



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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SECOND DIVISION

DR. RUBEN C. BARTOLOME,
Petitioner,

G.R. No. 243288

Present:

- versus -

CARPIO, J., Chairperson,
CAGUIOA,
J. REYES, JR.,
LAZARO-JAVIER, and
ZALAMEDA, JJ.

REPUBLIC OF THE PHILIPPINES,
Respondent.

Promulgated:

28 AUG 2019 

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DECISION

CAGUIOA, J.:

This is a petition for review on *certiorari* (Petition) under Rule 45 of the Rules of Court (Rules) assailing the April 26, 2018 Decision¹ and November 26, 2018 Resolution² of the Court of Appeals (CA) in CA-G.R. CV. No. 106384. The CA Decision denied the appeal and affirmed the October 21, 2015 Decision of Branch 258, Regional Trial Court of Parañaque City (RTC) in S.P. Proc. Case No. 14-0100, which denied petitioner's petition for change of name under Rule 103 of the Rules of Court for failure to exhaust administrative remedies, insufficiency of evidence, and improper venue.

The Facts and Antecedent Proceedings

In 2014, petitioner, a resident of Parañaque City,³ filed a petition for change of name under Rule 103 of the Rules of Court before the RTC, seeking "to correct the name '*Feliciano Bartholome*' as appearing in his birth

¹ *Rollo*, pp. 19-30. Penned by Associate Justice Carmelita Salandanan Manahan, with Associate Justices Romeo F. Barza and Stephen C. Cruz concurring.
² *Id.* at 32-33.
³ *Id.* at 12.

certificate x x x. He stated that he has been using the name ‘*Ruben [Cruz] Bartolome*’ since his childhood.”⁴

After posting and publication,⁵ petitioner was allowed to present the following documents to support his claim: 1) Doctor of Medicine Diploma dated May 18, 1965; 2) CSC Certificate for Medical Examiners Physician dated December 6, 1965; 3) PRC ID No. 0030981 dated December 6, 1968; 4) Marriage Contract No. 894-2-68 dated May 18, 1968; 5) Philippine Passport No. EB 1611302 dated December 23, 2010; 6) Senior Citizens ID Card No. 2006661 dated December 11, 2002; and 7) NBI Clearance No. 15050159 dated November 25, 2011,⁶ which all bore the name, “Ruben C. Bartolome.”

It appears from the records that although the Office of the Solicitor General (OSG) was notified and the Office of the City Prosecutor of Parañaque City was deputized to appear on behalf of the State,⁷ no motion to dismiss was filed questioning the jurisdiction of the court or the venue of the petition.⁸ In fact, the State did not present any controverting evidence nor file any comment or opposition to the petition.⁹ It likewise appears from the records that petitioner’s father and siblings were never impleaded.¹⁰

The Ruling of the RTC

After trial, the RTC denied the petition for failure to exhaust administrative remedies, insufficiency of evidence, and improper venue.¹¹

As regards petitioner’s *first name*, the RTC held that petitioner availed of the wrong procedure. The RTC explained that a petition for change of first name should have been filed in accordance with Republic Act (R.A.) 9048,¹² which vested the power and authority to entertain petitions for change of first name with the city or municipal registrar or consul general concerned.¹³

As regards the prayer for correction of petitioner’s *surname*, the RTC denied the petition for improper venue.¹⁴ The RTC held that the Regional Trial Court of Manila where the corresponding civil registry is located was the proper venue, pursuant to Section 1, Rule 108 of the Rules of Court.¹⁵

⁴ Id. at 20-21.

⁵ Id. at 5.

⁶ Id. at 20-21.

⁷ Id. at 20.

⁸ Id. at 12.

⁹ Id. at 41.

¹⁰ Id.

¹¹ Id. at 22.

¹² An Act Authorizing the City or Municipal Civil Registrar or The Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register without need of a Judicial Order, Amending for this Purpose Articles 376 And 412 of the Civil Code of the Philippines, dated March 22, 2001.

¹³ Id. at 21-22.

¹⁴ Id. at 22.

¹⁵ Id.

In either case, the RTC found that the evidence adduced was not sufficient to support petitioner's claim that he had been habitually and continuously using the name '*Ruben C. Bartolome*' since childhood.¹⁶

Petitioner thus appealed to the CA, claiming that Rule 103 was the applicable remedy.¹⁷

The Ruling of the CA

The CA denied the appeal. The CA noted that petitioner was seeking to change his first name and to correct his surname as indicated in his birth certificate.¹⁸ Thus, the CA held that petitioner should have filed a petition for the correction of entries in his birth certificate under R.A. 9048,¹⁹ instead of a Rule 103 petition for change of name. The CA likewise held that petitioner failed to adduce sufficient evidence to show that his father and his siblings' last name was actually spelled "*Bartolome*."²⁰

Petitioner filed a motion for reconsideration, which the CA denied.

Hence, petitioner filed the instant Petition insisting that Rule 103 is the proper remedy.²¹ Petitioner argues that, contrary to the ruling of the CA, R.A. 9048 covers changes in the "first name or nickname [only]"²² and does not cover petitions to "correct [his] surname."²³ Thus, petitioner claims that it would be "splitting [his] cause of action" if he were compelled to file separate petitions for change of name and correction of entries.

In its Comment, the OSG argued that the CA correctly denied the appeal.²⁴ The OSG claims that petitioner should have first filed a petition before the local civil registrar pursuant to R.A. 9048 in order to change his first name and to correct the spelling of his last name.²⁵ The OSG claims that there was no splitting of cause of action as both reliefs are covered by R.A. 9048.²⁶

Issue

Whether the change/correction sought in petitioner's first name, middle name, and surname, as appearing in his birth certificate, from "*Feliciano Bartholome*" to "*Ruben Cruz Bartolome*" should be filed under R.A. 9048, Rule 103, or Rule 108 of the Rules.

¹⁶ Id.

¹⁷ Id. at 42.

¹⁸ Id. at 24-25.

¹⁹ Id. at 25-27.

²⁰ Id. at 28.

²¹ Id. at 7.

²² Id. at 8.

²³ Id.

²⁴ Id. at 43.

²⁵ Id. at 44.

²⁶ Id. at 46.

The Court's Ruling

The Petition lacks merit. The CA and the OSG correctly found that the administrative proceeding under R.A. 9048 applies to all corrections sought in the instant case.

Application of Rules 103 and 108 in relation to R.A. 9048, as amended by R.A. 10172

In *Republic v. Gallo*,²⁷ the Court outlined the difference between Rule 103 and Rule 108 of the Rules and the effects brought about by the enactment of R.A. 9048 as amended by R.A. 10172,²⁸ on the aforementioned rules. The Court explained:

Names are labels for one's identity. They facilitate social interaction, including the allocation of rights and determination of liabilities. It is for this reason that the State has an interest in one's name.

The name through which one is known is generally, however, not chosen by the individual who bears it. Rather, it is chosen by one's parents. In this sense, the choice of one's name is not a product of the exercise of autonomy of the individual to whom it refers.

In view of the State's interest in names as markers of one's identity, the law requires that these labels be registered. Understandably, in some cases, the names so registered or other aspects of one's identity that pertain to one's name are not reflected with accuracy in the Certificate of Live Birth filed with the civil registrar.

Changes to one's name, therefore, can be the result of either one of two (2) motives. The first, as an exercise of one's autonomy, is to change the appellation that one was given for various reasons. The other is not an exercise to change the label that was given to a person; it is simply to correct the data as it was recorded in the Civil Registry.

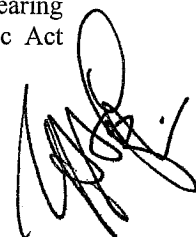
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Under Article 407 of the Civil Code, the books in the Civil Register include "acts, events and judicial decrees concerning the civil status of persons," which are *prima facie* evidence of the facts stated there.

Entries in the register include births, marriages, deaths, legal separations, annulments of marriage, judgments declaring marriages void from the beginning, legitimations, adoptions, acknowledgments of natural children, naturalization, loss or recovery of citizenship, civil interdiction, judicial determination of filiation, voluntary emancipation of a minor, and *changes of name*.

²⁷ G.R. No. 207074, January 17, 2018, 851 SCRA 570. Third Division, penned by Associate Justice Marvic M.V.F. Leonen, with the concurrence of then Associate Justice, now Chief Justice Lucas P. Bersamin, Retired Associate Justice Samuel R. Martires, and Associate Justice Alexander J. Gesmundo.

²⁸ An Act Further Authorizing the City or Municipal Civil Registrar or the Consul General to Correct Clerical or Typographical Errors in the Day and Month in the Date of Birth or Sex of a Person Appearing in the Civil Register without need of a Judicial Order, Amending for this Purpose Republic Act Numbered Ninety-Four, approved August 15, 2012.



As stated, the governing law on changes of first name [and correction of clerical and typographical errors in the civil register] is currently Republic Act No. 10172, which amended Republic Act No. 9048. Prior to these laws, the controlling provisions on changes or corrections of name were Articles 376 and 412 of the Civil Code.

Article 376 states the need for judicial authority before any person can change his or her name. On the other hand, Article 412 provides that judicial authority is also necessary before any entry in the civil register may be changed or corrected.

Under the old rules, a person would have to file an action in court under Rule 103 for substantial changes in the given name or surname provided they fall under any of the valid reasons recognized by law, or Rule 108 for corrections of clerical errors.

x x x x

Applying Article 412 of the Civil Code, a person desiring to change his or her name altogether must file a petition under Rule 103 with the Regional Trial Court, which will then issue an order setting a hearing date and directing the order's publication in a newspaper of general circulation. After finding that there is proper and reasonable cause to change his or her name, the Regional Trial Court may grant the petition and order its entry in the civil register.

On the other hand, Rule 108 applies when the person is seeking to correct clerical and innocuous mistakes in his or her documents with the civil register. It also governs the correction of substantial errors in the entry of the information enumerated in Section 2 of this Rule and those affecting the civil status, citizenship, and nationality of a person. The proceedings under this rule may either be summary, if the correction pertains to clerical mistakes, or adversary, if it pertains to substantial errors.

x x x x

Following the procedure in Rule 103, Rule 108 also requires a petition to be filed before the Regional Trial Court. The trial court then sets a hearing and directs the publication of its order in a newspaper of general circulation in the province. After the hearing, the trial court may grant or dismiss the petition and serve a copy of its judgment to the Civil Registrar.

Mercadera clarified the applications of Article 376 and Rule 103, and of Article 412 and Rule 108, thus:

The "change of name" contemplated under Article 376 and Rule 103 must not be confused with Article 412 and Rule 108. A change of one's name under Rule 103 can be granted, only on grounds provided by law. In order to justify a request for change of name, there must be a proper and compelling reason for the change and proof that the person requesting will be prejudiced by the use of his official name. To assess the sufficiency of the grounds invoked therefor, there must be adversarial proceedings.

In petitions for correction, only clerical, spelling, typographical and other innocuous errors in the civil registry

may be raised. Considering that the enumeration in Section 2, Rule 108 also includes "changes of name," the correction of a patently misspelled name is covered by Rule 108. Suffice it to say, not all alterations allowed in one's name are confined under Rule 103. Corrections for clerical errors may be set right under Rule 108.

This rule in "names," however, does not operate to entirely limit Rule 108 to the correction of clerical errors in civil registry entries by way of a summary proceeding. As explained above, Republic v. Valencia is the authority for allowing substantial errors in other entries like citizenship, civil status, and paternity, to be corrected using Rule 108 provided there is an adversary proceeding. "After all, the role of the Court under Rule 108 is to ascertain the truths about the facts recorded therein." x x x

However, Republic Act No. 9048 amended Articles 376 and 412 of the Civil Code, effectively removing clerical errors and changes of the name outside the ambit of Rule 108 and putting them under the jurisdiction of the civil registrar.

In Silverio v. Republic:

The State has an interest in the names borne by individuals and entities for purposes of identification. A change of name is a privilege, not a right. Petitions for change of name are controlled by statutes. In this connection, Article 376 of the Civil Code provides:

ART. 376. No person can change his name or surname without judicial authority.

This Civil Code provision was amended by RA 9048 (Clerical Error Law) x x x

x x x x

RA 9048 now governs the **change of first name**. It vests the power and authority to entertain petitions for change of first name to the city or municipal civil registrar or consul general concerned. Under the law, therefore, jurisdiction over applications for change of first name is now primarily lodged with the aforementioned administrative officers. The intent and effect of the law is to exclude the change of first name from the coverage of Rules 103 (Change of Name) and 108 (Cancellation or Correction of Entries in the Civil Registry) of the Rules of Court, until and unless an administrative petition for change of name is first filed and subsequently denied. It likewise lays down the corresponding venue, form and procedure. In sum, the remedy and the proceedings regulating change of first name are primarily administrative in nature, not judicial. x x x

In Republic v. Cagandahan:



The determination of a person's sex appearing in his birth certificate is a legal issue and the court must look to the statutes. In this connection, Article 412 of the Civil Code provides:

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

Together with Article 376 of the Civil Code, this provision was amended by Republic Act No. 9048 in so far as clerical or typographical errors are involved. The correction or change of such matters can now be made through administrative proceedings and without the need for a judicial order. In effect, Rep. Act No. 9048 removed from the ambit of Rule 108 of the Rules of Court the correction of such errors. Rule 108 now applies only to substantial changes and corrections in entries in the civil register. x x x

In Republic v. Sali:

The petition for change of first name may be allowed, among other grounds, if the new first name has been habitually and continuously used by the petitioner and he or she has been publicly known by that first name in the community. The local city or municipal civil registrar or consul general has the primary jurisdiction to entertain the petition. It is only when such petition is denied that a petitioner may either appeal to the civil registrar general or file the appropriate petition with the proper court. x x x

Republic Act No. 9048 also dispensed with the need for judicial proceedings in case of any clerical or typographical mistakes in the civil register or changes in first names or nicknames.

x x x x

Thus, a person may now change his or her first name or correct clerical errors in his or her name through administrative proceedings. Rules 103 and 108 only apply if the administrative petition has been filed and later denied.

In 2012, Republic Act No. 9048 was amended by Republic Act No. 10172.

In addition to the change of the first name, the day and month of birth, and the sex of a person may now be changed without judicial proceedings. Republic Act No. 10172 clarifies that these changes may now be administratively corrected where it is patently clear that there is a clerical or typographical mistake in the entry. It may be changed by filing a subscribed and sworn affidavit with the local civil registry office of the city or municipality where the record being sought to be corrected or changed is kept.²⁹

²⁹ Supra note 27 at 576-596. Citations and emphasis in the original were omitted. Underscoring supplied.

The foregoing rules may be summarized as follows:

1. A person seeking 1) to change his or her first name, 2) to correct clerical or typographical errors in the civil register, 3) to change/correct the day and/or month of his or her date of birth, and/or 4) to change/correct his or her sex, where it is patently clear that there was a clerical or typographical error or mistake, must first file a verified petition with the local civil registry office of the city or municipality where the record being sought to be corrected or changed is kept, in accordance with the administrative proceeding provided under R.A. 9048³⁰ in relation to R.A. 10172.³¹ A person may only avail of the appropriate judicial remedies under Rule 103 or Rule 108 in the aforementioned entries *after* the petition in the administrative proceedings is filed and later denied.

2. A person seeking 1) to change his or her surname or 2) to change both his or her first name and surname may file a petition for change of name under Rule 103, provided that the jurisprudential grounds³² discussed in *Republic v. Hernandez*³³ are present.

3. A person seeking substantial cancellations or corrections of entries³⁴ in the civil registry may file a petition for cancellation or correction of entries under Rule 108. As discussed in *Lee v. Court of Appeals*³⁵ and more recently, in *Republic v. Cagandahan*,³⁶ R.A. 9048 “removed from the ambit of Rule 108 of the Rules of Court the correction of such errors. Rule 108 now applies only to substantial changes and corrections in entries in the civil register.”

³⁰ R.A. 9048, Sec. 1. *Authority to Correct Clerical or Typographical Error and Change of First Name or Nickname in Civil Register.*

³¹ R.A. 9048, Sec. 1., as amended by R.A. 10172, Sec. 1. *Authority to Correct Clerical or Typographical Error and Change of First Name or Nickname.*

³² *Republic v. Hernandez*, 323 Phil. 606, 637-638 (1996):

x x x Jurisprudence has recognized, *inter alia*, the following grounds as being sufficient to warrant a change of name: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change results as a legal consequence of legitimation or adoption; (c) when the change will avoid confusion; (d) when one has continuously used and been known since childhood by a Filipino name and was unaware of alien parentage; (e) when the change is based on a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and without prejudice to anybody; and (f) when the surname causes embarrassment and there is no showing that the desired change of name was for a fraudulent purpose or that the change of name would prejudice public interest.

See also *Republic v. Coseteng-Magpayo*, 656 Phil. 550, 555-556 (2011).

³³ *Id.*

³⁴ RULES OF COURT, Rule 108, Sec. 2. provides:

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) marriage; (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.

³⁵ 419 Phil. 392 (2001).

³⁶ 586 Phil. 637, 647-648 (2008).

In the instant case, petitioner seeks to change his first name, to include his middle, and to correct the spelling of his surname,³⁷ *i.e.*, from “*Feliciano Bartholome*” as stated in his birth certificate to “*Ruben Cruz Bartolome*.”

The Court agrees with the CA and the OSG that the aforementioned changes and corrections are covered by Section 1 of R.A. 9048 as amended by R.A. 10172, which provides:

Section 1. *Authority to Correct Clerical or Typographical Error and Change of First Name or Nickname.* — No entry in a civil register shall be changed or corrected without a judicial order, except for clerical or typographical errors and change of first name or nickname, the day and month in the date of birth or sex of a person where it is patently clear that there was a clerical or typographical error or mistake in the entry, which can be corrected or changed by the concerned city or municipal civil registrar or consul general in accordance with the provisions of this Act and its implementing rules and regulations. (Underscoring supplied)

The change of petitioner’s first name is covered by R.A. 9048, as amended

While the grounds for change of name under Rule 103 are found in jurisprudence, the grounds for change of first name or nickname are expressly provided in R.A. 9048, Section 4, *viz.*:

SECTION 4. *Grounds for Change of First Name or Nickname.* — The petition for change of first name or nickname may be allowed in any of the following cases:

- (1) The petitioner finds the first name or nickname to be ridiculous, tainted with dishonor or extremely difficult to write or pronounce;
- (2) The new first name or nickname has been habitually and continuously used by the petitioner and he has been publicly known by that first name or nickname in the community; or
- (3) The change will avoid confusion.

In *Republic v. Sali*,³⁸ the Court held that a change of therein respondent Lorena Omapas Sali’s **first name** from “Dorothy” to “Lorena” was primarily administrative in nature and should be filed under the procedure provided in R.A. 9048.³⁹

In the instant case, petitioner seeks to change his first name from “*Feliciano*” to “*Ruben*,” on the ground that he has been using the latter since childhood.⁴⁰ Contrary to petitioner’s claims therefore, the change sought is covered by R.A. 9048 and should have been filed with the local civil registry

³⁷ *Rollo*, p. 7.

³⁸ *Republic v. Sali*, 808 Phil. 343 (2017).

³⁹ *Id.* at 350.

⁴⁰ *Rollo*, pp. 20-21.

of the city or municipality where the record being sought to be corrected or changed is kept.⁴¹

The inclusion of petitioner's middle name is covered by R.A. 9048, as amended

While substantial corrections of entries in the civil register are still covered by Rule 108, typographical or clerical corrections must now be filed under R.A. 9048 as amended. Section 2 of the said law defines clerical or typographical errors as follows:

(3) 'Clerical or typographical error' refers to a mistake committed in the performance of clerical work in writing, copying, transcribing or typing an entry in the civil register that is harmless and innocuous, such as misspelled name or misspelled place of birth, mistake in the entry of day and month in the date of birth or the sex of the person or the like, which is visible to the eyes or obvious to the understanding, and can be corrected or changed only by reference to other existing record or records: *Provided, however*, That no correction must involve the change of nationality, age, or status of the petitioner.⁴² (Underscoring supplied)

Evidently the test for whether a correction is clerical or substantial is found in the provision itself. Misspelled names or missing entries are clerical corrections if they are visible to the eyes or obvious to the understanding and if they may be readily verified by referring to the existing records in the civil register. They must not, however, involve any change in nationality, age or status.

In *Republic v. Gallo*,⁴³ the Court unequivocally held that a prayer to enter a person's **middle name** is a mere clerical error, which may be corrected by referring to existing records. Thus, it is primarily administrative in nature and should be filed pursuant to R.A. 9048 as amended.

Applying the aforementioned ruling to the instant case therefore, petitioner's prayer that his middle name, "*Cruz*," be entered, is a mere clerical correction, and must therefore be likewise undertaken through the administrative proceeding provided under R.A. 9048.

The correction in the spelling of petitioner's surname is likewise covered by R.A. 9048, as amended

As regards petitioner's misspelled surname, it bears noting that in 1988 and prior to the enactment of R.A. 9048 as amended, the Court, in *Labayo-Rowe v. Republic*,⁴⁴ (*Labayo-Rowe*) held that a correction in the spelling of therein petitioner's **surname** from "Labayo/Labayu" to "Labayo" was a mere

⁴¹ R.A. 9048, Sec. 3.

⁴² R.A. 9048, Sec. 2(3), as amended by R.A. 10172, Sec. 2.

⁴³ *Republic v. Gallo*, supra note 27.

⁴⁴ 250 Phil. 300, 307 (1988).

clerical error that could be corrected through a summary proceeding under Rule 108.

In *Labayo-Rowe*, the Court defined clerical errors as “those harmless and innocuous changes such as the correction of names clearly misspelled, occupation of parents, errors that are visible to the eye or obvious to the understanding, errors made by a clerk or transcriber, or a mistake in copying or writing.”⁴⁵ It can be readily seen that this jurisprudential definition was expressly incorporated into R.A. 9048, which, as already discussed, expressly removed the correction of clerical or typographical errors from the ambit of Rule 108 of the Rules of Court.⁴⁶ To obviate any further confusion on the matter, the Court categorically holds that typographical or clerical errors in a person’s surname must likewise be corrected through the administrative proceeding under R.A. 9048.

As herein petitioner’s allegedly misspelled surname, “*Bartholome*,” may be readily corrected by merely referring to the existing records of the civil registrar, such as the surnames of petitioner’s parents and immediate family members, the petition should have been filed under R.A. 9048 and not under Rule 103 of the Rules. It likewise follows that the petition should have been filed with the local civil registry office of the city or municipality where the record being sought to be corrected or changed is kept, in accordance with Section 3 of R.A. 9048 and not in accordance with the venue provided in Rule 103.

In sum, all changes sought by the petitioner fall within the ambit of R.A. 9048. Petitioner may only avail of the *appropriate* judicial remedies when the changes/corrections sought through the administrative proceeding are denied. By “appropriate,” the Court holds that if the prayer to administratively *change* petitioner’s first name is denied, the same may be brought under Rule 103 of the Rules of Court. If the prayers to administratively *correct* petitioner’s middle name and surname are denied, the same may be brought under Rule 108 of the Rules of Court.

A final note

Petitioner alleges that he is now 76 years old⁴⁷ and prays that his petition be granted, given that the “government messed-up his birth certificate when he was an infant and is now giving him a hard time. He just wants to fix this legally murky but relatively simple problem before he dies for the sake of and love for his children and grandchildren.”⁴⁸

In this regard, even if the Court were inclined to give due course to petitioner’s Rule 103 petition in the interest of substantial justice, it should be emphasized that both the RTC and the CA identically found that the evidence

⁴⁵ Id. at 305-306.

⁴⁶ *Republic v. Cagandahan*, supra note 36.

⁴⁷ *Rollo*, p. 13.

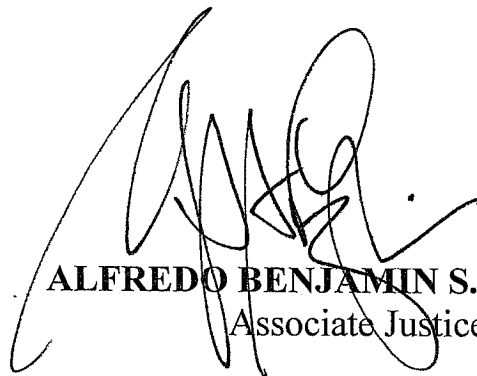
⁴⁸ Id. at 12.

adduced by petitioner was insufficient to support his claim that he has been habitually and continuously using the name "*Ruben Cruz Bartolome*" since childhood.⁴⁹ As well, the Court notes that petitioner did not also adduce evidence to show that his father or his siblings' surnames were actually spelled as "*Bartolome*."⁵⁰ It is a threshold doctrine that the resolution of factual issues is the function of lower courts, whose findings are generally binding on the Court.⁵¹ While the Court recognizes several exceptions, none of these exceptions applies.⁵²

In view of the foregoing, the instant petition is denied, without prejudice to the filing of the appropriate administrative action under R.A. 9048, as amended by R.A. 10172.

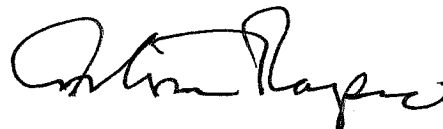
WHEREFORE, the Petition is **DENIED**. The April 26, 2018 Decision and November 26, 2018 Resolution of the Court of Appeals in CA-G.R. CV. No. 106384 are hereby **AFFIRMED**, without prejudice to the filing of the appropriate administrative proceeding under R.A. 9048, as amended by R.A. 10172.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson

⁴⁹ *Rollo*, p. 22.

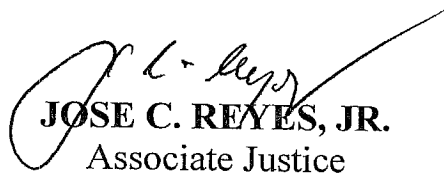
⁵⁰ *Id.* at 28.


⁵¹ *Angeles v. Pascual*, 673 Phil. 499, 504-505 (2011).

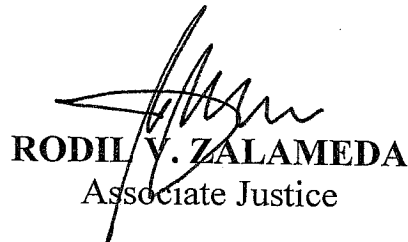
⁵² *Id.* at 506:

Nonetheless, the Court has recognized several exceptions to the rule, including: (a) when the findings are grounded entirely on speculation, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) when there is grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) when the findings of facts are conflicting; (f) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (g) when the findings are contrary to those of the trial court; (h) when the findings are conclusions without citation of specific evidence on which they are based; (i) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (j) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (k) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.



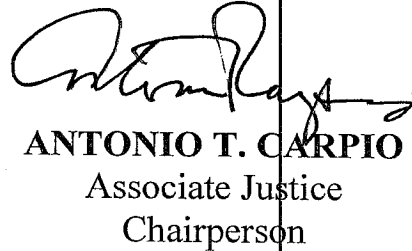

JOSE C. REYES, JR.
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

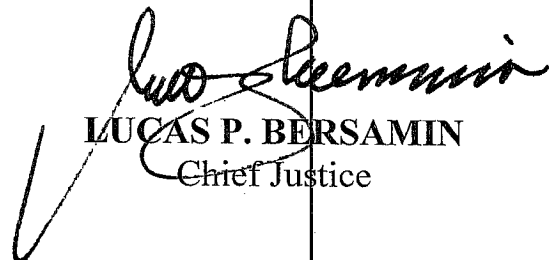
ATTESTATION

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. CARPIO
Associate Justice
Chairperson

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



