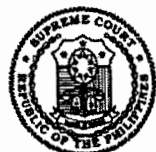


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Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**MATRON M. OHOMA**  
**(MATIORICO M. OHOMNA),**  
Petitioner,

**G.R. No. 239584**

Present:

- versus -

**OFFICE OF THE MUNICIPAL  
LOCAL CIVIL REGISTRAR OF  
AGUINALDO, IFUGAO and  
REPUBLIC OF THE PHILIPPINES,**  
Respondents.

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

Promulgated:

17 JUN 2019

*HM Cabalo of Perfecto*

X ----- X

**DECISION**

**PERLAS-BERNABE, J.:**

Assailed in this petition for review on *certiorari*<sup>1</sup> are the Decision<sup>2</sup> dated February 1, 2018 and the Resolution<sup>3</sup> dated May 16, 2018 of the Court of Appeals (CA) in CA-G.R. CV No. 105591, which annulled and set aside the Resolution<sup>4</sup> dated June 9, 2015 of the Regional Trial Court of Alfonso Lista, Ifugao, Branch 15 (RTC) in Special Proceedings Case No. 142-14.

<sup>1</sup> Rollo, pp. 13-26.  
<sup>2</sup> Id. at 32-39. Penned by Associate Justice Sesinando E. Villon with Associate Justices Danton Q. Bueser and Henri Jean Paul B. Inting (now a member of this Court), concurring.  
<sup>3</sup> Id. at 41-42.  
<sup>4</sup> Id. at 60-63. Penned by Presiding Judge Rufus G. Malecdan.

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## The Facts

This case stemmed from a petition<sup>5</sup> filed by petitioner Matron M. Ohoma (Matorico M. Ohomna; petitioner) before the RTC on March 26, 2014, seeking the cancellation of his Certificate of Live Birth with Registry Number 45-86<sup>6</sup> (*first* birth certificate). He averred that: (a) he was born on May 13, 1986 in Aguinaldo, Ifugao; (b) his birth was belatedly recorded with the Local Civil Registrar of Aguinaldo, Ifugao (LCR-Aguinaldo) on February 8, 2000 under Certificate of Live Birth with Registry Number 2000-24<sup>7</sup> (*second* birth certificate); (c) unknown to him, his birth had been previously registered with the LCR-Aguinaldo on June 13, 1986 under the *first* birth certificate; (d) the *first* birth certificate contained erroneous entries, *i.e.*, (i) his first name was erroneously recorded as Matron instead of Matorico and (ii) his last name was erroneously recorded as Ohoma instead of Ohomna; (e) he has been using the first name Matorico and the last name Ohomna, and has been known by such first and last names both in his public and private transactions; and (f) the *second* birth certificate reflects the true and correct data of petitioner; hence, must be the one retained.<sup>8</sup> The petition, which was docketed as Special Proceedings Case No. 142-14, likewise included a prayer for “[o]ther reliefs just and equitable x x x.”<sup>9</sup>

On May 14, 2014, the RTC issued an Order<sup>10</sup> finding the petition to be sufficient in form and substance, and consequently, gave due course thereon by setting the case for hearing. It further directed that the concerned government offices be furnished a copy of the said Order and the same be published in a newspaper of general circulation for three (3) consecutive weeks at the expense of petitioner.<sup>11</sup>

During the scheduled hearing, petitioner established the jurisdictional requirement of publication, which was admitted by the Office of the Provincial Prosecutor of Ifugao, the office duly deputized to assist the Office of the Solicitor General (OSG) in the proceedings.<sup>12</sup> An order of general default was issued and petitioner was then allowed to present his evidence *ex-parte* before the Clerk of Court of the RTC. In support of his petition, petitioner presented his two (2) birth certificates, his Elementary School Permanent Record,<sup>13</sup> a copy of his Passport Application Form,<sup>14</sup> and his Professional Driver’s License.<sup>15</sup>

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<sup>5</sup> Id. at 43-44.

<sup>6</sup> Id. at 47-48.

<sup>7</sup> Id. at 45-46.

<sup>8</sup> Id. at 43-44.

<sup>9</sup> Id. at 44.

<sup>10</sup> Id. at 53-54. Issued by Presiding Judge Rufus G. Malecda, Jr.

<sup>11</sup> See *id.*

<sup>12</sup> See *id.* at 34.

<sup>13</sup> Id. at 49.

<sup>14</sup> Id. at 50.

<sup>15</sup> Id. at 52.

### The RTC Ruling

In a Resolution<sup>16</sup> dated June 9, 2015, the RTC granted the petition and ordered the LCR-Aguinaldo and the National Statistics Office (NSO; now Philippine Statistics Authority) to cancel petitioner's *first* birth certificate, finding that the same contains errors that caused confusion as to the identity of petitioner.<sup>17</sup>

Dissatisfied, the Republic of the Philippines appealed<sup>18</sup> to the CA, challenging the validity of petitioner's *second* birth certificate on the ground that his birth could no longer be the subject of a second or another registration as the same had already been validly registered. Assuming that his original or first registration contains several errors, such do not constitute valid grounds for the cancellation thereof, and the proper remedy is to file a petition for correction of entries in the first registration under Rule 108 of the Rules of Court (Rule 108).<sup>19</sup>

### The CA Ruling

In a Decision<sup>20</sup> dated February 1, 2018, the CA annulled and set aside the RTC ruling.<sup>21</sup> It ruled that there can be no valid late registration of petitioner's birth considering that the same had already been lawfully registered with the LCR-Aguinaldo within thirty (30) days from the time of his birth,<sup>22</sup> as required under Office of the Civil Registrar-General Administrative Order No. 1, Series of 1983.<sup>23</sup> Thus, it held that the RTC should have upheld the validity of petitioner's *first* birth certificate instead of his *second* birth certificate, which should have been the one nullified and cancelled. It declared that the proper remedy was to file a petition for correction of entries in petitioner's *first* birth certificate pursuant to Rule 108.<sup>24</sup>

Petitioner moved for reconsideration<sup>25</sup> which was denied in a Resolution<sup>26</sup> dated May 16, 2018; hence, this petition.

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<sup>16</sup> Id. at 60-63.

<sup>17</sup> See id. at 62-63.

<sup>18</sup> See Notice of Appeal dated July 2, 2015; id. at 66-68.

<sup>19</sup> See id. at 77.

<sup>20</sup> Id. at 32-39.

<sup>21</sup> Id. at 39.

<sup>22</sup> See id. at 37.

<sup>23</sup> As amended by Office of the Civil Registrar-General Administrative Order No. 1, Series of 1993 entitled "IMPLEMENTING RULES AND REGULATIONS OF ACT NO. 3753 AND OTHER LAWS ON CIVIL REGISTRATION," approved on December 18, 1992.

<sup>24</sup> See *rollo*, pp. 36-37.

<sup>25</sup> Dated February 26, 2018. Id. at 96-103.

<sup>26</sup> Id. at 41-42.

## The Issue Before the Court

The issue for the Court's resolution is whether or not the CA committed reversible error when it annulled and set aside the RTC ruling ordering the cancellation of petitioner's *first* birth certificate.

## The Court's Ruling

Under Office of the Civil Registrar-General Administrative Order No. 1, Series of 1983, as amended, the birth of a child shall be registered within 30 days from the time of birth in the Office of the Local Civil Registrar of the city/municipality where it occurred. In this case, petitioner's birth had already been reported by his mother, Antonia Maingit (Antonia), and duly recorded in the civil register of the LCR-Aguinaldo on June 13, 1986. Thus, as correctly pointed out by the CA, there can be no valid late registration of petitioner's birth as the same had already been lawfully registered within 30 days from his birth under the *first* birth certificate.<sup>27</sup> Consequently, it is the *second* birth certificate that should be declared void and correspondingly cancelled even if the entries therein are claimed to be the correct ones.

However, while the petition specifically prayed for the cancellation of petitioner's *first* birth certificate and the retention of his *second* birth certificate, the ultimate objective was to correct the erroneous entries pertaining to petitioner's first and last names, *i.e.*, from Matron Ohoma to Matorico Ohomna, as he claimed that people in the community know him by the latter name rather than the former.<sup>28</sup> Rule 108 implements judicial proceedings for the correction or cancellation of entries in the civil registry pursuant to Article 412<sup>29</sup> of the Civil Code. The role of the Court under Rule 108 is to ascertain the truth about the facts recorded therein.<sup>30</sup>

The action filed by petitioner before the RTC seeks to correct a supposedly misspelled name, and thus, properly falls under Rule 108. To correct simply means "to make or set aright; to remove the faults or error from."<sup>31</sup> Considering that petitioner complied with the procedural requirements<sup>32</sup> under Rule 108, the RTC had the jurisdiction to resolve the petition which included a prayer for "[o]ther reliefs just and equitable x x

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<sup>27</sup> See *id.* at 37.

<sup>28</sup> See *id.* at 43.

<sup>29</sup> Article 412 provides:

Article 412. No entry in a civil register shall be changed or corrected, without a judicial order.

<sup>30</sup> See *Republic v. Mercadera*, 652 Phil. 195, 211 (2010).

<sup>31</sup> *Id.*

<sup>32</sup> Notably, the May 14, 2014 Order (*rollo*, pp. 53-54) setting the case for hearing was published for three (3) consecutive weeks in a newspaper of general circulation in the provinces of Region 2 (see *id.* at 55). Additionally, the LCR-Aguinaldo, the OSG, and the NSO were notified of the petition (see records, pp. 8-10 and 18-19, including dorsal portions). The OSG entered its appearance (see Notice of Appearance dated June 13, 2014; *id.* at 11-12) and deputized the Office of the Provincial Prosecutor of Lagawe, Ifugao for purposes of the proceedings before the RTC (see *id.* at 13). Despite publication and notice to the concerned offices, there was no opposition filed against the petition before the RTC (see *id.* at 19).


x.”<sup>33</sup> A general prayer for “other reliefs just and equitable” appearing on a petition enables the court to award reliefs supported by the complaint or other pleadings, by the facts admitted at the trial, and by the evidence adduced by the parties, even if these reliefs are not specifically prayed for in the complaint.<sup>34</sup> Consequently, the CA erred in holding that petitioner has to refile another petition before the trial court could resolve his claim.

Nonetheless, the Court finds that petitioner failed to sufficiently establish that his father’s last name was Ohomna and not Ohoma through competent evidence, *i.e.*, the latter’s birth certificate, the certificate of his marriage to petitioner’s mother, Antonia, on January 30, 1986, or a government-issued identification card or record. On this score alone, the correction of petitioner’s first and last names should be denied. While the first name may be freely selected by the parents for the child, the last name to which the child is entitled is fixed by law.<sup>35</sup> Although petitioner’s Elementary School Permanent Record<sup>36</sup> and Professional Driver’s License<sup>37</sup> identify him as Matorico Ohomna, the same are insufficient to grant the petition. It bears stressing that the real name of a person is that given him in the Civil Register, not the name by which he was baptized in his Church or by which he was known in the community, or which he has adopted.<sup>38</sup>

In addition, the Court notes that Antonia was the informant in both instances and the one who signed both birth certificates. However, a perusal of Antonia’s signatures on petitioner’s two (2) birth certificates shows that the same are materially different from each other. Further, petitioner failed to show any plausible explanation why she signed as Antonia Ohoma<sup>39</sup> on the *first* birth certificate and as Antonia Ohomna<sup>40</sup> on the *second* birth certificate.

**WHEREFORE**, the petition is **DENIED**. The Decision dated February 1, 2018 and the Resolution dated May 16, 2018 of the Court of Appeals in CA-G.R. CV No. 105591 are hereby **SET ASIDE**. A new judgment is entered **ORDERING** the Local Civil Registrar of Aguinaldo, Ifugao and the Philippine Statistics Authority to cancel petitioner Matron M. Ohoma’s Certificate of Live Birth with Registry Number 2000-24.

**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

<sup>33</sup> See *rollo*, p. 44.

<sup>34</sup> See *Ilusorio v. Ilusorio*, G.R. No. 210475, April 11, 2018.

<sup>35</sup> See *Republic v. CA*, G.R. No. 97906, May 21, 1992, 209 SCRA 189, 194.

<sup>36</sup> *Rollo*, p. 49.

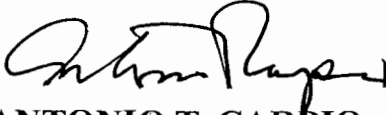
<sup>37</sup> *Id.* at 52.

<sup>38</sup> See *Chomi v. Local Civil Registrar of Manila*, 99 Phil. 1004, 1007-1008 (1956).

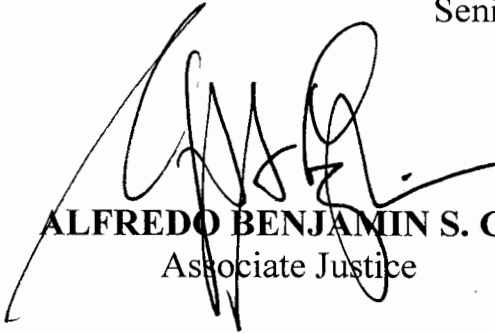
<sup>39</sup> See *rollo*, pp. 47-48.

<sup>40</sup> See *id.* at 45-46.

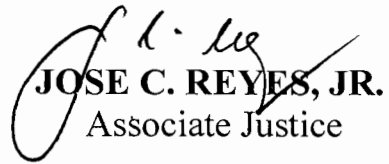
**WE CONCUR:**



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



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



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



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

**ATTESTATION**

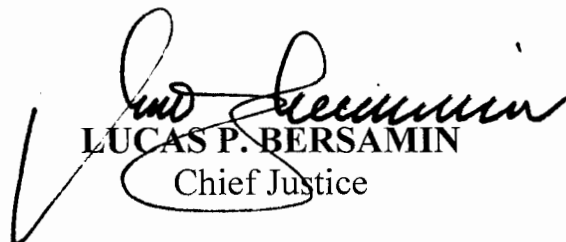
I attest that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
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 cases were assigned to the writer of the opinion of the Court's Division.



**LUCAS P. BERSAMIN**  
Chief Justice