

CELESTINO TAN ALIAS CELESTINO L. GUY, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITE AND APPELLANT.

G.R. No. L-20287. July 30, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Celestino Tan alias Celestino L. Guy seeks to become a Filipino citizen by filing a petition to that effect before the Court of First Instance of Manila. The petition is supported by the joint affidavit of Umberto T. Ancajas, a resident of Quezon City, Matwid L. Burbon, a resident of Makati, Rizal, and Francisco G. de Guzman, a resident of Manila.

As the petition was granted over the opposition of the Solicitor General who alleged that petitioner has not conducted himself in a proper and irreproachable manner during the entire period of his residence, the Government took the present appeal.

Petitioner was born in the Philippines on April 7, 1928 of Chinese parents. His father is Tan Tian and his mother Lim Cho. When he was baptized he was given the name of Celestino Tan. However, when he was enrolled in the Philippine Chinese Republican School where he finished his elementary education, his parents enrolled him as Celestino Guy. According to petitioner, Guy was the surname of his ancestor. During his school days petitioner used Celestino Guy, which name now appears in his high school diploma from the Far Eastern University and his certificate of enrollment issued by the University of Santo Tomas.

On July 18, 1954, petitioner was married to Angela Soriano, a Filipino woman, in a ceremony celebrated before the Iglesia Filipina Independiente. Out of this wedlock four children were begotten, namely: Anthony born on April 13, 1955; Alexander born on May 26, 1956; Cesar born on May 13, 1957, and Rowenia born on October 23, 1959. Anthony S. Guy, the eldest, is at present enrolled in the Elementary Department of San Sebastian College.

Petitioner is an insurance agent of the Manila Overseas Commercial. His net income in 1958 as per his income tax return was P8,979.67 for which he paid a tax of P196.00. In 1959 his net income was P10,909. 62 as per his income tax return. In 1960 his net income was P12,830. 57 as per his income tax return, and in 1961 his net income was P11,906.37 also as per his income tax return.

It is contended that petitioner has not conducted himself in a proper and irreproachable manner during the entire period of his residence because he made use of an alias name without complying with the requirement of our law. Thus, petitioner's true name is Celestino Tan as shown in his birth certificate and his alien certificate of registration. However, when he enrolled in the Elementary Department of the Philippine Chinese Republican School his parents enrolled him under the name of Celestino Guy. Guy, according to petitioner, was the name of his ancestor, and throughout his school days in the High School Department of the Far Eastern University as well as in the Liberal Arts Department of the University of Santo Tomas he continued to use the name Celestino Guy. And this he did not only with regard to his own self but also with regard to his children by placing the name Guy

in their birth certificates. It appears that in said certificates petitioner's name was given either as Celestino L. Guy or Celestino Tan Guy. Petitioner's children were also registered with the Bureau of Immigration with the surname Guy.

While it may be true that his parents enrolled him as Celestino Guy in the records of his elementary education, a matter which may be overlooked, his continuous use of the name Guy in the high school and college is improper for, as a matter of fact, the same gave rise to a confusion as regards his true name. Thus, in 1953 to clarify this confusion petitioner had to obtain a certificate from the Bureau of Immigration to the effect that his other name is Celestino Guy and that such certificate was issued at the request of his counsel only for purposes of identification. The use of the alias name Guy for himself and for his children as mentioned above constitutes a violation of Commonwealth Act 142 which prescribes that no alias name can be used without asking for authority from the court. This is also the requirement of Article 376 of our Civil Code which provides that no person can change his name or surname without judicial authority. There is, therefore, merit in the contention that petitioner has not conducted himself in a proper and irreproachable manner as required by law.

Wherefore, the decision appealed from is reversed, and another one is hereby entered dismissing the petition, with costs against appellee.

Bengzon, C. J., Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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