

TERESITA LLANETA (KNOWN ALSO AS TERESITA LLANETA FERRER AND TERESITA FERRER), PETITIONER, VS. THE HONORABLE CORAZON JULIANO AGRAVA, AS PRESIDING JUDGE OF THE JUVENILE AND DOMEST...

G.R. No. L-32054. May 15, 1974

Ponente: CASTRO, J.

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CASTRO, J.:

From the denial by the respondent Juvenile and Domestic Relations Court of Manila, in its special proceeding H-00237, of her petition for change of name, Teresita Llaneta has come to this Court on appeal by certiorari.

Teresita's mother, one Atanacia Llaneta, was once married to Serafin Ferrer with whom she had but one child named Victoriano Ferrer. In 1942 Serafin Ferrer died, and about four years later Atanacia had relations with another man out of which Teresita was born. Shortly after Teresita's birth, Atanacia brought her and Victoriano to Manila where all of them lived with Atanacia's mother-in-law, Victoria Vda, de Ferrer. Teresita was raised in the household of the Ferrers, using the surname Ferrer in all her dealings and throughout her schooling. When she was about twenty years old, she applied for a copy of her birth certificate in Irosin, Sorsogon where she was born, as she was required to present it in connection with a scholarship granted to her by the Catholic Charities. It was then that she discovered that her registered surname is Llaneta — not Ferrer — and that she is the illegitimate child of Atanacia and an unknown father.

On the ground that her use thenceforth of the surname Llaneta, instead of Ferrer which she had been using since she acquired reason, would cause untold difficulties and confusion, Teresita petitioned the court below on March 18, 1969 for change of her name from Teresita Llaneta to Teresita Llaneta Ferrer. After trial duly had, the respondent judge denied her petition; hence the present recourse.

The petitioner has established that she has been using the surname Ferrer for as long as she can remember; that all her records, in school and elsewhere, put her name down as Teresita Ferrer; that her friends and associates know her only as Teresita Ferrer; and that even the late Serafin Ferrer's nearest of kin (who apparently have kept Teresita's illegitimacy a secret from her) have tolerated and still approve of her use of the surname Ferrer. Indeed, a sudden shift at this time by the petitioner to the name Teresita Llaneta (in order to conform to that appearing in her birth certificate) would result in confusion among the persons and entities she deals with and entail endless and vexatious explanations of the circumstances of her new surname.[1] In her official dealings, this would, likewise mean a lifelong fending with the necessary affidavits. Moreover, it is a salutary law that would allow Teresita, inspite of her illegitimate birth, to carry on in society without her unfortunate status being bandied about at every turn.[2]

The respondent court, places reliance on the doctrine, expounded in three decisions of this Court,[3] that disallows such change of name as would give the false impression of family relationship. The principle remains valid but only to the extent that the proposed change of name would in great probability cause prejudice or future mischief

to the family whose surname it is that is involved or to the community in general. In the case at bar, however, the late Serafin Ferrer's widowed mother, Victoria, and his two remaining brothers, Nehemias and Ruben, have come forward in earnest support of the petition. Adequate publication of the proceeding¹ has not elicited the slightest opposition from the relatives and friends of the late Serafin Ferrer. Clearances from various Government agencies show that Teresita has a spotless record. And the State (represented by the Solicitor General's Office), which has an interest in the name borne by every citizen within its realm for purposes of identification, interposed no opposition at the trial after a searching cross-examination of Teresita and her witnesses. Whether the late Serafin Ferrer, who died some five years before Teresita was born, would have consented or objected to her use of his surname is open to speculation. One thing, however, is beyond cavil: those living who possess the right of action to prevent the surname Ferrer from being smeared are proud to share it with her.

ACCORDINGLY, the judgment a quo is reversed, and the petition of Teresita Llaneta for change of her name to Teresita Llaneta Ferrer is hereby granted. Let a copy of this decision be forwarded to the civil registrar of Irosin, Sorsogon, for his information and proper action. No costs.

Makalintal, C.J., Teehankee, Esguerra, and Muñoz Palma, JJ., concur.
Makasias, J., on leave.

[1] See *Yu Chi Han vs. Republic*, L-22040, Nov. 29, 1965, 15 SCRA 454, 456.

[2] See *Calderon vs. Republic*, L-18127, April 5, 1967, 19 SCRA 721.

[3] *Laperal vs. Republic*, L-18008, Oct. 30, 1962, 6 SCRA 357; *Johnston vs. Republic*, L-18284, April 30, 1963, 7 SCRA 1040; and *Moore vs. Republic*, L-18407, June 26, 1963, 8 SCRA 282.

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