

ONG PENG OAN, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT AND APPELLEE.

G. R. No. L-8035. November 29, 1957

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Ong Peng Oan appeals from a decision of the Court of First Instance of Manila (Case No. 16126) denying his application to change his name to Vicente Chan Bon Lay, by which he allegedly is and has been better known in social and business circles, since 1946.

The reasons for the denial are stated in the decision appealed from:

"The applicant is a Chinaman, 45 years of age, married, businessman, and residing at 507 Gelinosa street, Sampaloc, Manila and according to him, ever since his arrival in this country in 1922, he has been using the name Vicente Chan Bon Lay, by which he is known in both business and social circles, hence, the reason for the change. However, he admitted although at first he denied, that he has been convicted twice for gambling. In , a certificate issued by Justice of the Peace Geronimo J. Garcia, of Navotas, Rizal, attached to the record, it appears that the herein petitioner, with the name of Ong Pin Can, was convicted for a violation of Article 195 of the Revised Penal Code and fined P10.00 on April 2, 1952, and in decision of Judge Conrado Barrios, also attached to the record, this same petitioner, with the name of Ong Peng Oan alias Vicente Chan was fined P20 for a violation of section 2698, in connection with sections 1111 and 1115, paragraph 6, of the Revised Administrative Code. The certificate issued by the Justice of the Peace above referred to, shows that the petitioner has not been using the name Vicente Chan Bon Lay, as he claims, because the name appearing therein is Ong Pin Can, and in the decision of Judge Barrios it appears that his name is Ong Pen Oan alias Vicente Chan, which belies his pretension that he has been using the name Vicente Chan Bon Lay ever since his arrival in the Philippines, because, if it were true, the inescapable conclusion would be that he changes his name to Ong Pin Can or Ong: Pen Oan whenever it suits his convenience. This attitude of his, therefore, is far from being commendable. This circumstance, coupled with his criminal record, he having been convicted twice already for certain violations of law as above indicated, will undoubtedly make it hard for the authorities to trace his real identity in the future, so that the court is constrained to deny his petition, as it hereby denies the same, without costs." (Rec. App. pp. 4-5.)

We see no merit in this appeal. A person with a criminal record will have evident interest in the use of a name other than his own, in an attempt to obliterate an unsavory record; hence, the mere fact that the applicant has been using a different name and has become known by it does not per se alone constitute "proper and reasonable cause", or justification, to legally authorize a change of name. There being no showing that petitioner will be prejudiced by the continued use of his true name, for in fact he has been using it all along together with the other names he has assumed on different occasions, we fail to see any error or abuse of discretion on the part of the trial court in denying the petition. Where prior convictions exist, it is the court's duty to consider carefully the consequences of the change of name, and to deny the same unless weighty reasons are shown. It must not be forgotten 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.

The decision appealed from is affirmed. Costs against appellant. So ordered.

Paras, C. J., Bengzon,, Padilla, Montemayor, Reyes, A., Bautista Artgelo, Labrador, Concepcion, Endencia, and Felix, JJ., concur.

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