

Title: Emelita Basilio Gan vs. Republic of the Philippines, GR No. 201680

Facts:

Emelita Basilio Gan, born on December 21, 1956, was an illegitimate child to Pia Gan, a Chinese national, and Consolacion Basilio, a Filipino citizen. Her birth certificate recorded her name as “Emelita Basilio.” She claimed to have used “Emelita Basilio Gan” in her academic, employment, marriage, and other official records.

On June 29, 2010, Gan filed a petition for correction of name with the Regional Trial Court (RTC) of Libmanan, Camarines Sur, aiming to change her name from “Emelita Basilio” to “Emelita Basilio Gan.” However, the RTC deemed this a change of name rather than a mere correction and instructed Gan to amend her petition according to Rule 103 of the Rules of Court.

On August 3, 2010, Gan submitted an amended petition for change of name containing the same allegations but reformulated as a legal name change request. The RTC scheduled the initial hearing on August 10, 2010, publicized in a local newspaper. The Office of the Solicitor General (OSG), representing the Republic, entered a notice of appearance and authorized the Provincial Prosecutor to assist in proceedings.

On July 19, 2011, after proceedings, the RTC of Libmanan, Camarines Sur granted the petition, allowing Gan to change her birth certificate name to “Emelita Basilio Gan,” emphasizing this change’s necessity to prevent confusion in her records. However, the OSG sought reconsideration, arguing Gan, being illegitimate, had not proven paternal recognition, which was required to use her father’s surname. On October 17, 2011, the RTC denied the motion for reconsideration.

The Republic appealed to the Court of Appeals (CA). On April 26, 2013, the CA reversed the RTC’s decision, citing Article 176 of the Family Code (as amended by Republic Act No. 9255), which restricts illegitimate children to use their mother’s surname unless acknowledged by their father. The CA highlighted that Gan provided no evidence of such paternal recognition.

Gan filed a petition for review with the Supreme Court, insisting that official acknowledgment of her records justified the name change to eliminate confusion.

Issues:

1. Whether an illegitimate child can adopt her father's surname without sufficient evidence of paternal recognition.
2. Whether repeated and consistent use of a surname in informal and official records justifies a legal name change.

Court's Decision:

The Supreme Court denied the petition.

1. **Paternal Surname Use**: The Supreme Court affirmed that the use of a father's surname by an illegitimate child required express paternal recognition. Citing Article 368 of the Civil Code and subsequent Family Code provisions before RA 9255, the Court concluded that Gan lacked sufficient evidence of recognition by her father.
2. **Reason for Name Change**: The Court reiterated that a change of name is a legal privilege, not a right. The overarching justifications, mainly to avoid confusion, did not meet the threshold of "proper and reasonable cause" required under Rule 103. The legal stipulations at the user's birth (1956 provisions) did not provide an exception to support this name change.

Doctrine:

The Court reinforced that an illegitimate child may only use the father's surname with express acknowledgment by the father. Moreover, consistent informal and official use of a name is insufficient justification for its legal change without meeting strict legal criteria.

Class Notes:

1. **Acknowledgment of Illegitimacy**: Illegitimate children can only use their father's surname if specifically acknowledged (Article 176, Family Code; RA 9255).
2. **Name Change Rules**: Legal name changes require a clear, reasonable justification under Rule 103 of the Rules of Court.
3. **Surname Usage**: Consistent use of a surname within various forums does not override statutory conditions for surname adoption.

Historical Background:

During 1956, the civil code provisions dictated the criteria for surnames an illegitimate child could bear, which was largely based on marital status and acknowledgment. Post-Family

Code amendments and RA 9255 incorporations have aimed to allow for more inclusive use of the father's surname, signifying evolving familial acknowledgment norms within the Philippines, albeit maintaining a structured legal prerequisite for proper documentation.