



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SHEILA MARIE G. UY-BELLEZA,
Petitioner,

G.R. No. 218354

Present:

PERLAS-BERNABE, *SAJ.*,
Chairperson
HERNANDO,
INTING,
GAERLAN, and
ROSARIO, *JJ.*

- versus -

**THE CIVIL REGISTRAR OF
TACLOBAN CITY,**
Respondent.

Promulgated:

SEP 15 2021

X-----X

DECISION

HERNANDO, J.:

This Petition for Review on *Certiorari*¹ assails the March 20, 2015 Decision² of the Court of Appeals (CA) in CA G.R. CV No. 04404, which granted the appeal of the Office of the Solicitor General (OSG).

Factual Antecedents:

On July 4, 2008, Sheila Marie G. Uy-Belleza (petitioner) filed a Petition

* Designated as additional Member per Special Order No. 2835 dated July 15, 2021.

¹ *Rollo*, pp. 3-20.

² *Id.* at 23-34. Penned by Associate Justice Edgardo L. Delos Santos (now a retired Member of this Court) and concurred in by Associate Justices Ma. Luisa C. Quijano-Padilla and Marie Christine Azcarraga-Jacob.

for Correction of Entry in the Civil Registry³ before the Regional Trial Court (RTC) of Tacloban City, Branch 34 docketed as SP. Proc. No. 2008-07-40. The petition sought the correction of the entry in her birth certificate stating that the nationality of her mother Adelaida Go Uy (Adelaida) is “Chinese” instead of “Filipino”.

After finding the petition sufficient in form and substance, the RTC gave due course to the petition and ordered its publication in a newspaper of general circulation for three consecutive weeks and to furnish the OSG a copy of the petition.⁴

The OSG deputized Prosecutor Danilo L. Yee to appear for the State as its representative.⁵

After compliance with the required publication⁶ and entry of appearance of counsel for both parties, the RTC ordered Atty. Roselyn Fallorina, Officer-in-Charge Clerk of Court of RTC-Br. 34, to receive the evidence of petitioner and submit her report after the termination of the proceeding.⁷

In support of the petition, petitioner submitted the following:

1. Petitioner’s Certificate of Live Birth issued by the National Statistics Office (NSO);⁸
2. Petitioner’s Certificate of Birth issued by the Local Civil Registrar;⁹
3. Marriage Contract of the petitioner’s parents issued by the NSO showing that Adelaida Go is a Filipino citizen;¹⁰
4. Adelaida’s Certificate of Registration as a Voter issued by the Commission on Elections;¹¹
5. Certificate of Live Birth of Jerome Uy, petitioner’s brother, reflecting the citizenship of their mother Adelaida as “Fil”;¹² and

³ Records, p. 1

⁴ Id. at 10.

⁵ Id. at 17.

⁶ Id. at 22.

⁷ Id. at 27.

⁸ Id. at 6.

⁹ Id. at 59.

¹⁰ Id. at 60.

¹¹ Id. at 61.

¹² Id. at 62.

6. Adelaida's Expired Philippine Passport.¹³

Aside from her documentary evidence, petitioner also took the stand to attest to the Filipino citizenship of her mother, Adelaida.¹⁴ The latter herself testified that she is an illegitimate daughter of Lino Go, a Chinese national and Teodora Guinto, a Filipino citizen and that her failure to present her birth certificate was because she was born in 1942 during World War II and thus could not have registered her birth.¹⁵

Ruling of the Regional Trial Court:

On January 4, 2009, the Commissioner's Report¹⁶ was submitted in court. On March 18, 2011, the trial court issued a Resolution¹⁷ granting the petition, the dispositive part of which states:

WHEREFORE, premises considered, the Petition is hereby GRANTED.

The Civil Registry of Tacloban City and the Civil Registrar General, National Statistics Office are hereby ordered to correct the error in the Certificate of Live Birth of Sheila Marie G. Uy-Belleza changing the entry thereof in the column under the Nationality of her mother Adelaida Go from "CHINESE" to "FILIPINO" and the supplied name "SHEILA MARIE" of the petitioner at the Local Civil Registry of Tacloban City be affirmed as her correct first name directing likewise the NSO to enter said name in her Certificate of Live Birth.

SO ORDERED.¹⁸

Dissatisfied, the OSG filed a Motion for Reconsideration¹⁹ contending that the totality of the evidence presented by petitioner did not prove that her mother is a Filipino citizen so as to warrant the correction sought. The OSG posited that other than the bare allegation of Adelaida that she was the illegitimate daughter of a Chinese father and a Filipino mother, there was no other evidence presented to prove this claim.

¹³ Id. at 63.

¹⁴ TSN, Sheila Marie G. Uy-Belleza, September 1, 2009, records, pp. 36-44.

¹⁵ TSN, Adelaida G. Uy, November 26, 2009, records, pp. 45-50.

¹⁶ Records, pp. 65-68.

¹⁷ Id at 72-75.

¹⁸ Id. at 75.

¹⁹ Id. at 76-85.

The trial court denied the OSG's motion for reconsideration in its March 23, 2012 Order.²⁰

The trial court gave weight to the Philippine passport and voter's certification issued to Adelaida to prove her citizenship. It noted that passports are not indiscriminately issued by the Department of Foreign Affairs without proof of Filipino citizenship. Coupled with the fact that the OSG did not present any countervailing evidence, the trial court ruled that preponderance of evidence tilts in favor of the petitioner.

Thereafter, the OSG filed before the CA an appeal²¹ docketed as CA G.R. CV No. 04404.

Ruling of the Court of Appeals:

The OSG maintained its argument that the totality of the evidence presented by petitioner did not prove that her mother Adelaida is a Filipino citizen. It contended that a Philippine passport is insufficient to prove Adelaida's citizenship considering that she did not submit a birth certificate when she submitted her application but merely executed an affidavit. Neither can a voter's certification prove Filipino citizenship since exercise by a person of the rights and/or privileges granted to Filipino citizens is not conclusive proof of Filipino citizenship.

The OSG further argued that petitioner failed to prove that Adelaida is a Filipino citizen since there was no evidence presented to show that her mother's birth was registered in the local civil registrar or had a late registration. The OSG likewise questioned the Filipino citizenship of petitioner's grandmother, Adelaida's mother, there being no evidence to show that Teodora was a Filipino and beneficiary of the Philippine Bill of 1902. Lastly, the OSG cited that no evidence was adduced to show that Adelaida elected Filipino citizenship through a positive act.

On March 20, 2015, the CA granted the appeal and reversed the ruling the RTC.²² In granting the appeal, the CA ratiocinated in this wise:

²⁰ Id. at 110-116.

²¹ CA *rollo*, pp. 48-61.

²² *Rollo*, pp. 23-34.

x x x [T]he Court finds that the evidence of the appellee has not satisfactorily and conclusively established that her mother Adelaida is a Filipino citizen so as to warrant the petition to change the entry in her birth records.

The established rule that an illegitimate child of a Filipina need not perform any act to confer upon him/her all the rights and privileges attached to citizens of the Philippines cannot apply in Adelaida's favor. Other than the bare claim of Adelaida that she is an illegitimate child of a Chinese father and a Filipina mother, no evidence was presented to corroborate the same. First of all, the records are in dire need of any evidence to prove that Adelaida's mother was Filipino.

x x x x

x x x Neither has the appellee presented a certification of loss or destruction of record issued by the Office of the Civil Registrar nor any kind of evidence which could have at least corroborated the appellee's claim of her mother Adelaida's Filipino citizenship such as a baptismal certificate or the testimony of relatives.

In the same vein, the appellee's contention that her mother Adelaida had elected Philippine citizenship miserably fails as the alleged election was legally ineffectual. x x x

x x x x

x x x The appellee cannot assert that her mother Adelaida's exercise of suffrage and the participation in election exercises constitutes a positive act of election of Philippine citizenship since the law specifically lays down the requirements for acquisition of citizenship by election. The mere exercise of suffrage and other similar acts showing exercise of Philippine citizenship cannot take the place of election of Philippine citizenship. At most, her registration as a voter indicates her desire to exercise a right appertaining exclusively to Filipino citizens. The exercise of the rights and privileges granted only to Filipinos is not conclusive proof of citizenship, because a person may misrepresent himself/herself to be a Filipino and thus enjoy the rights and privileges of citizens of this country.

x x x x

In ruling that the appellee had satisfactorily proven her mother Adelaida's citizenship as a Filipino, the trial court gave much weight on the fact that she was issued a Philippine passport. A careful scrutiny of the records of this case however reveals that Adelaida herself testified that she merely executed an affidavit for the purpose of securing a passport. The propriety and legality of the issuance of the Philippine passport to Adelaida on the basis of a mere affidavit is beyond the cognizance of this Court in this case. x x x

X X X X

WHEREFORE, premises considered, the instant appeal is GRANTED. The decision of the Regional Trial Court, Branch 34, Tacloban City dated March 18, 2011 granting the petition for the change of the entry in the column under the Nationality of her mother Adelaida Go from "CHINESE" to "FILIPINO" in the birth records of Sheila Marie G. Uy-Belleza is ANNULLED AND SET ASIDE.

Hence, the instant Petition.

Issues:

Petitioner asserts that the CA committed:

- I. Grave error in the application of Section 1, Commonwealth Act No. 625 by totally distrusting legitimate processes of government agencies declaring that the petitioner's mother is a non-filipino when this case is merely for a plain correction of entry of a pure error in the certificate of live birth;
- II. Grave error in requiring, in effect, the quantum of proof beyond reasonable doubt on this civil case that petitioner's mother is a Filipino where petitioner already established preponderance of evidence in this civil case which evidences were not rebutted by a single piece of whatever evidence by the Republic; and
- III. Grave error in discrediting the value of sworn statement/affidavit in securing the Philippine passport and the voter's registration of petitioner's mother.²³

In essence, petitioner attributes grave error on the part of the CA when it ruled that the pieces of evidence presented were insufficient to support the correction of Adelaida's citizenship from "Chinese" to "Filipino".

Our Ruling

The petition is with merit.

Records reveal that petitioner was able to sufficiently establish her petition for correction of entry as to her mother Adelaida's citizenship.

First, Adelaida was issued a Philippine passport, the genuineness and authenticity of which was not disputed at all by the OSG.

²³ Id. at 9.

A passport is “a document issued by the Philippine government to its citizens requesting other governments to allow its citizens to pass safely and freely, and in case of need, to give him/her all lawful aid and protection.”²⁴ It is an official document of identity of Philippine citizenship of the holder issued for travel purposes.²⁵ A passport proves that the country which issued it recognizes the person named therein as its national.²⁶ In fact, the very first page²⁷ of a Philippine passport explicitly recognizes the bearer as its citizen. It states:

The Government of the Republic of the Philippines requests all concerned to permit **the bearer, a citizen of the Philippines**, to pass safely and freely and, in case of need, to give him/her all lawful aid and protection. (Emphasis supplied)

The government’s issuance of a Philippine passport to Adelaida in effect, is a recognition of her Filipino citizenship.

The fact that Adelaida merely executed an affidavit when she applied for a passport, instead of submitting a birth certificate, will not overturn the presumption of regularity in its issuance. To successfully overcome such presumption of regularity, case law demands that the evidence against it must be clear and convincing. Absent the requisite quantum of proof to the contrary, the presumption stands deserving of faith and credit.²⁸

In this case, the OSG did not present any evidence to overcome the presumption. The reliance on the requirement of submission of a birth certificate or a baptismal certificate in applying for a Philippine passport as set forth in Section 5²⁹ of Republic Act No. (RA) 8239 (“Philippine Passport Act

²⁴ Republic Act No. 8239, otherwise known as the Philippine Passport Act of 1996, Section 3(d).

²⁵ Administrative Code of 1987, Book IV, Title 1 Chapter 13, Sections 48 and 49:

Section 48. *Definition.* - A Philippine passport is an official document of identity of Philippine citizenship of the holder issued for travel purposes.

Section 49. *Persons Entitled.* - Only citizens of the Philippines may be issued passports. A minor may, upon his own application, be issued a passport, except when his natural or legal guardian requests that the application be denied.

²⁶ *Maquiling v. Commission on Elections*, 713 Phil. 190 (2013).

²⁷ Records, p. 63.

²⁸ *Yap v. Lagtapon*, 803 Phil. 663 (2017).

²⁹ REPUBLIC ACT NO. 8239, Sec. 5:

Sec. 5. *Requirements for the Issuance of Passport.* - No passport shall be issued to an applicant unless the Secretary or his duly authorized representative is satisfied that the applicant is a Filipino citizen who has complied with the following requirements:

x x x x

b) The birth certificate duly issued or authenticated by the Office of the Civil Registrar General: Provided, however, That if the birth of the applicant has not been registered yet, or if his birth certificate is destroyed, damaged, or not available due to other causes, he shall apply for delayed registration of his birth with the Office of the Civil Registrar General which shall issue to said applicant a certification of pending application for delayed registration of birth attaching thereto a copy of an accomplished certificate of live birth. Such certification and the accomplished certificate of live birth shall be sufficient to support an application for passport in

of 1996”) is misplaced. Adelaida’s passport was issued in 1988, long before RA 8239 was enacted.

Second, the certificate of live birth of petitioner’s brother,³⁰ whose genuineness and authenticity was also not disputed by the OSG, stated the citizenship of Adelaida as “Fil”. Hence, to disallow the correction in petitioner’s birth record of her mother’s citizenship would perpetuate an inconsistency in the natal circumstances of the siblings who are unquestionably natural children of the same mother and father.³¹

Lastly, the testimony of Adelaida regarding her illegitimacy and the citizenship of her mother, Teodora Guinto, was never questioned by the prosecutor. The pertinent portions of Adelaida’s cross-examination are hereunder quoted:

Pros. Danilo L. Lee on Cross Examination:

Q. Mrs. Uy, did I hear you correctly when you said that your father was a Chinese Citizen and your mother was a Filipino?

A. Yes, sir.

Q. Did I hear you also correctly when you said that they were never married?

A. Yes, sir.

Q. Did they subsequently marry? Do you know if they got married?

A. No, sir, until he died.³²

Verily, records reveal that the prosecution did not file any opposition to the petition.³³ In addition, the prosecutor did not file any comment or opposition when petitioner filed her formal offer of evidence. Also, the sufficiency of the evidence submitted before the trial court relating to Adelaida’s citizenship was never questioned. In fact, the prosecutor did not present any countervailing evidence to defeat the petition for correction of

addition to other papers which the Department may require from the applicant;

c) In the absence of a birth certificate, a baptismal certificate for those who are members of a Christian religious organization, or similar or equivalent certificate issued by a non-Christian religious group, attesting to the applicant’s having been admitted to such religious group or sect at an early age and where it is indicated that the applicant is a Filipino citizen, which should be accompanied by a joint affidavit by two (2) persons who have personal knowledge of the applicant and of such age as to credibly state the applicant’s date and place of birth, citizenship, and names of parents: Provided, That Filipinos who do not believe in any religion and whose parents for any reason failed to have the said applicant baptized shall be exempted from the baptismal certificate requirement: Provided, further, That in lieu thereof, the applicant shall execute an affidavit to that effect duly corroborated by affidavit of at least two (2) persons of good reputation who personally know such fact;

³⁰ Records, p. 62.

³¹ *Republic vs. Kho*, 553 Phil. 176 (2007).

³² TSN, Adelaida G. Uy, November 26, 2009, p. 5, records, p. 49.

³³ Records, p. 27.

entry.

Given the foregoing, the correction of entry in the Certificate of Live Birth of petitioner involving the change of the citizenship of her mother Adelaida from “Chinese” to “Filipino” is in order.

Contrary to the findings of the appellate court and the contention of the OSG, petitioner need not prove that her mother complied with the constitutional and statutory requirements to become a Filipino citizen.

The requirement of electing Filipino citizenship when a child reached the age of majority under Article IV, Section 1 of the 1935 Constitution,³⁴ the governing law when Adelaida was born on November 24, 1942, and Section 1 of Commonwealth Act No. 625,³⁵ applied only to legitimate children.³⁶ These would not apply in the case of Adelaida who is an illegitimate child, considering that her Chinese father and Filipino mother were never married. As such, she was not required to comply with said constitutional and statutory requirements to become a Filipino citizen. By being an illegitimate child of a Filipino mother, Adelaida automatically became a Filipino upon birth. Stated differently, she is a Filipino since birth without having to elect Filipino citizenship when she reached the age of majority.³⁷

WHEREFORE, premises considered, the instant petition is hereby **GRANTED**. The March 20, 2015 Decision of the Court of Appeals in CA G.R. CV No. 04404 is **SET ASIDE**. The March 18, 2011 Resolution and March 23, 2012 Order of the Regional Trial Court of Tacloban City, Branch 34, are **REINSTATED**.

³⁴ ARTICLE IV.—CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

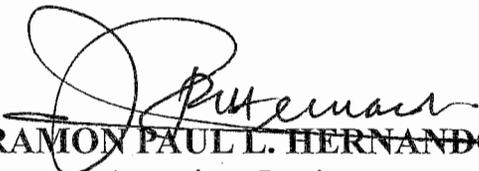
- (1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.
- (2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.
- (3) Those whose fathers are citizens of the Philippines.
- (4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.
- (5) Those who are naturalized in accordance with law.

³⁵ Section 1. The option to elect Philippine citizenship in accordance with subsection (4), section 1, Article IV, of the Constitution shall be expressed in a statement to be signed and sworn to by the party concerned before any officer authorized to administer oaths, and shall be filed with the nearest civil registry. The said party shall accompany the aforesaid statement with the oath of allegiance to the Constitution and the Government of the Philippines.

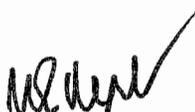
³⁶ *Republic v. Sagun*, 682 Phil. 303, 314 (2012).

³⁷ *Republic vs. Lim*, 464 Phil. 158 (2004).

SO ORDERED.

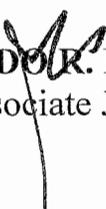

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


HENRI JEAN PAUL B. INTING
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDOR. ROSARIO
Associate Justice

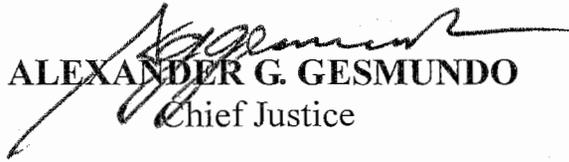
ATTESTATION

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.


ESTELA M. PERLAS-BERNABE
Senior 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.


ALEXANDER G. GESMUNDO
Chief Justice

