

Title: ****Zosima Naldoza vs. Republic of the Philippines (198 Phil. 287)****

Facts:

Zosima Naldoza, after marrying Dionesio Divinagracia on May 30, 1970, had two children with him: Dionesio, Jr., born on October 23, 1970, and Bombi Roberto, born on July 22, 1973. The marriage turned sour when Zosima discovered Dionesio's prior marriage. Following the confrontation, Dionesio abandoned his family and never returned. Additionally, he became embroiled in criminal activities, including estafa (fraud), which led to Dionesio being involved in two criminal cases. His actions brought notoriety to his name, causing his children to be teased and stigmatized for their father's misdeeds. In an attempt to distance her children from their father's tarnished reputation, Zosima filed a petition in the Court of First Instance of Bohol on August 10, 1978, seeking to change her children's surnames from Divinagracia to Naldoza, her maiden name. Despite due publication and hearing, the trial court dismissed the petition. It reasoned that adopting their mother's surname would convey a false impression of their family relationship. Zosima thereafter appealed directly to the Supreme Court pursuant to Republic Act No. 5440.

Issues:

The central question before the Supreme Court was whether there were valid and substantial reasons to allow the two minors to change their surname from their father's, Divinagracia, to their mother's, Naldoza.

Court's Decision:

The Supreme Court upheld the trial court's decision, affirming that the reasons presented for the change of surname - specifically, the father's criminal activities, abandonment, and the resulting stigma faced by the children - were not compelling enough to warrant such a change. The Court emphasized that allowing the surname change might lead to confusion about the minors' parentage and inadvertently suggest that they were illegitimate, contradicting their legitimate status as per their birth records. The Court also noted the importance of a child knowing his parentage and suggested that any decision to change one's surname should be deferred until the child reaches an age where he can fully appreciate his circumstances and choose for himself.

Doctrine:

The doctrine established or reiterated in this case revolves around the standards for changing one's name under Philippine law. It underscores that a change of name in the civil registry is permitted only for "proper and reasonable causes," taking into account the

welfare of the petitioner and ensuring that such change does not prejudice public interest or create confusion regarding familial relationships. Furthermore, the decision highlights that in matters involving minors, considerations extend beyond the desires of the petitioning parent, focusing on the potential long-term implications for the child's identity and legal status.

Class Notes:

1. Change of Name: The process is governed by Section 5, Rule 103 of the Rules of Court, requiring "proper and reasonable causes" for the change to be granted.
2. Welfare of Minors: Courts should prioritize the welfare of minors in decisions affecting their legal status or identity.
3. Legitimate Status: Changes in surnames should not contradict the legitimate status of a child as indicated in official records, unless justified by substantial reasons.
4. Individual Decision: The right to seek a change of name due to personal circumstances or preferences is emphasized once the concerned individual reaches an age of full capacity to make such decisions.

Historical Background:

This decision reflects the Philippine judiciary's cautious approach in matters of change of name, especially involving minors. It underscores the importance of familial ties and the legal implications of names in reflecting these relationships. Moreover, the case is indicative of the broader societal and legal norms prevailing in the Philippines during the late 20th century, emphasizing the integrity of the family unit and the significance of paternal lineage.