

### Title:

Antonina B. Oshita vs. Republic of the Philippines: A Case on Change of Surname

### Facts:

On February 15, 1962, Antonina B. Oshita filed a petition in the Court of First Instance of Davao, seeking a legal change of her surname from “Oshita” to “Bartolome”. The petition was correctly signed and subscribed before a Deputy Clerk of Court, with all requirements for the hearing’s publication duly met. The Republic of the Philippines, represented by Assistant City Attorney Roque M. Barnes, contested the petition on two grounds: lack of jurisdiction due to the petition not being verified as mandated by the Rules of Court, and the claim that the petition did not present a sufficient cause of action. Despite opposition, the court proceeded with a hearing after denying the motion to dismiss.

Antonina B. Oshita, borne to a Japanese father and a Filipina mother, chose Philippine citizenship after reaching the age of majority. Her petition detailed the desire to adopt her mother’s Filipino surname, partly to avoid the social stigma attached to a Japanese surname post-WWII and to align her identity more closely with her Filipino heritage. Notably, her siblings had also adopted the “Bartolome” surname upon electing Philippine citizenship. Despite the Assistant City Attorney’s challenge, no evidence was presented to oppose the petition on any grounds apart from the technical objections initially raised.

On November 12, 1962, the trial court ruled in favor of Oshita, a decision subsequently appealed by the Solicitor General objecting primarily to jurisdictional issues and the sufficiency of reasons for the name change.

### Issues:

1. Whether the lack of verification of the petition as prescribed under the Rules of Court deprives the court of jurisdiction to hear the case.
2. Whether the petitioner provided adequate justification for the change of name.

### Court’s Decision:

The Supreme Court dismissed the appeal, holding that:

1. The absence of verification does not strip the court of its jurisdiction. The verification requirement is deemed a formal condition affecting the pleading’s form but not its legal essence. Non-compliance can be corrected or overlooked if justice requires, emphasizing the requirement’s purpose to ensure the pleading’s assertions are made in good faith.
2. Sufficient reasons were presented justifying the change of name, considering the

petitioner's circumstances, including her election of Philippine citizenship, the familial adoption of the "Bartolome" surname, and the social and psychological impacts of bearing a Japanese surname post-war.

The Supreme Court affirmed the lower court's decision without pronouncement as to costs.

### ### Doctrine:

The case reiterates that the requirement for pleadings' verification is not jurisdictional but a formality meant to ensure the credibility and good faith behind the assertions made in legal pleadings. It also emphasizes the court's discretion in matters of name change, provided the petitioner does not intend fraud and no public interest or third-party rights are compromised.

### ### Class Notes:

- **\*\*Verification of Pleadings\*\***: A formality designed to guarantee the authenticity of the allegations, not a jurisdictional requirement. Courts may overlook the absence of verification to meet the ends of justice.
- **\*\*Change of Name\*\***: Courts possess discretion to approve changes of name if the reasons are sufficient, not frivolous, and no public or third-party rights are adversely affected. Key considerations include personal dignity, familial unity, and avoidance of social prejudice.
- **\*\*Jurisdictional vs. Procedural Requirements\*\***: Understanding the distinction is crucial. Jurisdiction pertains to a court's legal power to hear a case, while procedural requirements concern the steps and forms necessary to present the case properly.

### ### Historical Background:

This case reflects the post-WWII societal dynamics in the Philippines, particularly the lingering stigma against Japanese surnames due to wartime atrocities. It underscores the judiciary's role in addressing issues of personal identity and societal integration within the legal system's procedural framework.