETH AMBAY DAZO." Finally, appellee sought the deletion of Entry No. 18 which pertains to date and place of marriage because there was no marriage at all.

The RTC found the petition to be sufficient in form and substance. Hence, in an Order (Rollo, p. 7) dated May 4, 2011, the RTC set the initial hearing on July 14, 2011 at 8:30 in the morning. The RTC also directed the publication of the said notice in a newspaper of general circulation, once a week for three (3) consecutive weeks.

Pursuant to the May 4, 2011 directive, the notice was published in *Respondents Weekly Newspaper*, on May 24, 31 and June 7, 2011. (Records, pp. 16-24) On June 7, 2011, an Affidavit of Publication (Records, p. 15) was subsequently executed by Sharon Espenilla-Ancheta, publisher of Respondents Weekly Newspaper.

Meanwhile, in a Notice of Appearance dated May 19, 2011, the Office of the Solicitor General (OSG) entered its appearance as counsel for the Republic of the Philippines (Records, p. 11) and deputized the Office of the City Prosecutor of Manila to assist the OSG in all the hearings of the case. (Records, p. 12)

On September 22, 2011, the RTC issued an Order (Records, p. 40) admitting all the documentary exhibits presented and offered for markings by the appellee.

On January 18, 2012, the RTC rendered the challenged decision. (Rollo, pp. 34-36) It held that the pieces of evidence presented by appellee have clearly established that the erroneous entries in Mishca's certificate of live birth have to be corrected so as to reflect Mishca's correct middle name, her mother's correct maiden name and appellee's correct name. The RTC also ordered the deletion of the entries pertaining to date and place of marriage on the strength of the Certification issued by the National Statistics Office dated July 15, 2011 that appellee's name does not appear in its National Indices of Marriage. The dispositive part of the assailed decision was quoted in the prefatory portion of this Decision.

Unconvinced of the RTC's decision, the OSG now comes before this Court via the instant appeal, raising the following issues-

#### "I

WHETHER OR NOT THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR CORRECTION OF ENTRIES DESPITE PETITIONER'S FAILURE TO IMPLEAD ALL THE INDISPENSABLE PARTIES[;] [AND]

#### II

WHETHER OR NOT THE TRIAL COURT ERRED IN GRANTING THE PETITION IN A SUMMARY PROCEEDING." (Rollo, p. 27)

Simply put, the issue to be resolved is whether or not the RTC erred in granting appellee's petition.