

RE: ATTY. JOSE SOTTO BELTRAN (FOR UNAUTHORIZED CHANGE OF NAME)

. September 09, 1977

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is in the matter of the Resolution of this Court En Bane dated July 12, 1977 which reads as follows:

"Re: Atty. Jose Sotto Beltran. — It appearing that in the pleadings filed with this Court by Atty. Jose Sotto Beltran, particularly in L-27072 (Surigao Mineral Reservation Board, et al. vs. Hon. Gaudencio Cloribel, etc., et al.) and L-29345 (Arturo F. W. Tantoco vs. The Hon. Court of Appeals, et al.), he signed his name as Jose Beltran Sotto although the records do not show that he has been authorized to change his name, the Court Resolved to require Atty. Jose Sotto Beltran to EXPLAIN within ten (10) days from notice, why he appears to have changed his name without the appropriate Court authority."

In compliance with the afore-quoted Resolution, Atty. Jose Sotto Beltran submitted a written explanation dated July 30, 1977, with an affidavit of merit attached thereto. His explanation is:

- His use of the professional name JOSE BELTRAN SOTTO is in conformity with ART. 388 (later corrected by him to Art. 368) of the Civil Code of the Philippines, he being allegedly an illegitimate son: and
- His use of said name being in accordance with law and based on customs and traditions practiced by other persons, the change does not need the permission of the Court. Such permission, if granted, becomes a "surplusage and unnecessary."

In his affidavit, Atty. Jose Sotto Beltran says that his father was Francisco Lux Beltran, deceased, and his mother was Maria Quintos Sotto, likewise deceased; that not knowing that he was an illegitimate child, he had been carrying and using the surname of his supposed father; that he came to learn of his illegitimacy only when he graduated from high school; that it was upon passing the Bar Examination that he corrected the error of his official registration in the Roll of Attorneys by carrying the surname "SOTTO" after the word "BELTRAN"; and that the use of his mother's surname as his professional name is sanctioned under Art. 368 of the Civil Code.

The contention of respondent that as an illegitimate child he may use the surname of his mother under Article 368 of the Civil Code of the Philippines has no merit. It is a fact that the respondent, as shown by official records, has been publicly known as Jose Sotto Beltran. He subscribed his name in the Roll of Attorneys of the Supreme Court as Jose Sotto Beltran. Having allowed himself to be identified as such Jose Sotto Beltran, he may not now without appropriate court authority change his name to Jose Beltran Sotto. (Article 376, Civil Code of the Philippines).

The only way by which the name of a person can be changed, legally, is by the appropriate proceedings established by the law and the Rules of Court. (Chomi vs. Local Civil Registrar of Manila, 99 Phil. 1004, 1007)

And except in the employment of pen names or stage names if done in good faith and there is no injury to third persons, no person shall use different names and surnames. (Article 379 and Article 380, Civil Code of the

Philippines).

WHEREFORE, the respondent is hereby admonished to refrain from using any name other than JOSE SOTTO BELTRAN without judicial authority otherwise he will be subjected to disciplinary action.

SO ORDERED.

Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Muñoz Palma, Aquino, Concepcion Jr., Martin, Santos, and Guerrero, JJ., concur.

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