102 Phil. 679

[G. R. No. L-11489. December 23, 1957]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. UY JUI PIO, DEFENDANT AND APPELLANT.

D E C I S I O N

REYES, A., J.:

This is an appeal from a judgment of the Court of First Instance of Manila. The appeal has been certified to us by the Court of Appeals as raising only a question of law.

It appears that the appellant Uy Jui Pio was charged in the municipal court of Manila with a violation of Commonwealth Act No. 142 for using publicly a name different from the one with which he was christened or by which he had been known since childhood. Convicted in that court, he appealed to the Court of First Instance, where the case was submitted for decision solely upon the admissions made by him at the hearing. Those admissions were to the effect that he had been known since childhood "by the name of Uy Jui Pio *alias* Juanito Uy"; that he was also known in school "as Uy Jui Pio alias Juanito Uy"; that the records of the Bureau of Immigration from the year 1946 "would also bear (out) the same name of Uy Jui Pio alias Juanito Uy"; that "since 1936 until the passage of Commonwealth Act 142", he had been using that name; and that in his marriage contract he signed the name "Juanito Uy" to conform to the name already typewritten thereon by someone else.

On the basis of the above admissions, the trial court found defendant to have violated section 2 of Commonwealth Act No. 142 by adopting the name "Juanito Uy" "when he was already named in his own country as 'Uy Jui Pio'." The conviction cannot stand.

Section 1 of Commonwealth Act No. 142 reads:

> "SECTION 1. Except as a pseudonym for literary purposes, no person snail use any name different from the one with "which he was christened or by which

> he has been known since his childhood, or such substitute name as may have been authorized by a competent court. The name shall comprise the patronymic name and one or two surnames."

In forbidding the use of a name different from that by which one has been known since childhood, this section, by necessary, implication, allows the use of the latter. Defendant, therefore, had the right to use the name "Juanito Uy" because he has since childhood been known by that name.

It is contended, however, that the name "Juanito Uy" is an alias and defendant is. not authorized to use it without judicial authorization in view of section 2 of this Act which reads:

> SEC. 2. Any person desiring to use an alias or aliases shall apply for authority therefore in proceedings like those legally provided to obtain judicial authority for a change of name. Separate proceedings shall be had for each *alias*, and each new petition shall set forth the original name and the alias or aliases for the use of which judicial authority has been obtained, specifying the proceedings and the date on which such authority was granted. Judicial authority for the use of aliases shall be recorded in the proper civil register."

The contention is without merit. Section 2 necessarily refers to a name whose use is not already authorised by section 1 for, otherwise, the two sections would conflict with each other in that one forbids what the other allows. A statute should be so construed as to prevent a conflict between different parts of it (Black on Interpretation of Laws, 2nd ed., pp. 345-347). Moreover, as Commonwealth Act No. 142 is a penal statute, it should be construed strictly against the State and in favor of the accused (*Ibid*., p. 451).

In view of the foregoing, the judgment appealed from is reversed and the appellant acquitted with costs *de officio*.

Para's, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and *Felix, JJ.,* concur.

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