

IN THE MATTER OF THE ADOPTION OF THE MINOR, ANA ISABEL HENRIETTE ANTONIA CONCEPCION GEORGIANA. ISABEL VALDES JOHNSTON, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,...

G.R. No. L-18284. April 30, 1963

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/29405192700d/>

LABRADOR, J.:

Appeal taken by petitioner-appellant Isabel Valdes Johnston from the decision of the Court of First Instance of Rizal dated September 19, 1960 and its order of October 31, 1960, Hon. Andres Reyes, presiding, prescribing the use of the surname Valdes by the adopted child instead of Valdez Johnston, petitioner's married name at the time of the filing of the petition.

On June 24, 1960, petitioner-appellant Isabel Valdes Johnston, filed a petition for the adoption of one Ana Isabel Henriette Antonia Concepcion Georgians, 2 years and 10 months old, then under the custody of the Hospicio de San Jose, an orphanage situated in the city of Manila. The petition shows that petitioner-appellant is 48 years old, married to Raymond Arthur Johnston, Filipino, residing at 12 San Lorenzo Drive, Makati, Rizal; that the couple are childless; that the consent of the mother Superior of the orphanage and the husband of petitioner-appellant was obtained.

Notice of the hearing of the petition was issued and duly published as required by law, and after hearing, the lower court rendered a decision granting the petition, with the following dispositive part:

"IN VIEW OF THE FOREGOING, the petition is granted, declaring the child Ana Isabel Henriette Antonia Concepcion Georgiana freed from all legal obligations and obedience and maintenance with respect to its natural parents and is, to all legal intents and purposes, the child of the petitioner, with the corresponding change of surname VALDES, which is the surname of petitioner."

The petitioner-appellant filed a motion on October 24, 1960, praying that the surname given to the minor be "Valdes Johnston", instead of "Valdes" only, but this motion was denied by the lower court in its order of October 31, 1960. Hence, this appeal.

Petitioner-appellant argues that since she is now using the surname of her husband by virtue of Article 370, par. 1 of the new Civil Code, and because that is the surname, (Valdes Johnston) she used in filing the petition in the present case, under which she testified at the time of the trial, and under which she is now known to all her relatives, friends and acquaintances, she had ceased to be known by her maiden surname, and the lower court should have decreed that the minor whom she adopted should be allowed to bear the surname she is now using. She also argues that the use of the surname "Valdes" by the adopted child, as prescribed by the lower court, will create the impression that she is the illegitimate child of petitioner-appellant begotten before her marriage, a situation which is humiliating to both adopter and adopted.

The Solicitor General in reply argues that while it is true that a married woman is permitted to add to her surname her husband's surname, the fact remains that appellant's surname is Valdes and not Johnston; that a married woman has a surname of her own to which may be added, her husband's surname if she so chooses; that if the minor be permitted to use the surname Valdes Johnston, much confusion would result because the public would be misled into believing that she was adopted by appellant's husband also, which is not true in this case.

We agree with the decision of the lower court authorizing or prescribing the use of the surname Valdes by the adopted child. The provision of law (Art. 341, par. 4, Civil Code) which entitles the adopted minor to the use of the adopter's surname, refers to the adopter's own surname and not to her surname acquired by virtue of marriage. Petitioner-appellant's real surname is Valdes and not Johnston, and as she made the adoption singly without the concurrence of her husband, and not as a married woman, her name as adopter was her maiden name. The adoption created a personal relationship between the adopter and the adopted, and the consent of Raymund Johnston, Isabel Valdes' husband, to the adoption by her individually, did not have the effect of making him an adopting father, so as to entitle the child to the use of Johnston's own surname.

Since adoption gives the person adopted the same rights and duties as if he were a legitimate child of the adopter (Art. 341, par. 1, Civil Code), much confusion would indeed result, as correctly pointed out by the Solicitor General, if the minor child herein were allowed to use the surname of the spouse who did not join in the adoption.

For one thing, to allow the minor to adopt the surname of the husband of the adopter, would mislead the public into believing that she had also been adopted by the husband, which is not the case. And when later, questions of successional rights arise, the husband's consent to the adoption might be presented to prove that he had actually joined in the adoption.

It is to forestall befuddling situations pointed out above and other possible confusing situations that may arise in the future, that this Court is inclined to apply strictly the provision of the Civil Code to the effect that an adopted child use the surname of the adopter himself or herself, and not that which is acquired by marriage.

For all the foregoing, the order of the court below prescribing the use of the surname "Valdes" by the adopted minor Ana Isabel Henriette Antonia Concepcion Georgiana, is hereby affirmed. Without costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.