

Republic of the Philippines
11th Judicial Region
REGIONAL TRIAL COURT
Branch 57
Mabini, Compostela Valley

IN THE MATTER OF PETITION FOR THE
CANCELLATION OF THE CERTIFICATE
OF LIVE BIRTH OF SHENA DEE ESPERA
CALAMBA UNDER REGISTRY NO. 94-
1201.

SPEC. PRO. NO. 07-2017

SHEENA DEE ESPERA CALAMBA,
Petitioner.

-versus-

THE MUNICIPAL CIVIL REGISTRAR OF MACO,
Respondent.

X-----/


D E C I S I O N

Petitioner filed a verified petition for cancellation of the Certificate of Live Birth of **SHENA DEE ESPERA CALAMBA** bearing Registry No. **94-1201**. Said petition was later amended to correct the first registration of petitioner's birth from Registry No. 95-327 to Registry No. 95-329.

During the hearing, petitioner testified that the fact of her birth was twice registered, first with the Office of the Local Civil Registrar of Maco under **Registry No. 94-1201** on September 30, 1994 as evidenced by her Certificate of Live Birth where her name was registered as **SHENA DEE ESPERA CALAMBA** with the birthdate **OCTOBER 5, 1989**, marked as "Annex E". The second registration of her birth was with the same Local Civil Registrar of Maco under **Registry No. 95-329** on February 27, 1995 where her name was registered as **SHEENA DEE ESPERA CALAMBA** with the birthdate **OCTOBER 7, 1988**, marked as "Annex D". *copy*

Petitioner further averred that in 2017, she went to the Philippine Statistics Authority in Davao City to get a copy of her birth certificate for her PNP application when she found out that her birth was registered twice. The said office issued her a Certificate of Live Birth bearing Registry No. 94-1201, where her name appeared as SHENA DEE ESPERA CALAMBA with the birth date OCTOBER 5, 1989, when in fact and indeed, the Certificate of Live Birth she is using in all her school records, LET Board examination, NAPOLCOM application and other transactions bearing Registry No. 95-329 where her name appeared as SHEENA DEE ESPERA CALAMBA with the birth date OCTOBER 7, 1988. She likewise stated that she used to celebrate her birthday every October 7th day of October and not on the 5th day of October.

To support her averments, petitioner identified exhibits pertinent to her petition particularly she identified all documents attached to her Judicial Affidavit, namely: her two (2) Certificates of Live Birth, her Baptismal Certificate, Official Transcript of Records, voter's certification, as well as Clearances issued by the NBI, Police and Barangay. In all of these documents, her name was recorded as **SHEENA DEE ESPERA CALAMBA** and her birth date is **OCTOBER 7, 1988**.

The petitioner's counsel likewise presented the mother of the herein petitioner in the person of Florencia Espera Calamba, who corroborated the testimony of the petitioner that the latter was born on October 7, 1988 and not on October 5, 1989. She further testified that she was made aware of the fact that the birth of Sheena has been registered twice only in the year 2017 when the Sheena asked her as to why she has another birth certificate with a birth date October 5, 1989. Florencia further averred that she could no longer remember 

the circumstances as to why Sheena's birth was registered twice. However, she is pretty sure that Sheena's birth date was October 7, 1988, in fact, Sheena was using the same in all her school records and other transactions since she was kindergarten.

After which, petitioner through counsel, formally offered the following exhibits, to wit:

- Exhibit "A" - Order of the Honorable Court dated May 11, 2018;
- Exhibit "B" - the Mindanao Newscaster issued on June 4-10, 2018;
- Exhibit "C" and its sub-markings - The Mindanao Newscaster issued on June 18-24, 2018;
- Exhibit "D" and its sub-markings - The Mindanao Newscaster issued on June 25-July 1, 2018;
- Exhibit "E" and its sub-markings - The Affidavit of Publication executed by Pamela Gay Perales;
- Exhibit "F" and its sub-markings - The Certificate of Live Birth of Shena Dee Espera Calamba registered before the Local Civil Registrar of Maco under Registry No. 94-1201;
- Exhibit "G" and its sub-markings - The Certificate of Live Birth of Sheena Dee Espera Calamba issued by the Municipal Civil Registrar of Maco with Registry No. 95-329;
- Exhibit "H" - Certificate of Live Birth of Sheena Dee Espera Calamba under Registry No. 95-329 issued by the National Statistics Office;
- Exhibit "I" and its sub-markings - Certificate of Baptism of Sheena Dee Espera Calamba;
- Exhibit "J" and its sub-markings - Certified True Copy of the Official Transcript of Records of Sheena Dee Espera Calamba;
- Exhibit "K" and its sub-markings - Voter Certification of Sheena Dee Espera Calamba;
- Exhibit "L" to "N" - NBI clearance, Police clearance, and Barangay clearance of Sheena Dee Espera Calamba;

Exhibit "O" and its sub-markings – Elementary School
Pertinent records;

Exhibit "P" and its sub-markings – Form 137-A of Sheena
Dee Espera Calamba issued by the
Maco National High School.

Nobody opposed the petition when announced in open court. The Office of the Provincial Prosecutor of Compostela Valley through Prosecutor Rucel C. Cayetano was deputized by the Office of the Solicitor General and represented the latter during the hearing of the petition. The state through its representative, did not present any evidence to controvert petitioner's evidence.

After thoroughly scrutinizing petitioner's pieces of evidence along with the testimony of the petitioner, the court is convinced that petitioner had indubitably established that she is entitled to the reliefs prayed for, particularly the court grants her prayer for **CANCELLATION** of the **Certificate of Live Birth with Registry No. 94-1201**.

WHEREFORE, premises considered, the instant petition is hereby **GRANTED** and judgment is hereby rendered directing the Local Civil Registrar of Maco, Compostela Valley to **CANCEL** the **Certificate of Live Birth with Registry No. 94-1201** and to thereafter notify the Philippine Statistics Authority (PSA) of such cancellation.

The said Local Civil Registrar is likewise directed to submit to the Court its compliance with this Decision within fifteen (15) days from receipt thereof.

SO ORDERED.

Given this 27th day of June 2019, Mabini, Compostela Valley.


CELESTIAL V. ARANDA-GONZALES
Presiding Judge

Copy Furnished:

Pros. Rucel Cayetano- OPP, Nabunturan, ComVal

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Local Civil Registrar of Maco
Maco, Compostela Valley Province

Atty. Mitos Shiela Perandos-Evangelista
PAO, Mabini, Comval Province

Sheena Dee Espera Calamba (Petitioner)
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