



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

THIRD DIVISION

CIVIL SERVICE COMMISSION,
Petitioner,

G.R. No. 239011

Present:

- versus -

PERALTA, J., Chairperson,
LEONEN,
REYES, A., JR.,
HERNANDO,* and
INTING, JJ.

PACOL DISUMIMBA RASUMAN,
Respondent.

Promulgated:

June 17, 2019

X-----*[Signature]*-----X

DECISION

PERALTA, J.:

Before us is a petition for review on *certiorari*¹ which seeks to annul and set aside the Decision² dated October 25, 2017 and the Resolution³ dated April 26, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 151017.

The facts are as follows:

On April 16, 2014, respondent Pacol Disumimba Rasuman, a Senior Executive Assistant in the Bureau of Customs (BOC), filed before the Regional Trial Court (RTC) of Lanao del Sur, Branch 9, Marawi City, a verified petition⁴ for correction of his date of birth from February 12, 1952 to February 12, 1956, docketed as SPL. PROC. No. 2191-14, impleading as

* On official business.

¹ *Rollo*, pp. 26-41.

² *Id.* at 45-55; penned by Associate Justice Pedro B. Corales, and concurred in by Associate Justices Japar B. Dimaampao and Amy C. Lazaro-Javier (now a member of this Court).

³ *Id.* at 57-58.

⁴ *Id.* at 67-70.

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respondent the Local Civil Registrar of Marantao, Lanao del Sur. The RTC issued an Order⁵ setting the case for hearing and directing the publication of the Order in a newspaper of general circulation in Marawi City and Iligan City for three consecutive weeks at the expense of respondent, and that the Order and the petition, as well as its annexes, be furnished the Local Civil Registrar of Marantao, Lanao del Sur, the Office of the Solicitor General, and the Civil Registrar General which respondent complied with. Respondent later filed an Amended Petition⁶ to implead the BOC.

In a Decision⁷ dated July 23, 2015, the RTC granted the petition for correction. The dispositive portion of which reads:

WHEREFORE, premises considered, Judgment is hereby rendered GRANTING the petition, and therefore, it is hereby judicially declared that the True and Correct date of birth of petitioner, Pacol Disumimba Rasuman, is February 12, 1956.

Consequently, the Local Civil Registrar of Marantao, Lanao del Sur is hereby directed to make marginal annotation of the x x x Decision to the Certificate of Live Birth of petitioner on file in his office, relative to the latter's correct date of birth, which is February 12, 1956 and, thereafter to forward the corrected copy of the Certificate of Live Birth of the petitioner to the Administrator and Civil [Registrar] General of the National Statistics Office, Sta. Mesa, Manila. Further, the Bureau of Customs is also directed to effect the correction of the date of birth of the petitioner in the latter's official records in the Agency.

SO ORDERED.⁸

The decision became final and executory on October 8, 2015.

On January 21, 2016, respondent filed with the Civil Service Commission-National Capital Region (CSC-NCR) a request⁹ for correction of his date of birth in his service records. In a letter¹⁰ dated March 3, 2016, the CSC-NCR required respondent to submit certain documents. Respondent submitted the following documents: the original copy of his Certificate of Live Birth issued by the Philippine Statistics Authority with remarks that his date of birth was corrected from February 12, 1952 to February 12, 1956 pursuant to the July 23, 2015 RTC Decision; his affidavits explaining the discrepancy in his date of birth and the fact that he was not baptized as it is not a Muslim practice; affidavits of two witnesses attesting to the truthfulness of his claim that his date of birth was February 12, 1956; and the certified true copies of his service records card and the Personal Data Sheet issued by the

⁵ *Id.* at 71.

⁶ *Id.* at 72-76.

⁷ *Id.* at 82-87; penned by Acting Presiding Judge Wenida B.M. Papandayan.

⁸ *Id.* at 87.

⁹ *Id.* at 90.

¹⁰ *Id.* at 91.

CSC Field Office, Department of Public Works and Highways, indicating his birthdate as February 12, 1952.

On June 27, 2016, the CSC-NCR issued Resolution No. 1601236¹¹ denying respondent's request for correction. The decretal portion of which reads:

WHEREFORE, the instant request is hereby DENIED. Accordingly, the records of the Commission shall still reflect February 12, 1952 as the correct date of birth of petitioner.

Let copies of this Resolution be furnished [to] Pacol Disumimba Rasuman and [the] Civil Service Commission - National Capital Region, Department of Public Works and Highways Field Office at their known addresses.¹²

It held that while respondent's Certificate of Live Birth (belatedly registered) supported his claim that his date of birth was February 12, 1956, however, his employment and school records showed otherwise; that his personal data sheet on file with the CSC Field Office showed that he attended elementary school from 1957 to 1962; thus, if his birthday was February 12, 1956, he was only one year old at the time he first attended elementary school.

Respondent filed a petition for review with the CSC Proper.

On January 13, 2017, the CSC issued Decision No. 170058 dismissing the petition for review. It held that it is not bound by the July 23, 2015 RTC decision in the correction of respondent's birthdate because it was not impleaded therein, although it was an indispensable party; that the RTC decision would have no effect insofar as the CSC is concerned, citing our decision in *Police Senior Superintendent Macawadib v. The Philippine National Police Directorate for Personnel and Records Management*.¹³ The dispositive portion of the decision reads:

WHEREFORE, the Petition for Review of Pacol Disumimba Rasuman, Senior Executive Assistant, Bureau of Customs (BoC), Manila is DISMISSED. Accordingly, Resolution No. 1601236 dated June 27, 2016 of the Civil Service Commission National Capital Region (CSC NCR), Quezon City, denying Rasuman's request for correction of personal information is AFFIRMED. The date of birth of Rasuman appearing in the records of the Commission shall remain as February 12, 1952.

Copies of the Decision shall be furnished [to] the Bureau of Customs (BoC) and the CSC NCR for their reference and appropriate action.¹⁴

¹¹ *Id.* at 96-97; penned by Director IV Judith A. Dongallo-Chicano.

¹² *Id.* at 97.

¹³ 715 Phil. 484 (2013).

¹⁴ *Rollo*, pp. 48 and 104.

Respondent's motion for reconsideration was denied by the CSC in its Resolution No. 1700847¹⁵ dated May 8, 2017.

Respondent filed a petition for review with the CA. The parties filed their respective pleadings, and the case was submitted for decision.

On October 25, 2017, the CA issued its assailed decision, the dispositive portion of which reads:

WHEREFORE, the instant petition for review is GRANTED. Accordingly, the January 13, 2017 Decision No. 170058 and May 8, 2017 Resolution No. 1700847 of the Civil Service Commission in NDC-2016-07025 are hereby REVERSED and SET ASIDE. The Civil Service Commission is DIRECTED to comply with the July 23, 2015 Decision of the Regional Trial Court of Lanao del Sur, Branch 9, Marawi City in SPL. PROC. No. 2191-14.

SO ORDERED.¹⁶

Petitioner filed a motion for reconsideration which the CA denied in a Resolution dated April 26, 2018.

Petitioner filed the instant petition for review on the ground that:

THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN RULING THAT PETITIONER ERRED WHEN IT DENIED RESPONDENT'S REQUEST FOR THE CORRECTION OF HIS SERVICE RECORD.¹⁷

The CA found that a petition directed against the thing itself or the res, which concerns the status of a person, like correction of entries in the birth certificate, is an action *in rem* and which jurisdiction over the person of the defendant is not a prerequisite to confer jurisdiction on the court, provided the latter has jurisdiction over the res. The service of summons or notice to the defendant is not for the purpose of vesting the court with jurisdiction, but merely for satisfying the due process requirements. Being a proceeding *in rem*, the decision in the correction of entry case binds not only the parties, but the whole world; and that an *in rem* proceeding is validated essentially through publication.

The CSC, however, contends that it is an indispensable party to the petition for correction of respondent's date of birth filed in the RTC; and for not having been impleaded, it is not bound by the RTC decision granting the

¹⁵ *Id.* at 104-108.

¹⁶ *Id.* at 54-55.

¹⁷ *Id.* at 33.



petition, so it properly denied respondent's request for correction of his date of birth in his service records.

We find merit in the petition.

Petition for cancellation or correction of entries in the civil registry is governed by Rule 108 of the Rules of Court which provides, among others:

SEC. 3. Parties. – When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

SEC. 4. Notice and Publication. – Upon the filing of the petition, the court shall, by an order, fix the time and place for the hearing of the same, and cause reasonable notice thereof to be given to the persons named in the petition. The court shall also cause the order to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province.

SEC. 5. Opposition. – The civil registrar and any person having or claiming any interest under the entry whose cancellation or correction is sought may, within fifteen (15) days from notice of the petition, or from the last date of publication of such notice, file his opposition thereto.

The essential requirement for allowing substantial correction of entries in the civil registry is that the true facts be established in an appropriate adversarial proceeding.¹⁸ Section 3 requires that all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding. Sections 4 and 5 of Rule 108 provide for two sets of notices to two different potential oppositors, *i.e.*, (1) notice to the persons named in the petition; and (2) notice to other persons who are not named in the petition, but, nonetheless, may be considered interested or affected parties.¹⁹ The two sets of notices are mandated under the above-quoted Section 4 and are validated by Section 5, also above-quoted, which provides for two periods (for the two types of "potential oppositors") within which to file an opposition (15 days from notice or from the last date of publication).²⁰ 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.²¹

In *De Pedro v. Romasan Development Corporation*,²² we held:

¹⁸ *Barco v. Court of Appeals*, 465 Phil. 39 (2004).

¹⁹ *Rep. of the Philippines v. Dr. Uy*, 716 Phil. 254, 265 (2013), citing *Republic of the Phils. v. Coseteng –Magpayo*, 656 Phil. 550 (2011).

²⁰ *Republic of the Phils. v. Coseteng –Magpayo*, *id.* at 560.

²¹ *Rep. of the Philippines v. Dr. Uy*, *supra* note 19 at 265, citing *Ceruila v. Delantar*, 513 Phil. 237 (2005).

²² 748 Phil. 706 (2014).

Jurisdiction over the parties is required regardless of the type of action — whether the action is *in personam*, *in rem*, or *quasi in rem*.

In actions *in personam*, the judgment is for or against a person directly. Jurisdiction over the parties is required in actions *in personam* because they seek to impose personal responsibility or liability upon a person.

Courts need not acquire jurisdiction over parties on this basis in *in rem* and *quasi in rem* actions. Actions *in rem* or *quasi in rem* are not directed against the person based on his or her personal liability.

Actions *in rem* are actions against the thing itself. They are binding upon the whole world. *Quasi in rem* actions are actions involving the status of a property over which a party has interest. *Quasi in rem* actions are not binding upon the whole world. They affect only the interests of the particular parties.

However, to satisfy the requirements of due process, jurisdiction over the parties in *in rem* and *quasi in rem* actions is required.

The phrase, "against the thing," to describe *in rem* actions is a metaphor. It is not the "thing" that is the party to an *in rem* action; only legal or natural persons may be parties even in *in rem* actions. "Against the thing" means that resolution of the case affects interests of others whether direct or indirect. It also assumes that the interests — in the form of rights or duties — attach to the thing which is the subject matter of litigation. In actions *in rem*, our procedure assumes an active vinculum over those with interests to the thing subject of litigation.

Due process requires that those with interest to the thing in litigation be notified and given an opportunity to defend those interests. Courts, as guardians of constitutional rights, cannot be expected to deny persons their due process rights while at the same time be considered as acting within their jurisdiction.²³ (Citations omitted.)

In *Police Senior Superintendent Macawadib v. The Philippine National Police Directorate for Personnel and Records Management*,²⁴ we already held that there is a necessity to implead the CSC in petitions for correction of entries that would affect a government employee's service records. In that case, petitioner therein, Police Senior Superintendent Dimapinto Macawadib, filed with the RTC of Marawi City a Petition for Correction of Entry in his birth certificate which the RTC granted; and the Philippine National Police (PNP), the National Police Commission, and the CSC were ordered to make the necessary correction in their records of Macawadib's date of birth. The RTC decision had become final and executory. The PNP filed a petition for annulment of judgment with the CA on the ground that the RTC failed to acquire jurisdiction over it, an unimpleaded indispensable party. The CA nullified and set aside the RTC decision and barred Macawadib from

²³ *Id.* at 725-726.

²⁴ *Supra* note 13.

continuing and prolonging his tenure with the PNP beyond the mandatory retirement age of fifty-six (56) years. We affirmed the CA decision and held:

[I]t is the integrity and correctness of the public records in the custody of the PNP, National Police Commission (NAPOLCOM) and Civil Service Commission (CSC) which are involved and which would be affected by any decision rendered in the petition for correction filed by herein petitioner. The aforementioned government agencies are, thus, required to be made parties to the proceeding. They are indispensable parties, without whom no final determination of the case can be had. An indispensable party is defined as one who has such an interest in the controversy or subject matter that a final adjudication cannot be made, in his absence, without injuring or affecting that interest. In the fairly recent case of *Go v. Distinction Properties Development and Construction, Inc.*, the Court had the occasion to reiterate the principle that:

Under Section 7, Rule 3 of the Rules of Court, "parties in interest without whom no final determination can be had of an action shall be joined as plaintiffs or defendants." If there is a failure to implead an indispensable party, any judgment rendered would have no effectiveness. It is "precisely 'when an indispensable party is not before the court (that) an action should be dismissed.' The absence of an indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even to those present." The purpose of the rules on joinder of indispensable parties is a complete determination of all issues not only between the parties themselves, but also as regards other persons who may be affected by the judgment. A decision valid on its face cannot attain real finality where there is want of indispensable parties.

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In the instant case, there is a necessity to implead the PNP, NAPOLCOM and CSC because they stand to be adversely affected by petitioner's petition which involves substantial and controversial alterations in petitioner's service records.²⁵ (Citations omitted.)

In this case, respondent sought from the RTC the correction of his birthdate from February 12, 1952 to February 12, 1956. He impleaded in his petition for correction the BOC, the agency where he was working at so as to update his service records, but did not implead the CSC. It bears stressing that one of the CSC's mandated functions under Executive Order No. 292 is to keep and maintain personnel records of all officials and employees in the civil service. Therefore, the CSC has an interest in the petition for correction of respondent's birth certificate since the correction entails a substantial change in its public record, *i.e.*, he would have an additional four years before reaching his compulsory retirement age. To reiterate, Section 3 of Rule 108

²⁵ *Id.* at 492-493.

mandatorily requires that the civil registrar and the interested parties who would be affected by the grant of a petition for correction should be made parties. Considering that the CSC is an indispensable party, it should have been impleaded in respondent's petition, and sent a personal notice to comply with the requirements of fair play and due process, before it could be affected by the decision granting the correction of his date of birth. The CSC should have been afforded due process before its interest be affected, no matter how the proceeding was classified. Thus, the CSC correctly denied respondent's request for correction of his date of birth on the basis of the RTC decision granting the correction.

The CA's reliance on our decision in *Civil Service Commission v. Magoyag*²⁶ - that since the petition for correction of entry filed in the RTC was a proceeding *in rem*, the decision therein binds not only the parties thereto but the whole world and that an *in rem* proceeding is validated essentially through publication - is misplaced.

In *Magoyag*, the respondent therein, Madlawi Magoyag, then Deputy Collector of the BOC in Cagayan de Oro City, filed with the RTC of Lanao del Sur, Marawi City, a petition for correction of his birthdate from July 22, 1947 to July 22, 1954 which was granted. The RTC then ordered the Government Service Insurance System, and the BOC to effect a correction in his date of birth. The RTC subsequently issued an amended decision by further directing the Local Civil Registrar and the CSC to immediately effect a correction of the entry of Magoyag's date of birth. Magoyag requested the CSC to correct his date of birth appearing in his employment records. The CSC denied Magoyag's request since based on the official transcript of records issued by Liceo de Cagayan University, he graduated from college in November 1967, which was highly improbable if he was born on July 22, 1954 as it would mean that he graduated from college at the age of thirteen (13), from high school at the age of nine (9), and from elementary at the age of five (5). Respondent then filed a petition for review with the CA which granted the petition and ordered the CSC to comply with the RTC decision. The CSC filed a petition for review with us which we denied. We found, among others, that the CSC's concern should have been brought up in the RTC proceedings.

Notably, the CSC, in the *Magoyag* case, had been particularly directed by the RTC to immediately effect a correction of the entry of respondent's birth certificate in their records. In effect, the CSC had knowledge of the RTC decision, and could have raised its opposition thereto. In this case, the CSC was not impleaded at all in respondent's petition for correction of his date of birth filed with the RTC, and it was never specifically ordered to make the correction in respondent's records, as his amended petition only prayed for

²⁶ 775 Phil. 182 (2015).



the BOC to effect correction on his employment records to reflect his true and correct date of birth. The CSC was not at all apprised of the proceedings in the RTC and not bound by such decision.

The CA found that the CSC was only inadvertently left out since respondent even amended his petition for correction of entries by impleading the BOC which indicated his earnest efforts to comply with the requirement of the rules, thus the failure to implead the CSC was cured by the publication of the notice of hearing, and it is legally bound to give effect to the RTC decision granting the correction of his date of birth.

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, such as earnest efforts were made by petitioners in bringing to court all possible interested parties, the interested parties themselves initiated the correction proceedings, there is no actual or presumptive awareness of the existence of the interested parties, or when a party is inadvertently left out,²⁷ none of them applies in respondent's case.

In this case, while respondent impleaded the BOC when he amended his petition for correction of entry, he did not implead the CSC. To stress, the CSC is the central personnel agency of the government and, as such, keeps and maintains the personal records of all officials and employees in the civil service. Notwithstanding that respondent knew that the correction of his date of birth would have an effect on the condition of his employment, he still did not exert earnest efforts in bringing to court the CSC, and there is no showing that the CSC was only inadvertently left out. We, therefore, find no basis for the CA's ruling that respondent's case falls under the exceptional circumstances where the failure to implead indispensable parties was excused.

WHEREFORE, the petition for review on *certiorari* is **GRANTED**. The Decision dated October 25, 2017 and the Resolution dated April 26, 2018 of the Court of Appeals in CA-G.R. SP No. 151017 are hereby **REVERSED** and **SET ASIDE**. The January 13, 2017 Decision No. 170058 and May 8, 2017 Resolution No. 1700847 of the Civil Service Commission in NDC-2016-07025 are hereby **REINSTATED**.

²⁷ *Rep. of the Philippines v. Dr. Uy, supra* note 19, at 265-266.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

Reyes
ANDRES B. REYES, JR.
Associate Justice

on official business
RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
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.



DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third 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