

### Title: In the Matter of the Petition for Change of Name of Maria Estrella Veronica Primitiva Duterte, Estrella S. Alfon, Petitioner, vs. Republic of the Philippines, Respondent.

### Facts:

Maria Estrella Veronica Primitiva Duterte petitioned for a legal name change to Estrella S. Alfon, which initiated procedurally with a verified petition filed on April 28, 1978. The petition noted Duterte's consistent identification as Estrella S. Alfon since childhood, across various social and formal contexts including schooling and voting. A subsequent court hearing facilitated by both parties' representatives led to the presentation of evidence upholding Duterte's claim. Despite Duterte's clear preference and consistent usage of Estrella S. Alfon, the Court of First Instance of Rizal, invoking Article 364 of the Civil Code which traditionally emphasizes a child's use of the father's surname, partially granted her petition—approving the change of the first name but denying the change of surname. This decision prompted Duterte's appeal to the Supreme Court on the grounds that the lower court's interpretation was unduly restrictive.

### Issues:

1. Whether the use of the mother's surname by a legitimate child constitutes a "proper and reasonable cause" under the law for a name change.
2. The interpretation of the term "principally" in Article 364 of the Civil Code regarding the use of the father's surname by legitimate children.

### Court's Decision:

The Supreme Court reversed the lower court's decision, granting Duterte's petition in full to legally change her name to Estrella S. Alfon. The Court clarified that the term "principally" in the Civil Code does not imply exclusivity in the use of the father's surname. It recognized various legitimate reasons for a name change, including the avoidance of confusion, as applicable to Duterte's situation. The years of identification and societal recognition as Estrella S. Alfon justified the full grant of the petition, emphasizing the practical and reasonable basis over a strict, traditional adherence to surname conventions.

### Doctrine:

This case reiterates that the choice of a child to use the mother's surname, especially when backed by a history of consistent usage and societal recognition, constitutes a proper and reasonable cause for a legal name change. It clarifies that the term "principally" used in the context of surnames in the Civil Code should not limit legitimate or legitimated children to using solely the father's surname.

### Class Notes:

- **Article 364 of the Civil Code**: Legitimate and legitimated children should primarily use the surname of the father. However, this does not exclude the legal validity of utilizing the mother's surname if justified by proper and reasonable causes.
- **Proper and reasonable cause for name change**: Circumstances that warrant a change include, but are not limited to, avoidance of confusion, difficulty in writing or pronouncing the name, changes in status (e.g., legitimation), or the name being tainted with dishonor.
- **Supreme Court's Interpretation**: The Supreme Court prioritizes practical reasons for a name change, such as consistent use and societal recognition, over traditional norms restricting surname use to the father's surname exclusively.

### Historical Background:

This case reflects the evolving norms and interpretations around identity and filiation in Philippine jurisprudence. Traditionally emphasizing paternal surnames for legitimate children, the legal system has gradually recognized the complexities of personal identity, social realities, and individual rights in determining one's name. The decision in this case underscores the judiciary's role in balancing cultural norms with individual circumstances and the practical implications of name usage in society.