G.R. No. 203371 — REPUBLIC OF THE PHILIPPINES., *petitioner,* ***versus*** **CHARLIE MINTAS FELIX a.k.a. SHIRLEY MINTAS FELIX,** *respondent.*

Promulgated:
JUN 30 2020

x----------x

SEPARATE OPINION

CAGUIOA, *J.*:

I concur in the result.

The instant dispute involves a petition for the cancellation and/or correction of entries under Rule 108 of the Rules of Court.[1] The facts were summarized by the *ponencia* as follows:

Respondent's birth certificate was registered twice.[2] In his **first birth certificate**, which was registered with the Local Civil Registrar of Itogon (LCR- Itogon), Benguet, respondent's first name was erroneously registered as "*Shirley*" instead of "*Charlie*," his father's surname was erroneously spelled as "*Filex*" instead of "*Felix*," and his gender was erroneously entered as "*female*" instead of "*male*".[3] A **second birth certificate** was subsequently registered containing all the correct entries, but the same was filed with the Local Civil Registrar of Carrangalan (LCR-Carrangalan), Nueva Ecija.[4] Respondent thus filed a petition under Rule 108 of the Rules of Court with the Regional Trial Court, La Trinidad, Benguet (RTC) in 2007 seeking to correct the erroneous entries in his first birth certificate (filed with the LCR-Itogon, Benguet) and to cancel his second birth certificate (filed with the LCR-Carrangalan, Nueva Ecija).[5]

The RTC granted the petition, allowed the corrections, and ordered the LCR-Carrangalan, Nueva Ecija to cancel respondent's birth certificate.[6] On appeal, the Court of Appeals (CA) affirmed the decision of the RTC.[7]

The Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), thus filed the instant petition alleging that the RTC had no jurisdiction to order the LCR-Carrangalan, Nueva Ecija to cancel respondent's second birth certificate.[8] Notably, the OSG made no mention of

---

1 *Ponencia*, p. 2.
2 Id.
3 Id.
4 Id.
5 Id.
6 Id. at 3.
7 Id. at 4.
8 Id.

Republic Act No. (R.A.) 9048,[9] which was already in effect when the petition for correction was filed.

The *ponencia* dismisses the petition and holds:

1) The RTC has jurisdiction to order the *correction* of entries in respondent's first birth certificate.[10] As a necessary incident thereof, the *ponencia* concludes that the RTC likewise has jurisdiction to order the *cancellation* of respondent's second birth certificate on file with the LCR-Carrangalan, Nueva Ecija;[11]

2) Petitions for correction of entries are incapable of pecuniary estimation and R.A. 9048 did not divest the RTC of its jurisdiction to decide petitions for correction of entries;[12] and

3) Respondent's direct resort to a judicial procedure is correct because to pursue an administrative procedure for the clerical correction of respondent's first name and his father's surname and a judicial procedure for the correction of his sex would amount to splitting of causes of action.[13]

I concur with the *ponencia* that the reliefs sought by respondent should be allowed. However, my analysis proceeds differently, as follows:

The correction of respondent's first name and of his father's surname are clerical in nature and fall under R.A. 9048.

When respondent filed his petition for the cancellation and/or correction of entries in 2007, I note that R.A. 9048, which provides an administrative procedure for changes of first name and corrections of typographical errors, was already in effect. In *Republic v. Gallo*,[14] the Court explained:

---

9 Entitled "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," approved on March 22, 2001.

10 *Ponencia*, p. 6.

11 Id. at 5.

12 Id. at 10.

13 Id. at 9.

14 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 Retired Chief Justice Lucas P. Bersamin, Retired Associate Justice Samuel R. Martires, and Associate Justice Alexander J. Gesmundo.

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.

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."

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.

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.

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.

> 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.[15]

Considering that the corrections and cancellations sought with respect to respondent's first name and his father's surname are clerical[16] in nature, the petition to correct the same should have been filed, under R.A. 9084, with the local civil registry office of the city or municipality where the record sought to be corrected or changed is kept.

Under present jurisprudence,[17] when an entry falls within the coverage of R.A. 9048, a person may only avail of the appropriate judicial remedies under Rule 103 or Rule 108 *after* the petition in the administrative proceedings is first filed and later denied.[18] Failure to comply with the administrative procedure generally renders the petition dismissible for failure to exhaust administrative remedies and for failure to comply with the doctrine of primary jurisdiction.[19]

The correction of respondent's sex and the cancellation of respondent's second birth certificate do not fall under R.A. 9048.

It bears emphasis that R.A. 9048 was amended by R.A. 10172[20] in 2012. The latter law expanded the coverage of the administrative procedure provided under R.A. 9048 to include clerical corrections in the day and/or month (but not the year) in the date of birth, or in the sex of the person, where it is patently clear that there was a clerical or typographical error or mistake in the entry, *viz.:*

---

15 Id. at 587-595. Citations omitted; emphasis and underscoring supplied.

16 R.A. 9048, Section 2(3) holds: "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 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, status or sex of the petitioner.

17 See *Republic v. Gallo*, supra note 14; *Republic v. Sali*, 808 Phil. 343 (2017); *Bartolome v. Republic*, G.R. No. 243288, August 28, 2019.

18 *Bartolome v. Republic*, id.

19 See supra note 17.

20 Entitled "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 FORTY-EIGHT," approved on August 15, 2012.

> SECTION 1. Section 1 of Republic Act No. 9048, hereinafter referred to as the Act, is hereby amended to read as follows:
>
> > "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)

Hence, the foregoing entries may now likewise be changed without judicial proceedings, "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."[21]

As aptly observed by the *ponencia*, however, R.A. 10172 was enacted *after* respondent's Rule 108 petition was filed in 2007. Hence, under the laws prevailing in 2007, respondent would have had to file separate proceedings to effect (1) the corrections sought as regards his first name and his father's surname (administrative proceeding) and (2) the corrections sought as regards his sex (judicial proceeding).[22]

In addition, I find that the civil registrar would have no authority to *cancel* respondent's second birth certificate (filed with LCR-Carrangalan, Nueva Ecija) under R.A. 9048. Notably, the registration of respondent's second birth certificate is not a typographical error, *i.e.*, "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 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," which may be corrected through the administrative procedure. Given this complicated situation, it appears that respondent would have had to file (in addition to the administrative proceeding already discussed above) two separate judicial proceedings as the correction in respondent's sex had to be undertaken in Benguet while the cancellation of the second birth certificate had to be undertaken in Nueva Ecija, pursuant to Rule 108, Section 1.[23] **This is absurd and could not have been the intention of the law and the rules.**

---

21 *Republic v. Gallo*, supra note 14 at 596. Citations and emphasis omitted; underscoring supplied.

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

23 RULE 108, Section 1 provides:

> SECTION 1. *Who may file petition.* — Any person interested in any act, event, order or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation or correction of any entry relating thereto, with the Court of First Instance of the province where the corresponding civil registry is located.

In this regard, I agree with the *ponencia* that (1) R.A. 9048 as amended was enacted precisely to expedite the process of effecting corrections of entries in the civil registry and to make the same more efficient and cost effective for the people,[24] and (2) requiring respondent to file two or even three separate petitions results in delays and in a multiplicity of suits.

I disagree, however, that complying with the procedure laid down by R.A. 9048 in 2007 and Rule 108 would amount to splitting a cause of action.[25] In *Chu v. Spouses Cunanan*,[26] the Court explained:

> x x x Splitting a single cause of action is the act of dividing a single or indivisible cause of action into several parts or claims and instituting two or more actions upon them. A single cause of action or entire claim or demand cannot be split up or divided in order to be made the subject of two or more different actions. x x x[27]

In special proceedings like the instant petition, a party seeks to establish a status, a right, or a particular fact.[28] Thus, there is technically no "cause of action" under Rule 2, Section 2 of the Rules of Court.[29] Even if there were, the law itself divides and delineates the matters covered by the administrative and the judicial proceedings. It is my position, therefore, that compliance with the law cannot be considered a violation of the rules.

Nevertheless, I vote to grant the reliefs sought by respondent in the interest of speedy and substantial justice, given that the Republic never raised the issue of non-compliance with R.A. 9048 in the proceedings before the lower courts and that in any event, the LCR-Carrangalan was duly notified of the petition.[30]

---

24 *Ponencia*, p. 8.

25 Id. at 9.

26 673 Phil. 12 (2011).

27 Id. at 21.

28 RULES OF COURT, Rule 1, Section 3 provides:

> SEC. 3. *Cases governed.* — These Rules shall govern the procedure to be observed in actions, civil or criminal, and special proceedings.
>
> (a) A civil action is one by which a party sues another for the enforcement or protection of a right, or the prevention or redress of a wrong, (1a, R2)
>
> A civil action may either be ordinary or special. Both are governed by the rules for ordinary civil actions, subject to the specific rules prescribed for a special civil action. (n)
>
> (b) A criminal action is one by which the State prosecutes a person for an act or omission punishable by law. (n)
>
> (c) A special proceeding is a remedy by which a party seeks to establish a status, a right, or a particular fact. (2a, R2)

29 Rule 2, Sections 1 and 2 provide:

> SECTION 1. *Ordinary civil actions, basis of.* — Every ordinary civil action must be based on a cause of action. (n)
>
> SEC. 2. *Cause of action, defined.* — A cause of action is the act or omission by which a party violates a right of another.

30 *Ponencia*, p. 8.

While I am aware that a "person may only avail of the appropriate judicial remedies under Rule 103 or Rule 108 *after* the petition in the administrative proceedings is filed and later denied,"[31] I find that allowing the corrections and cancellation sought would better serve the apparent purpose of the law, which is to expedite the process of effecting corrections of entries in the civil registry and to decongest court dockets.

The corrections sought and the cancellation of respondent's second birth certificate may be undertaken through a single judicial proceeding under Rule 108.

I disagree with the *ponencia*'s conclusion that petitions under Rule 108 and Rule 103 are "incapable of pecuniary estimation."[32] Be that as it may, I do agree with the *ponencia* that "by removing clerical errors and changes of name from the ambit of Rule 108 [and Rule 103] and putting them under the jurisdiction of the civil register,"[33] the law did **not** divest the RTCs of jurisdiction over the same.

I interpret the provisions of R.A. 9048, as amended, as merely providing for the primary jurisdiction of the civil registrar, that is, "authorizing" or "allowing" the civil registrar to effect changes or corrections which, under the Civil Code, could previously only be done by a court.[34] R.A. 9048 provides a simpler and speedier administrative remedy for the correction of clerical errors and for changes of first name.[35] In *Samar II Electric v. Seludo*,[36] the Court explained the corollary concepts of "primary administrative jurisdiction" and "exhaustion of administrative remedies" in this wise:

> It may not be amiss to reiterate the prevailing rule that the doctrine of primary jurisdiction applies where a claim is originally cognizable in the courts and comes into play whenever enforcement of the claim requires the resolution of issues which, under a regulatory scheme, has been placed within the special competence of an administrative agency. In such a case, the court in which the claim is sought to be enforced may suspend the judicial process pending referral of such issues to the administrative body for its view or, if the parties would not be unfairly disadvantaged, dismiss the case without prejudice.
>
> Corollary to the doctrine of primary jurisdiction is the principle of exhaustion of administrative remedies. The Court, in a long line of cases, has held that before a party is allowed to seek the intervention of the

---

31 Supra note 18.

32 Section 19(1) of B.P. 129 specifically refers to civil actions while a petition for correction/cancellation of entries is a special proceeding.

33 *Republic v. Gallo*, supra note 14 at 593.

34 CIVIL CODE, Article 412 states that:
Art. 412. No entry in a civil register shall be changed or corrected, without judicial order.

35 See *Republic v. Gallo*, supra note 14 and *Republic v. Sali*, supra note 22.

36 686 Phil. 786 (2012).

courts, it is a pre-condition that he avail himself of all administrative processes afforded him. Hence, if a remedy within the administrative machinery can be resorted to by giving the administrative officer every opportunity to decide on a matter that comes within his jurisdiction, then such remedy must be exhausted first before the court's power of judicial review can be sought. The premature resort to the court is fatal to one's cause of action. Accordingly, absent any finding of waiver or *estoppel*, the case may be dismissed for lack of cause of action.

The doctrine of exhaustion of administrative remedies is based on practical and legal reasons. The availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case.[37] (Emphasis and underscoring supplied)

Similarly, in *Republic v. Gallo*,[38] the Court explained:

Under the doctrine of exhaustion of administrative remedies, a party must first avail of all administrative processes available before seeking the courts' intervention. The administrative officer concerned must be given every opportunity to decide on the matter within his or her jurisdiction. Failing to exhaust administrative remedies affects the party's cause of action as these remedies refer to a precedent condition which must be complied with prior to filing a case in court.

However, failure to observe the doctrine of exhaustion of administrative remedies does not affect the court's jurisdiction. Thus, the doctrine may be waived as in *Soto v. Jareno*:

> Failure to observe the doctrine of exhaustion of administrative remedies does not affect the jurisdiction of the court. We have repeatedly stressed this in a long line of decisions. The only effect of non-compliance with this rule is that it will deprive the complainant of a cause of action, which is a ground for a motion to dismiss. If not invoked at the proper time, this ground is deemed waived and the court can then take cognizance of the case and try it. (Citation omitted)

Meanwhile, under the doctrine of primary administrative jurisdiction, if an administrative tribunal has jurisdiction over a controversy, courts should not resolve the issue even if it may be within its proper jurisdiction. This is especially true when the question involves its sound discretion requiring special knowledge, experience, and services to determine technical and intricate matters of fact.

In *Republic v. Lacap*:

---

37 Id. at 796. Citations omitted.
38 Supra note 14.

> Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact. (Citation omitted)

Thus, the doctrine of primary administrative jurisdiction refers to the competence of a court to take cognizance of a case at first instance. Unlike the doctrine of exhaustion of administrative remedies, it cannot be waived.[39]

In both cases, however, the Court recognized that the foregoing principles are not inflexible rules without exception. *Republic v. Gallo*[40] holds:

> Nonetheless, the doctrine of exhaustion of administrative remedies and the corollary doctrine of primary jurisdiction, which are based on sound public policy and practical considerations, are not inflexible rules. There are many accepted exceptions, such as: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively small so as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) when its application may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) when the issue of non-exhaustion of administrative remedies has been rendered moot; (j) when there is no other plain, speedy and adequate remedy; (k) **when strong public interest is involved**; and, (1) in *quo warranto* proceedings [x x x][41]

I find that the public interest is better served by allowing (not requiring) respondent and other persons similarly situated to file a single judicial procedure under Rule 108, to effect multiple corrections

---

39 Id. at 606-607. Citations omitted; emphasis and underscoring supplied.

40 Supra note 14.

41 Id. at 609; underscoring supplied. *Samar II Electric v. Seludo*, 686 Phil. 786, 797 (2012) likewise states: "[T]he doctrines of primary jurisdiction and exhaustion of administrative remedies are subject to certain exceptions, to wit: (a) where there is *estoppel* on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively so small as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) where the application of the doctrine may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) where the issue of non-exhaustion of administrative remedies has been rendered moot; (j) where there is no other plain, speedy and adequate remedy; (k) where strong public interest is involved; and (l) in *quo warranto* proceedings."

and/or cancellations that would have otherwise required two or more separate petitions — administrative and/or judicial. It would be the height of inefficiency (even absurdity) to require respondent to file three separate petitions to obtain the relief sought, *i.e.*, for a single birth certificate to reflect his correct personal information. The same could be said in a situation where a person would have to file (1) an administrative proceeding to correct his or her birth day and birth month, and (2) a separate judicial proceeding to correct his or her birth year.

In this regard, I believe introducing some flexibility may help expedite the process, prevent multiplicity of suits, and prove more cost-effective for the concerned parties. As the *ponencia* aptly notes, allowing the same will save respondent and other persons similarly situated a substantial amount of time and expense, which was precisely what R.A. 9048, as amended, sought to accomplish.[42]

When a petition involves local civil registrars located in different places however — as in this case — the Civil Registrar General should be impleaded as a party under Rule 108, Section 3. When directed by the court, the Office of the Civil Registrar General, pursuant to its power of control and supervision, may then effect the necessary corrections/changes in all affected units.

Bartolome v. Republic[43] summarized the rules regarding changes of name and corrections of errors, 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. 9048 in relation to R.A. 10172. 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 grounds discussed in *Republic v. Hernandez* are present.
>
> 3. A person seeking substantial cancellations or corrections of entries 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* and more recently, in *Republic v. Cagandahan*, R.A. 9048 "removed from the

---

42 *Ponencia*, p. 8.

43 Supra note 17.

> 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."[44]

I submit, however, my own view that a person compelled by the foregoing rules to file two or more separate petitions (*i.e.*, administrative and judicial) to effect the desired *corrections or cancellations* may, in the interest of substantial justice, file a single petition for correction/cancellation of entries under Rule 108, provided that all interested parties, including the concerned civil registrars and/or the civil registrar general, as the case may be, are duly notified.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

---

[44] Id. at 8. Citations and underscoring omitted.