

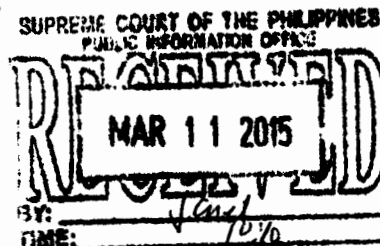


Republic of the Philippines

Supreme Court

Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **February 23, 2015**, which reads as follows:

“GR. No. 195873 (Republic of the Philippines v. Ronald Dela Vega Vergara [Kris Anne Dela Vega Vergara]). – This treats of the petition for review on *certiorari* of the Decision¹ of the Court of Appeals (CA), dated February 28, 2011, in CA-G.R. CV No. 92666.

Subject of the instant petition is the “Petition for Correction of the Entries in the Certificate of Live Birth” filed with the Regional Trial Court (RTC) of Pasig by herein respondent Kris Anne Dela Vega Vergara seeking the correction of her name from, “Ronald” to “Kris Anne,” and her sex from “Male” to “Female,” as appearing in her Certificate of Live Birth.

Respondent alleged that she was born on November 7, 1983 in Pasig City and was baptized in accordance with the rites of the Roman Catholic Church; that since her childhood, she has been using and still is using the name KRIS ANNE DELA VEGA VERGARA as shown by her baptismal, school and employment records; that, subsequently, upon securing a copy of her Certificate of Live Birth from the National Statistics Office (NSO), she learned that the name appearing on the entry with respect to the name of the child is “RONALD” while the entry for her sex is “M”, referring to a male; that she alleged that the erroneous entries might have been caused by inadvertence on the part of the midwife who assisted her mother when she gave birth.

The RTC took cognizance of the case, set it for hearing and directed respondent to cause the publication of the Notice of Hearing of the petition and to send a copy thereof, together with a copy of the petition, to the Office of the Local Civil Registrar of Pasig City, Office of the Civil Registrar-General and Office of the Solicitor General. On the day set for hearing, no opposition was registered against the petition. Hence, upon her motion, respondent was allowed to present evidence *ex parte*.

¹ Penned by Associate Justice Vicente S.E. Veloso, with Associate Justices Francisco P. Acosta and Danton Q. Bueser, concurring.

On February 12, 2008, the RTC issued an Order granting respondent's petition.

Thereafter, the Republic of the Philippines (*Republic*), through the Office of the Solicitor General (*OSG*), filed an appeal with the CA contending that the RTC did not acquire jurisdiction over the proceedings, since the title of the petition did not contain respondent's aliases as required by Rule 103 of the Rules of Court.

On February 28, 2011, the CA promulgated its assailed Decision which dismissed the Republic's appeal.

Hence, the instant petition which the Court finds to be without merit.

Petitioner's argument is anchored on the supposition that the proper Rule to be used is Rule 103, not Rule 108 of the Rules of Court.

The Court does not agree.

The Court finds no error on the part of the CA when it held that respondent's petition is not for a change of name as contemplated under Rule 103 of the Rules of Court but for correction of entries under Rule 108 of the same Rules. What respondent seeks is the correction of clerical errors which were committed in the recording of her name and sex. This Court has held that not all alterations allowed in one's name are confined under Rule 103 and that corrections for clerical errors may be set right under Rule 108.²

The evidence presented by respondent, to wit: baptismal certificate, certificate of confirmation, school and employment records as well as NBI clearance, indeed shows that, since birth, she has been using the name "Kris Anne." As to her sex, she presented medical and laboratory reports to show that she is, biologically, a female. Respondent's mother also testified that she and her husband do not have any son by the name of "Ronald" and that they only have two children – herein respondent and Christian Gregor who was born on April 17, 1986. Thus, it is evident from the foregoing that respondent never had any intention to change her name and sex. What she seeks is simply the removal of the clerical fault or error in her registered sex and given name, and to set aright the same to conform to her real sex and the name she grew up with.

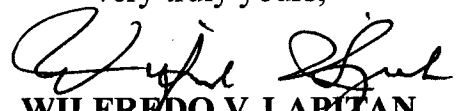
² *Republic v. Mercadera*, 652 Phil. 195, 210 (2010).

In any event, even granting that Rule 103 applies to this case, it still cannot be denied that respondent complied with the requirements for an adversarial proceeding before the RTC. The publication and posting of the notice of hearing in a newspaper of general circulation and the notices sent to the OSG, the Civil Registrar-General and the Local Civil Registrar of Pasig City are sufficient *indicia* of an adverse proceeding. The fact that no one opposed the petition, including the OSG, did not deprive the court of its jurisdiction to hear the same and did not make the proceedings less adversarial in nature. Considering that the OSG did not oppose the petition and the motion to present respondent's evidence *ex parte* when it had the opportunity to do so, it cannot now complain that the proceedings in the lower court were defective.³ In this regard, this Court adheres to the principle that even substantial errors in a civil registry may be corrected and the true facts established under Rule 108 provided the parties aggrieved by the error avail themselves of the appropriate adversary proceeding.⁴

WHEREFORE, finding no reversible error in the Decision sought to be reviewed, the instant petition is **DENIED**. The Decision of the Court of Appeals, dated February 28, 2011, in CA-G.R. CV No. 92666, is **AFFIRMED**. (Jardeleza, *J.*, no part; Leonen, *J.*, designated Acting Member, per Raffle dated February 23, 2015).

SO ORDERED."

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court

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Legaspi Village, 1229 Makati City

COURT OF APPEALS
CA G.R. CV No. 92666
1000 Manila

Ms. Kris Anne Dela Vega Vergara and/or
Ronald Dela Vega Vergara
No. 99 M.H. del Pilar Street
Pinagbuhatan, 1600 Pasig City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 152, 1600 Pasig City
(Sp. Proc. Case No. 11723)

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³ *Id.* at 214.

⁴ *Id.* at 213; also see *Republic v. Valencia*, 225 Phil. 408, 413 (1986).