

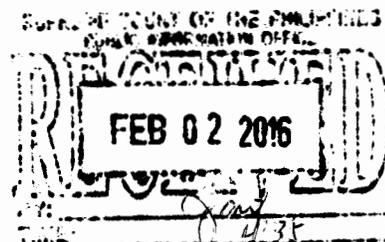


Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

CERTIFIED TRUE COPY  
*Wilfredo V. Lapitan*  
WILFREDO V. LAPITAN  
Division Clerk of Court  
Third Division

FEB 02 2016



CIVIL SERVICE COMMISSION,  
Petitioner,

- versus -

MADLAWI B. MAGOYAG,  
Respondent.

X-----*Wilfredo V. Lapitan*-----X

G.R. No. 197792

Present:

VELASCO, JR., J., *Chairperson*,  
PERALTA,  
VILLARAMA, JR.,  
PEREZ,\* and  
REYES, JJ.

Promulgated:

December 9, 2015

DECISION

PERALTA, J.:

This is to resolve the Petition for Review<sup>1</sup> dated September 12, 2011 of petitioner Civil Service Commission (CSC) assailing the Decision<sup>2</sup> dated May 12, 2011 of the Court of Appeals (CA) and the latter's Resolution<sup>3</sup> dated July 22, 2011 that directed the CSC to comply with the Decision of the Regional Trial Court (RTC) of Lanao del Sur, 12<sup>th</sup> Judicial Region, Branch 9, Marawi City ordering the correction of entry on the date of birth of respondent Madlawi B. Magoyag.

The facts follow.

\* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated December 7, 2015.

<sup>1</sup> *Rollo*, pp. 32-108.

<sup>2</sup> Penned by Associate Justice Antonio L. Villamor, with Associate Justices Jose C. Reyes, Jr. and Ramon A. Cruz, concurring; *rollo*, pp. 47-55.

<sup>3</sup> *Rollo*, pp. 17-18.

Respondent filed with the RTC of Lanao del Sur, 12<sup>th</sup> Judicial Region, Marawi City, a petition for correction of his date of birth from July 22, 1947 to July 22, 1954. On November 20, 2007, the RTC granted the said petition. The dispositive portion of the decision reads as follows:

WHEREFORE, the petition, being supported by evidence, is hereby granted and judgment is hereby rendered as follows:

1. The Government Service Insurance System is ordered to correct the entry of the date of Birth of petitioner with the latter's Membership with the system from July 22, 1947 to the correct date of birth of July 22, 1954 at Miondas, Tamparan, Lanao del Sur in conformity with his certificate of live birth; and

2. The Bureau of Customs at Cagayan de Oro Port, Cagayan de Oro City is likewise ordered to effect a correction in the entry of date of birth of petitioner Madlawi B. Magoyag from July 22, 1957 to that of July 22, 1954 in conformity with his delayed certificate of live birth.

No cost.

SO ORDERED.

The RTC Decision was amended on June 2, 2008 to read as follows:

The decision in the above-entitled case dated November 20, 2007 is hereby amended by further direction to the Local Civil Registrar of Tamparan, Lanao del Sur and the Civil Service Commission to immediately effect a correction of the entry of the live birth of petitioner in their records from July 22, 1947 to that of July 22, 1954 in conformity with the above decision.

SO ORDERED.

Meanwhile, on February 6, 2008, respondent, who was then the Deputy Collector of the Bureau of Customs in Cagayan de Oro City requested the CSC Regional Office No. X to correct his date of birth appearing in his employment records from July 22, 1947 to July 22, 1954. The said request was then forwarded to the CSC-National Capital Region (NCR) in view of the unavailability in CSC Regional Office No. X of the records of employees of the Bureau of Customs and, thereafter, the request was endorsed to the CSC pursuant to CSC Resolution No. 04-0966 (MC. 20, s. 2004).

In support of his request, respondent submitted copies of his certificate of live birth issued by the National Statistics Office (NSO), together with the November 20, 2007 Decision of the RTC in the case

entitled, "In the Matter of the Correction of Date of Birth Madlawi B. Magoyag," docketed as Special Proceeding Case No. 1716-07 and also presented the following documents:

1. Respondent's sworn affidavit attesting to his date of birth;
2. Photocopy of his late registration Certificate of Live Birth issued by the Local Civil Registrar of Tamparan, Lanao del Sur;
3. Joint Affidavit executed by Solaiman Basher and Monandato Palap attesting to respondent's date of birth;
4. Certified true copy of respondent's diploma, indicating that he graduated from the Central Philippine University, Iloilo City in 1967, with the degree of Bachelor of Science in Commerce;
5. Certified true copy of his Transcript of Records, issued on April 4, 2005 by the Office of the University Registrar, Liceo de Cagayan University, Cagayan de Oro City; and,
6. Certified true copy of the Special Order issued by the Bureau of Private Schools.

Respondent claims that the discrepancy in his date of birth arose when he applied for employment with Amanah Bank in 1974 when he mistakenly placed 1947 instead of 1954 as his year of birth in the application form. Thus, according to him, such wrong date appeared in the records of the GSIS and was maintained in the entire length of his stay in the government.

Petitioner CSC denied respondent's request on the ground that the RTC decision rendered on November 20, 2007 was not yet final and executory. The dispositive portion of CSC Resolution No. 090987 dated July 7, 2009, reads as follows:

WHEREFORE, the request of Madlawi Magoyag, Collector of Customs II, Bureau of Customs, Department of Finance, Cagayan de Oro City that his date of birth appearing in the records of the Commission corrected from July 22, 1947 to July 22, 1954 is hereby DENIED.

Respondent filed a motion for reconsideration and attached to it was the Certificate of Finality of Judgment<sup>4</sup> issued by the RTC, but on March 16, 2010, the CSC, in its Resolution No. 100491, denied the said motion, thus:

WHEREFORE, the motion for reconsideration of Madlawi M. Magoyag, Collector of Customs II, Bureau of Customs, Department of

---

<sup>4</sup> Issued on June 17, 2008, *rollo*, pp. 97-98.

Finance, Cagayan de Oro City, is hereby DENIED. Accordingly, CSC Resolution No. 09-0987 dated July 7, 2009, is AFFIRMED IN ALL RESPECTS.

Aggrieved, respondent filed a Petition for Review under Rule 43 of the Rules of Court with the CA and the latter granted the petition and ordered the CSC to comply with the Decision of the RTC of Lanao del Sur, with the dispositive portion stating:

WHEREFORE, in view of the foregoing premises, the instant petition is GRANTED. The Civil Service Commission is directed to comply with the Decision of the RTC of Lanao del Sur, 12<sup>th</sup> Judicial Region, Branch 9, Marawi City, in Spl. Proc. No. 1716-07.

SO ORDERED.

The motion for reconsideration having been denied by the CA, petitioner filed the present petition alleging the following grounds:

I.

RESOLUTION NOS. 090087 DATED 7 JULY 2009 AND 100491 DATED 16 MARCH 2010 ISSUED BY PETITIONER ARE NOT REVIEWABLE UNDER RULE 43 OF THE RULES OF COURT.

II.

ASSUMING ARGUENDO THAT THE CSC RESOLUTIONS ARE REVIEWABLE UNDER RULE 43, THE COURT A *QUO* ERRED IN ORDERING THE CSC TO COMPLY WITH THE RTC DECISION.

Petitioner argues that the resolutions it issued regarding the request of the respondent for the correction of his date of birth are mere responses to the said request and that although discretion was exercised by petitioner in denying the request, said exercise of discretion cannot be said to be judicial in nature because there were no investigations or hearings held to determine or ascertain the facts. Thus, according to the petitioner, the issuance of those resolutions was not the result of its quasi-judicial function, but of its administrative function only. As such, petitioner insists, respondent erred in resorting to Rule 43 of the Rules of Court when he elevated the case to the CA. Petitioner further reiterates that only those judgments, final orders or resolutions issued in the exercise of its quasi-judicial functions may be the subject of a petition for review under Rule 43.

Another argument raised by the petitioner is that, assuming that petitioner is legally bound to comply with the Decision dated November 20, 2007 and Order dated June 2, 2008 issued by the RTC, Branch 9 of Lanao del Sur, resort to the remedy under Rule 43 to annul, reverse and set aside the questioned resolutions would be inappropriate because the resolutions

being assailed by respondent before the CA are not the resolutions contemplated under Rule 43, the resolutions merely enforcing internal administrative policies and not adjudicating rights.

The petition is devoid of any merit.

Rule 43 of the Rules of Court under which respondent filed his petition before the CA applies to awards, judgments, final orders or resolutions of or authorized by any *quasi-judicial* agency in the exercise of its *quasi-judicial functions*.<sup>5</sup>

A[n agency] is said to be exercising judicial function where [it] has the power to determine what the law is and what the legal rights of the parties are, and then undertakes to determine these questions and adjudicate upon the rights of the parties. Quasi-judicial function is a term which applies to the action, discretion, etc. of public administrative officers or bodies, who are required to investigate facts or ascertain the existence of facts, hold hearings, and draw conclusions from them as a basis for their official action and to exercise discretion of a judicial nature. x x x<sup>6</sup>

It is true that only those awards, judgments, final orders or resolutions of a quasi-judicial agency or body in the exercise of its quasi-judicial functions are the subjects of an appeal under Rule 43 of the Rules of Court, however, in the present case, petitioner maintains that the resolutions it issued, subjects of the respondent's petition filed with the CA, were mere responses to the respondent's request for the correction of his date of birth, thus, petitioner did not exercise its judicial function. However, petitioner admits that in issuing those resolutions, it exercised its discretion. In its petition, it stated:

In the present recourse, Resolution Nos. 090087 dated 7 July 2009 and 100491 dated 16 March 2010 issued by petitioner which were questioned and subjected to the petition before the Court of Appeals (CA) Thirteenth Division culminated from a mere "request" of respondent for the correction of his date of birth in his records with petitioner. Said resolutions are no more than mere responses to the request of respondent for correction. **While discretion was exercised by petitioner in denying such request by respondent, said exercise of discretion cannot be said to be of judicial nature.** In acting on the request, no investigations or hearings were held to ascertain or determine the facts. No rights are adjudicated before it. Rather, respondent merely relied on the documents submitted by petitioner and acted in accordance with its existing internal policies and regulations. Clearly, the questioned resolutions of petitioner are issued NOT in the performance of its quasi-judicial function, but of its

---

<sup>5</sup> RULES OF COURT, Rule 43, Sec. 1.

<sup>6</sup> *Tabigue, et al. v. International Copra Export Corporation, (INTERCO)* 623 Phil. 866, 873 (2009), citing *Metropolitan Bank and Trust Company, Inc. v. National Wages and Productivity Commission*, 543 Phil. 318, 329 (2007). (Emphasis in the original)

administrative function only. As such, the remedy of petition for review under Rule 43 of the Rules of Court is unavailing in this case.<sup>7</sup>

This Court rules that the resolutions issued by petitioner are not mere responses to a request but are actually quasi-judicial actions because the result of those resolutions is the denial of a right of the respondent as conferred by the court. What makes it more unfortunate is that petitioner even admits on not having any investigations or hearings before issuing such resolutions. The first resolution denying the request was understandable since petitioner was not able to submit a certificate or proof of the finality of the RTC's judgment, but the second resolution denying the motion for reconsideration was unforgivable since the respondent was already able to cure the defect of its first request by attaching the Certificate of Finality of Judgment issued by the RTC. Thus, by denying respondent's request, petitioner was not merely exercising an administrative function but had already adjudicated on the matter. Therefore, the resort to Rule 43 was proper.

In denying respondent's request, petitioner emphasized that it did not give weight to the certified photocopies of respondent's school records which he submitted to support his request because according to the Official Transcript of Records issued by the Office of the University Registrar of Liceo de Cagayan University, respondent graduated from college in November 1967 which is manifestly improbable if respondent's claim that he was born on July 22, 1954 is true as it would mean that he graduated from college at the age of thirteen (13), from high school at nine (9), and from elementary at five (5). Such assumption should have merited an investigation and hearing if petitioner deemed such scenario as improbable because there are cases where such an instance is possible. Thus, petitioner's unsubstantiated presumption has led itself to go beyond its administrative function. Such concern should have been brought up in the proceedings of the RTC.

It must be remembered that, a petition for correction is an action *in rem*, an action against a thing and not against a person. The decision on the petition binds not only the parties thereto but the whole world. An *in rem* proceeding is validated essentially through publication. Publication is notice to the whole world that the proceeding has for its object to bar indefinitely all who might be minded to make an objection of any sort against the right sought to be established. It is the publication of such notice that brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it.<sup>8</sup> As such, petitioner is now legally bound to acknowledge and give effect to the judgment of the RTC.

---

<sup>7</sup> *Rollo*, pp. 35-36.

<sup>8</sup> *Barco v. Court of Appeals*, 465 Phil. 39, 56-57 (2004).

However, petitioner totally disregarded the finality of the RTC's judgment. The Court re-emphasizes the doctrine of finality of judgment.

It is true that it is the purpose and intention of the law that courts should decide all questions submitted to them "as truth and justice require," and that it is greatly to be desired that all judgments should be so decided; but controlling and irresistible reasons of public policy and of sound practice in the courts demand that at the risk of occasional error, judgments of courts determining controversies submitted to them should become final at some definite time fixed by law, or by a rule of practice recognized by law, so as to be thereafter beyond the control even of the court which rendered them for the purpose of correcting errors of fact or of law, into which, in the opinion of the court it may have fallen. The very purpose for which the courts are organized is to put an end to controversy, to decide the questions submitted to the litigants, and to determine the respective rights of the parties. With the full knowledge that courts are not infallible, the litigants submit their respective claims for judgment, and they have a right at some time or another to have final judgment on which they can rely as a final disposition of the issue submitted, and to know that there is an end to the litigation.<sup>9</sup>

This doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice. In fact, nothing is more settled in law than that once a judgment attains finality it thereby becomes immutable and unalterable. It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.<sup>10</sup> It should also be borne in mind that the right of the winning party to enjoy the finality of the resolution of the case is also an essential part of public policy and the orderly administration of justice.<sup>11</sup>

Hence, based on the above disquisitions, the CA did not commit any reversible error in its questioned decision and resolution.

**WHEREFORE**, the Petition for Review dated September 12, 2011 of petitioner Civil Service Commission is **DENIED** for lack of merit. Consequently, the Decision dated May 12, 2011 of the Court of Appeals and the latter's Resolution dated July 22, 2011 are **AFFIRMED**.

**SO ORDERED.**

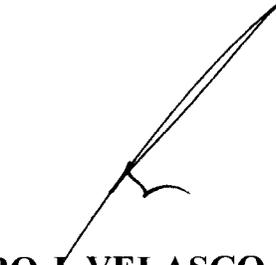
  
**DIOSDADO M. PERALTA**  
Associate Justice

<sup>9</sup> *Pasiona, Jr. v. Court of Appeals, et al.*, 581 Phil. 124132-133 (2008). (Citations and emphasis omitted).

<sup>10</sup> *Juani v. Alarcon*, 532 Phil. 585, 604 (2006).

<sup>11</sup> *Peña v. Government Service Insurance System*, 533 Phil. 670, 690 (2006).

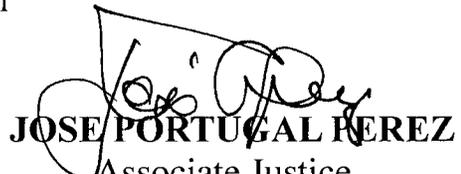
**WE CONCUR:**



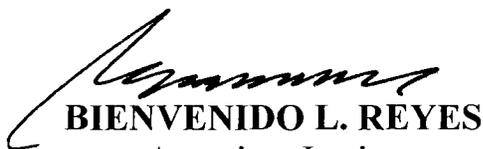
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson



**MARTIN S. VILLARAMA, JR.**  
Associate Justice



**JOSE PORTUGAL PEREZ**  
Associate Justice



**BIENVENIDO L. REYES**  
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.



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

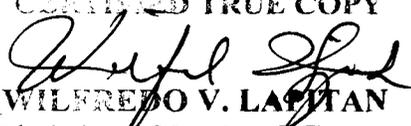
**CERTIFICATION**

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.



**MARIA LOURDES P. A. SERENO**  
Chief Justice

CERTIFIED TRUE COPY



**WILFREDO V. LACTAN**  
Division Clerk of Court  
Third Division  
FEB 02 2016