

## **TENTH DIVISION**

**[ CA-G.R. CV NO. 96516, May 27, 2014 ]**

**DANICA AMPULLER, PETITIONER-APPELLEE, VS. OFFICE OF THE  
CITY CIVIL REGISTRAR OF MANILA AND THE NATIONAL  
STATISTIC OFFICE, RESPONDENTS. REPUBLIC OF THE  
PHILIPPINES, OPPOSITOR-APPELLANT.**

### **D E C I S I O N**

**PERALTA, JR., E. B., J.:**

Impugned by the Republic via an appeal<sup>[1]</sup> was the Decision on January 6, 2011<sup>[2]</sup> of the Regional Trial Court, Branch 52, Manila in Special Proceeding No. 10-123869 which acceded to the Petition<sup>[3]</sup> for Correction of Entries in the Certificate of Live Birth of Danica Ampuller Iremedio, thusly:

1. deleting the surname "Iremedio" and change to Ampuller;
2. deleting the date and place of parents' marriage to "N/A" or Not Applicable.

Danica Iremedio's Petition<sup>[4]</sup> averred that she was born on June 26, 1991 and her parents are Henry Iremedio and Ma. Ananette F. Ampuller who, as Danica's Certificate of Live Birth<sup>[5]</sup> indicated, contracted marriage on March 15, 1991. It was asserted on the initiatory pleading that her parents were never legally married and that was the justification for the formal quest to change her surname from "Iremedio" to "Ampuller" since she had to follow the surname of her mother, and to delete the place and date of marriage and replace it with "N/A" or "Not Applicable". Impleaded as respondent before the RTC was the City Civil Registrar of Manila.

To fortify the Petition, the representative of Danica utilized a Certification<sup>[6]</sup> from the National Statistics Office to the effect that her father Henry Iremedio "does not appear in our National Indices of Marriages."

Following issuance of the incipient Order below<sup>[7]</sup> for the requisite publication of the notice and dissemination of a copy of the Petition, and convinced by the propriety of the Petition, the proceeding eventually culminated in the issuance of the favorable verdict from the court a quo:

"WHEREFORE, the petition is GRANTED. Accordingly, the Civil Registrar of Manila is directed to correct the following erroneous entry in the Certificate of Live Birth of the petitioner: 1) Under Entry No. 1 thereof, by deleting the surname "Iremedio" and indicating therein the name "Danica Ampuller"; 2) Entry No. 12 thereof, from March 15, 1991, Laguna to "N/A" or "Not Applicable".

SO ORDERED.”

Dismayed by the outcome of the Petition, the Republic demurred and interposed the appeal now before Us on the idea that the proposed corrections on Danica's birth certificate will alter civil status on legitimacy which can only be achieved after an appropriate adversarial process with the participation of indispensable parties.<sup>[8]</sup>

***We find the appeal meritorious.***

When a Petition for cancellation or correction of entry in the civil register involves *substantial* and *controversial* alterations including those on citizenship, legitimacy or paternity or filiation, or legitimacy of marriage, there must be strict compliance with preconditions for Rule 108 of the Rules of Court,<sup>[9]</sup> nay, adversarial.<sup>[10]</sup>

Cancellation or correction of entries in the civil registry is governed by Rule 108 of the Rules of Court:<sup>[11]</sup>

SEC. 1. *Who may file petition.* – Any person interested in any act, event, order or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation or correction of any entry relating thereto, with the Regional Trial Court of the province where the corresponding civil registry is located.

SEC. 2. *Entries subject to cancellation or correction.* – Upon good and valid grounds, the following entries in the civil register may be cancelled or corrected: (a) births; (b) marriages; (c) deaths; (d) legal separations; (e) judgments of annulments of marriage; (f) judgments declaring marriages void from the beginning; (g) legitimations; (h) adoptions; (i) acknowledgments of natural children; (j) naturalization; (k) election, loss or recovery of citizenship; (l) civil interdiction; (m) judicial determination of filiation; (n) voluntary emancipation of a minor; and (o) changes of name.

**SEC. 3. *Parties.* – When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.**

**SEC. 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 circulation in the province.**

**SEC. 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.**