

SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Baguio City

**SECOND DIVISION**

**RAMON CORPUS TAN,**  
Petitioner,

**G.R. No. 211435**

**Present:**

CARPIO, J., *Chairperson,*  
PERLAS-BERNABE,\*  
CAGUIOA,  
REYES, J. JR., and  
LAZARO-JAVIER, JJ.

- versus -

**OFFICE OF THE LOCAL CIVIL  
REGISTRAR OF THE CITY  
OF MANILA, and THE  
NATIONAL STATISTICS  
OFFICE OF QUEZON CITY (now  
PHILIPPINE STATISTICS  
AUTHORITY),**

**Promulgated:**

**10 APR 2019**

Respondents.

*Handwritten signature*

X -----X

**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.

\* On leave.  
<sup>1</sup> *Rollo*, pp. 3-19.  
<sup>2</sup> Penned by Associate Justice Isaias P. Dicanan, with Justices Michael P. Elbinias and Nina G. Antonio-Valenzuela, concurring; *id.* at 22-33.  
<sup>3</sup> *Id.* at 46-47.  
<sup>4</sup> Penned by Judge Teresa P. Soriaso; *id.* at 93-95.  
<sup>5</sup> *Id.* at 105-107.

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### 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.

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<sup>6</sup> Id. at 48-51.

<sup>7</sup> Id. at 61-62.

<sup>8</sup> Id. at 63-66.

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 notimpleaded as a party, petitioner failed to comply with the requirements of an adversarial proceeding. The dispositive portion of the RTC Order states:

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<sup>9</sup> Id. at 75-78.

<sup>10</sup> Id. at 79.

<sup>11</sup> Id. at 83.

<sup>12</sup> Id. at 83.

<sup>13</sup> Id. at 86.

<sup>14</sup> Id. at 87.

<sup>15</sup> Id. at 88-89.

<sup>16</sup> Id. at 92.

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:

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<sup>17</sup> Id. at 95.

<sup>18</sup> Id. at 108-109.

**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

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<sup>19</sup> Id. at 32.

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<sup>2</sup> 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>

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<sup>20</sup> Id. at 150.

<sup>21</sup> Id. at 134-143.

<sup>22</sup> REVISED RULES OF COURT, Rule 108, Section 1.

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 person. Further, the intended alteration on the date of the marriage from September 1, 1989 to January 25, 1998 would, in effect, change the status of the child from legitimate to

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<sup>23</sup> 225 Phil. 408, 413 (1986).

<sup>24</sup> *Republic of the Philippines v. Olaybar*, 726 Phil. 378, 385 (2014).

<sup>25</sup> *Republic of the Philippines v. Benemerito*, 469 Phil. 508, 513 (2004).

<sup>26</sup> *Republic of the Philippines v. Lugsanay Uy*, 716 Phil. 254, 266 (2013).

<sup>27</sup> *Supra*.

illegitimate considering that his parents were not yet legally married at the time he was born on June 1, 1990.

In *Republic of the Philippines v. Lugsanay Uy*,<sup>28</sup> the respondent sought the “correction” of her name in her Certificate of Live Birth from “Anita Sy” to “Norma S. Lugsanay.” She claimed that she was born on February 8, 1952, and the illegitimate daughter of Sy Ton and Sotera Lugsanay. She argued that as an illegitimate child, her surname should follow that of her mother’s. She further alleged that she is known to her family and friends as “Norma Lugsanay” and that her school records and other legal documents bear the name “Norma S. Lugsanay.” She also contended that she is a Filipino citizen and not Chinese, and all her siblings bear the surname Lugsanay and are all Filipinos.

The Court noted that the entries sought to be corrected are substantial alterations, and not mere clerical errors, as they touched upon respondent’s filiation and citizenship. The Court reasoned that changing respondent’s surname from “Sy” to “Lugsanay” would change her status from legitimate to illegitimate.

In this case, the alleged error could not be considered a clerical error or a readily apparent mistake. Contrary to petitioner’s claim, the correction sought would definitely have an effect on his filiation with the persons named in his Certificate of Live Birth.

As aptly observed by the appellate court, the name “Tan Ko” has been consistently used not only in the entries for petitioner’s name, but also for that of his parents. In entry No. 7, the name of petitioner’s father was entered as “Tan Ko,” while his mother’s name was entered as “Trinidad Corpus Tan Ko” in entry No. 12. Furthermore, his mother, as the informant for petitioner’s birth certificate, signed as “T.C. Tan Ko” in entry No. 17.

Verily, the “correction” of petitioner’s name from “Ramon Corpus Tan Ko” to “Ramon Corpuz Tan” would necessarily affect not only his name, but also the names of his parents as entered in his Certificate of Live Birth.

As correctly explained by the appellate court, altering petitioner’s surname from “Tan Ko” to “Tan” would, in effect, be an adjudication that the first name of his father is indeed “Ko” and his surname “Tan.” Clearly, the correction would affect the identity of petitioner’s father. Moreover, there would be a need to correct his mother’s name from “Trinidad Corpus Tan Ko” to “Trinidad Corpuz Tan.” This would require deleting the word “Ko” from “Tan Ko” and changing the letter “s” to “z” in “Corpus.” Following *Benemerito*, to effect the correction, it would be essential to

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<sup>28</sup> Supra note 26.



establish that “Trinidad Corpus Tan Ko” and “Trinidad Corpuz Tan” refer to the same person. A summary proceeding would certainly be insufficient to effect such substantial corrections.

***Petitioner failed to comply with the procedural requirements of an adversarial proceeding under Rule 108.***

Petitioner claims that even if the correction sought involves a substantial change, he has substantially complied with the requirement of appropriate adversarial proceeding when he impleaded LCR Manila and after he caused the publication of the notice setting his petition for hearing in accordance with Section 4, Rule 108 of the Rules of Court. The Republic, through the OSG, submits that indeed the petitioner has substantially complied with the procedural requirement of an adversary proceeding. Both the petitioner and the Republic mention the cases of *Barco v. Court of Appeals (Barco)*<sup>29</sup> and *Republic of the Philippines v. Kho (Kho)*<sup>30</sup> as authorities in support of their submission that the failure to implead indispensable parties could be cured by compliance with the publication requirement under Section 4 of Rule 108.

Reliance on *Barco* and *Kho* is misplaced. These cases are inapplicable to the present petition.

Section 3, Rule 108 of the Rules of Court provides that the civil registrar and all persons who have or claim any interest which would be affected by the cancellation or correction of an entry in the civil register, shall be made parties to the proceeding.

In *Barco*, therein private respondent Nadina Maravilla (Nadina) filed a petition for correction of entry in order to change the person named as the father in the birth certificate of her daughter. The local civil registrar that recorded the subject birth certificate was impleaded along with Francisco Maravilla (Francisco), the person originally named as the father, and Armando Gustilo (Armando), the person said to be the real father. Notably, Francisco and Armando interposed no objection to the correction. Eventually, the trial court granted the petition for correction of entry.

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<sup>29</sup> 465 Phil. 39 (2004).

<sup>30</sup> 553 Phil. 161 (2007).

A petition was later filed before the CA seeking the annulment of the RTC Order. Milagros Barco (Milagros) filed a petition-in-intervention before the CA arguing that she and her daughter have legal interest in the annulment of the RTC Order. She explained that her daughter is also the child and heir of Armando, the alleged real father in Nadina's petition for correction of entry. As such, she and her daughter should have been impleaded therein, failing which, the trial court did not acquire jurisdiction. The CA, however, dismissed the petition and petition-in-intervention.

The Court concurred with the CA's conclusion that the failure to implead an indispensable party, such as Milagros, in the petition for correction of entry was cured by the compliance with the publication requirement under Section 4 of Rule 108. The Court reasoned that it could not be established whether Nadina knew of the existence of Milagros' daughter at the time the former filed the petition for correction. The Court explained that doubt may always be cast as to whether a petitioner under Rule 108 would know of all the parties whose interests may be affected by the granting of a petition. The Court stated, thus:

Undoubtedly, Barco is among the parties referred to in Section 3 of Rule 108. Her interest was affected by the petition for correction, as any judicial determination that June was the daughter of Armando would affect her ward's share in the estate of her father. It cannot be established whether Nadina knew of Mary Joy's existence at the time she filed the petition for correction. Indeed, doubt may always be cast as to whether a petitioner under Rule 108 would know of all the parties whose interests may be affected by the granting of a petition. For example, a petitioner cannot be presumed to be aware of all the legitimate or illegitimate offsprings of his/her spouse or paramour. The fact that Nadina amended her petition to implead Francisco and Gustilo indicates earnest effort on her part to comply with Section 3 as quoted above.

Yet, even though Barco was not impleaded in the petition, the Court of Appeals correctly pointed out that the defect was cured by compliance with Section 4, Rule 108, which requires notice by publication[.] x x x<sup>31</sup>

x x x x

On the other hand, in *Kho*, the private respondents who were siblings filed a petition for correction of the entries in their respective birth certificates. They prayed, among others, that the word "married" opposite the phrase "Date of marriage of parents" be deleted because their parents were not legally married. Private respondent Carlito Kho, one of the siblings, also sought the correction of the entries in the birth certificates of his children, specifically, the correction of the date of marriage between him

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<sup>31</sup> *Barco v. Court of Appeals*, supra note 29, at 55-56.

and his wife from "April 27, 1989" to "January 21, 2000," the latter date being the date appearing in their marriage certificate; and the correction of the name of his wife's first name from "Maribel" to "Marivel."

The Republic opposed the corrections and contended that since the changes prayed for were substantial in nature, they could only be granted through an adversarial proceeding in which indispensable parties, such as Marivel and the private respondents' parents, should have been notified or impleaded.

The Court, however, dismissed the Republic's contentions ruling that when all the procedural requirements under Rule 108 are complied with, the appropriate adversary proceeding is satisfied. The Court stressed that it is highly improbable that Marivel was unaware of the proceedings to correct the entries in her children's birth certificates considering that the notices, orders, and decision of the trial court were all sent to the residence she shared with Carlito and their children. With respect to the private respondents' parents, the Court noted that their father died in 1959. On the other hand, their mother was presented as a witness and testified as to the material allegations of the petition for correction of entries.

From the foregoing, it is clear that there are circumstances which impelled the Court to excuse the failure to implead indispensable parties in proceedings for cancellation or correction of entry. In *Barco*, it is the supposed lack of knowledge or awareness of the petitioner of the existence of other persons who would be affected by the corrections she sought. In *Kho*, it is the affected persons' inferred notice and actual awareness of the proceedings for the correction of entries.

The circumstances in *Barco* and *Kho* are unavailing in this case. It could not be said that petitioner was unaware of the existence of other persons who may be affected by the corrections sought. It is his own mother who would be affected by the proceeding for correction of entry which he filed. As already discussed, his mother's name in the subject birth certificate would necessarily be changed if the correction prayed for is granted. Further, petitioner's mother has neither been shown nor alleged to have been living in the same residence with petitioner, unlike in *Kho*. Thus, there was no showing or, at the very least, reason to believe that her mother was even aware of the subject proceeding for correction of entry.

Contrary to the submissions by the parties, it is *Lugsanay Uy*<sup>32</sup> which finds application to the present petition. In said case, the private respondent sought the "correction" of her name in her Certificate of Live Birth from "Anita Sy" to "Norma S. Lugsanay," impleading the Local Civil Registrar of Gingoog City as respondent. The Court ruled that respondent should have

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<sup>32</sup> Supra note 26.

impleaded her parents and siblings as the persons who have interest, and are affected by the changes or corrections she wanted to make. Simply put, impleading and notifying only the local civil registrar is not enough, to wit:

The fact that the notice of hearing was published in a newspaper of general circulation and notice thereof was served upon the State will not change the nature of the proceedings taken. A reading of Sections 4 and 5, Rule 108 of the Rules of Court shows that the Rules mandate two sets of notices to different potential oppositors: one given to the persons named in the petition and another given to other persons who are not named in the petition but nonetheless may be considered interested or affected parties. Summons must, therefore, be served not for the purpose of vesting the courts with jurisdiction but to comply with the requirements of fair play and due process to afford the person concerned the opportunity to protect his interest if he so chooses.

While there may be cases where the Court held that the failure to implead and notify the affected or interested parties may be cured by the publication of the notice of hearing, **earnest efforts were made by petitioners in bringing to court all possible interested parties**. Such failure was likewise excused **where the interested parties themselves initiated the corrections proceedings; when there is no actual or presumptive awareness of the existence of the interested parties; or when a party is inadvertently left out.**<sup>33</sup> (Emphases supplied; citations omitted)

***Petitioner failed to prove his cause of action.***

Even on the assumption that petitioner complied with the requirements of an adversarial proceeding under Rule 108, the corrections prayed for could not be granted.

It is well to stress that as a public document, a registered birth certificate, duly recorded in the local civil registry, is *prima facie* evidence of the facts stated therein.<sup>34</sup> While it may be true that as a mere *prima facie* evidence, the facts contained in a birth certificate are not conclusive and may still be rebutted, still, a high degree of proof is needed to overthrow the presumption of the truth contained in such public document.<sup>35</sup>

The petitioner utterly failed to overcome the presumption of truth contained in his birth certificate.

As correctly observed by the appellate court, the pieces of evidence presented by petitioner, consisting of government-issued identification cards

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<sup>33</sup> Id. at 265-266.

<sup>34</sup> *Solinap v. Locsin, Jr.*, 423 Phil. 192 194 (2001); *Baldos v. Court of Appeals*, 638 Phil. 601, 608 (2010).

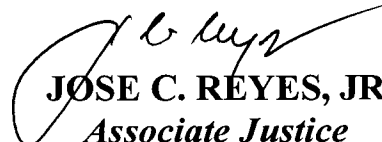
<sup>35</sup> *Heirs of Cabais v. Court of Appeals*, 374 Phil. 681, 688 (1999).

and other public documents, only prove that he had been using the surname "Tan," but not the fact that his father's surname was indeed "Tan." Aside from being insufficient for the purpose of rebutting the truth of the entries in his birth certificate, these identification cards and documents are also immaterial to his cause of action. As argued by the Republic, the evidence presented by petitioner and his plea on the ground of reasonable cause and compelling reason, are relevant only to a petition for change of name under Rule 103, and not under a proceeding for cancellation or correction of entry under Rule 108.


The Court agrees with the observations of the appellate court that petitioner's mother would be the best witness to testify on the alleged errors in her son's birth certificate. In a similar vein, the birth certificates of petitioner's older siblings showing the surname "Tan" instead of "Tan Ko" would greatly bolster his claim. However, for reasons known only to petitioner, he refused to present his mother or the birth certificates of his siblings. Thus, there would be no basis to sustain his claim that his surname should be "Tan" instead of "Tan Ko." Accordingly, the present petition must be denied.

**WHEREFORE**, the present Petition for Review on *Certiorari* is **DENIED** for lack of merit. The Decision dated September 27, 2013 and the Resolution dated February 24, 2014 of the Court of Appeals in CA-G.R. CV No. 98952, are **AFFIRMED**.

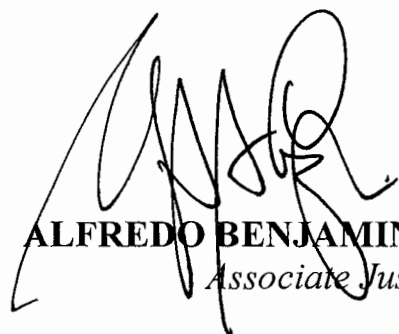
**SO ORDERED.**

  
**JOSE C. REYES, JR.**  
*Associate Justice*

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
*Senior Associate Justice*  
*Chairperson*

(On Leave)  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*



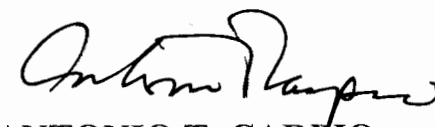
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**AMY C. LAZARO-JAVIER**  
*Associate Justice*

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CAPIO**  
*Senior Associate Justice*  
*Chairperson, Second Division*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**LUCAS P. BERSAMIN**  
*Chief Justice*