

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. DAVID P. AVILA, JUDGE OF THE COURT OF FIRST INSTANCE OF COTABATO AND TAN CHENG BENG, TAN AY KIM, TAN CHENG KENG, TAN AY GHO AND...

G.R. No. L-33131. May 30, 1983

Ponente: VASQUEZ, J.

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VASQUEZ, J.:

This is an appeal by the State from an Order of the respondent Court authorizing the change of names applied for by the private respondents pursuant to Rule 103 of the Rules of Court.

In their petition filed in the respondent Court, private respondents, who are brothers and sisters, prayed that their names be changed as follows: Tan Cheng Beng to Johnny Yap Tan; Tan Ay Kim to Jeanette Yap Tan; Tan Cheng Keng to Jimmy Yap Tan; and Tan Ay Gho to Jennifer Yap Tan. The petition was published one a week for three consecutive weeks in a newspaper of general circulation in the City and Province of Cotabato where the private respondents reside. At the hearing, at which a representative of the Solicitor General appeared as counsel for the herein petitioner, the private respondents presented their documentary and testimonial evidence. No evidence was presented on behalf of the State.

It appears that the private respondents are the legitimate children of the spouses Lim Leong Ho and Yap Kun, both Chinese citizens. Their mother, Yap Kun, was already dead when this petition for change of name was filed. They were all born in Dulawan (now Datu Piang), Cotabato, on September 11, 1943, December 8, 1948, January 21, 1950 and June 3, 1955, respectively. The present names of the private respondents are what appear in their certificates of birth, in the records of the Bureau of Immigration, their certificates of registration, and in their school records.

The reasons adduced by the private respondents for wanting the change of their names are as follows:

- Having been born in the Philippines and having learned to love and adopt the traits and traditions of the Filipino people, they desire to change their Chinese names into Christian or Filipino names;
- To avoid embarrassment and confusion in their social and business dealings, they having been known by their friends and acquaintances by the names they wish to adopt;
- In the case of private respondent Tan Ay Gho, to avoid ridicule, inasmuch as such name in Muslim dialect means "running nose."

We find merit in the appeal taken by the herein petitioner to seek a reversal of the questioned Order of the respondent Court.

A change of name is a mere privilege and not a matter of right (*Chin Hap Chia vs. Republic*, 16 SCRA 864; *Yu vs. Republic*, 17 SCRA 253). It should not be abused, nor allowed for trivial and flimsy reasons. To justify a

change of name, there must exist a proper and reasonable cause or compelling reason. (Yu Chi Han vs. Republic, L-22040, November 29, 1965, 15 SCRA 454; Ng Yao Siong vs. Republic, L-20306, March 31, 1966, 16 SCRA 483; Nacionale vs. Republic, L-18067, April 29, 1966, 16 SCRA 636; Chin Hap Chia vs Republic, L-20018, April 30, 1966, 16 SCRA 864; Republic vs. Tañada, 42 SCRA 419.) In Tañada, supra, it was held that the following may be considered 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 legitimated; and (3) when the change is necessary to avoid confusion.

The reasons given by the private respondents do not impress Us as sufficient and valid justification for the desired change of their names. We also find certain aspects in this proceeding that need clarification to erase possible suspicion as to the motivation behind the same:

- We see nothing embarrassing in hearing a Chinese name, especially by one who is admittedly a Chinese. It would be a greater source of ridicule for a Chinese to adopt American or Filipino names, which in itself connotes a desire to hide one's ancestry, as if he were ashamed of the same.
- Granting the change of the names of the private respondents, as prayed for by them, would not eliminate confusion, but would possibly enhance the same. Instead of having only two names (their names in the birth registry, and the names they are supposedly known to their friends) which fact is already confusing by itself, the private respondents will have three, the third being the names they are praying for in this proceeding. It will be noted that private respondents do not only want to legalize their use of American names, by which they claim they are usually known, but also a new family name (Yap Tan) which includes that of their mother but which they never used before. It becomes confusion worse compounded if it is considered that the private respondents are not using the family name of their father (Lim), but that of the first husband of their mother who was surnamed Tan.
- The supposed ugly meaning of the name of private respondent Tan Ay Gho which allegedly means "running nose" in the Muslim dialect may not be considered reason enough to change the same. Her parents who, at the time of her birth, were long-time residents of Cotabato, are presumed to know the signification of the name they gave to their daughter in the local dialect, and they would not have picked on that name if it would invite ridicule or shame on her part. The alleged offensive-sounding name (Ay Gho), being a given name, was chosen for her, and not one imposed by law as is in the case of a family name. (cf. Oshita vs. Republic, 19 SCRA 700.)
- We searched the record in vain for a plausible or credible explanation why the private respondents would want to legalize "Yap Tan" as their family name. "Yap Tan" is a combination of the family names of the private respondents' mother, who was already deceased at the time this proceeding was commenced, and of their mother's first husband. They are totally discarding the use of the family name of their father, Lim Liong Ho, which is specifically ordained by law. (Art. 264, par. 1, Civil Code.) Lim Liong Ho could merely explain what the respondent Court called a "legal anomaly" by declaring that it was the mother of the private respondents who gave them the family name "Tan", and he simply acquiesced in the same.

While there appears no showing that the use by the private respondents of the family name of the deceased first husband of their mother, and not that of their own father, was intended for some ulterior or sinister purposes, the fact remains that such circumstance is a source of bewilderment by itself, if not of some unsavory implication as to their legitimacy. This situation is not helped any, and in fact aggravated, by the proposal to use their mother's surname as part of their own. We cannot give judicial sanction to legalize the use of the names applied for by the private respondents.

WHEREFORE, the Order appealed from is hereby REVERSED and SET ASIDE. The petition for change of

names shall be deemed DENIED. No costs.

Melencio-Herrera, Plana and Gutierrez, Jr., JJ., concur.

Teehankee (Chairman), J., in the result.

Relova, J., on leave.

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