

CHIU HAP CHIU, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20018. April 30, 1966

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Chiu Hap Chiu seeks to change his name to Lo Hap Chiu in a petition filed before the Court of First Instance of Davao. He testified that he was 30 years old, single, a doctor of medicine, and a resident of Davao City; that the name given him at birth was Lo Hap Chiu; that during his school days, or from elementary school to college, he was called by his classmates as Lo Hap Chiu for which reason he desires to have said name adopted instead of Chiu Hap Chiu to avoid confusion in the use of his name; and that the name given him in his alien certificate of registration is Chiu Hap Chiu.

After the reception of the evidence, the court a quo granted the petition. It found that petitioner was born on February 1, 1930 at Kulagsu, Fuken, China; that he is a Chinese citizen holding an alien certificate of residence; that he is a physician by profession and has no criminal record; that he has paid all his taxes to the government; that he desires to change his name from Chiu Hap Chiu to Lo Hap Chiu for the reason that the latter is the name he used while studying in the school and because his present name and surname are the same.

The government opposed the petition in view of its failure to find sufficient justification for the change of name desired by petitioner.

This Court has already had occasion to express the view that the State has an interest in the names borne by individuals and entities for purposes of identification and that a change of name is a privilege and not a matter of right. So that before a person can be authorized to change the name given him either in his certificate of birth or in the civil registry he must show proper or reasonable cause or any compelling reason which may justify such change. Otherwise, the request should be denied (*Ong Peng Oan vs. Republic*, 102 Phil., 468). The following may be considered, among others, as proper and reasonable causes that may warrant the grant of a petition for change of name: (1) when the name is ridiculous, tainted with dishonor, or is extremely difficult to write or pronounce; (2) when the request for change is a consequence of a change of status, such as when a natural child is acknowledged or legitimized; and (3) when the change is necessary to avoid confusion (*Tolentino*, Civil Code of the Philippines, 1953 ed., Vol. I, p. 660).

Petitioner has not shown any proper or compelling reason that may justify the request for change of name other than his desire to use the name Lo Hap Chiu on the alleged reason that that is the name given him in his birth certificate and in the schools he attended, but this claim was not satisfactorily proven, for aside from his own testimony and a photostatic copy of a certification issued in his favor as Doctor of Medicine by the University of Santo Tomas wherein it appears that his name is Lo Hap Chiu, there is nothing in the record to show that he used said name from grade school to college for he failed to present any documentary evidence to prove it. The truth is that he was registered in the Bureau of Immigration as Chiu Hap Chiu and in all the clearances secured by him

from said Bureau the name used therein was Chiu Hap Chiu thereby indicating that he considered himself as such as regards the public. He has not shown that he will be prejudiced by the use of his true and official name, and as a matter of fact he was referred to as Dr. Chiu Hap Chiu in his clearance from the Court of First Instance of Davao. Since the State has an interest in the name borne by an individual, especially an alien, and the latter's identity as a rule is established by the name appearing in his alien certificate of registration, we find no plausible reason for authorizing the change of name desired by petitioner.

Wherefore, the order appealed from is set aside. No costs.

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

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