

IN THE MATTER OF THE CHANGE OF NAME OF YAP EK SIU, YAP EK SIU, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-25437. April 28, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

Our Civil Code recognizes that a person may change his name or surname if allowed to do so by proper judicial authorization.[1] That is, however, a privilege not a right conferred on him. So it has been announced in a leading case, decided in 1957,[2] this Court speak-ing through Justice J. B. L. Reyes: "It must not be forgotten that the State has an interest in the names borne by individuals and entities for purposes of iden-tification, and that a change of name is a privilege and not a matter of right."

Desirous of availing himself of such a privilege, petitioner-appellee Yap Ek Siu instituted an action to that effect on February 13, 1965 in the Court of First Instance of Negros Oriental seeking to change his name to William Tanchon. Notwithstanding an opposition filed by the City Fiscal of Dumaguete on behalf of the Republic of the Philippines on July 20, 1965, the lower court, in a decision of August 4th of that year, granted such petition. The Republic appealed. As will here-after be made clear, there being a failure to comply with the standard set forth by us in order that the privilege of a change of name could be judicially allowed, we reverse.

In the decision appealed from, the lower court sought to justify the affirmative action taken on the petition of Yap Ek Siu thus: "From the evidence adduced by the petitioner, satisfactory proof was established to show that the Order of this Court dated February 13, 1965 has been duly published as directed; that the allegations set forth in the petition are true and there exists proper and reasonable cause for changing the name of herein petitioner as prayed for."[3]

As to why petitioner could avail himself of such a privilege, the appealed decision stated the following: "As his reason for a change of his name to William Tanchon, petitioner declared that since his childhood days, his Filipino playmates called him William; that he also desires to have his family name of Yap changed to Tanchon in due respect to his father named Pio Tanchon who has been authorized by the Court of First Instance of Negros Oriental to use said name per its Decision in Special Proceeding No. S-42 dated July 9, 1962 * * *; that said father of petitioner is a naturalized Filipino citizen in accordance with the Decision of this Court in Special Proceeding No. S-2 dated July 27, 1959 * * *, and was issued a Certificate of Naturalization * * * dated August 28, 1959 also by said Court, and that he took the corresponding Oath of Allegiance as a naturalized Filipino citizen on August 28, 1959 * * *. Petitioner makes it plain and clear that he is still a Chinese citizen, and that his intention in filing this petition for change of name is not to escape or evade his civil obligations; that he has filed his income tax returns for the year 1964 * * *."[4]

The only question before us then is whether the standard which would warrant a change of name had been satisfied by petitioner. What is that standard? Yu Chi Han v. Republic,[5] a 1965 decision, to which later cases

adhered, supplies the answer. Thus: "This Court has already had the 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 privi-lege and not a matter of right, so that before a person can be authorized to change his name given him either in his certificate of birth or 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 v. Republic*, L-8035, November 29, 1957). 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 legitimated; and (3) when the change is necessary to avoid confusion (*Tolentino*, Civil Code of the Philip-pines, 1953 ed., Vol. I, p. 660)."

In the light of what was set forth in the decision appealed from, it cannot be said that there is a proper or reasonable cause, much less a compelling reason, to justify such a change of name. As the decision itself admitted, petitioner "is still a Chinese citizen" al-though his father apparently had become naturalized. Under the circumstances, it would be productive of con-fusion if after he has been using his present name all the while in both his personal and business dealings, he would thereafter be known differently. It is not enough that his Filipino playmates from his childhood days have called him William. Nor is the plea that a sense of filial respect, his father having been authorized to use the name Tanchon, that persuasive.

Rather, what commands assent is the weight of the reason advanced by the Republic in its brief as appellant. Thus: "In the present case, the herein petitioner has not proven that his name is ridiculous, or tainted with dishonor or extremely difficult to write or pronounce. Neither has he claimed that he wants to change his name by reason of a change in his status. And as we have already indicated above, there is nothing in the record that would show that petitioner's continuous use of his present name would cause confusion. On the contrary, the change of petitioner's name would give rise to confusion, for his real name, Yap Ek Siu, appears in all his important and personal documents and according to him, he has never used the name William in all his business dealings * * *. Besides, since he is a Chinese citizen * * *, he should also use a Chinese name. For a Chinese citizen to use a Filipino name, we submit, will only create embarrassment and confusion in his social and business dealings on the ground that he might be mistaken to be a Filipino when in fact and in truth he is a Chinese." [6]

The above argument was not refuted at all, there being no brief filed on behalf of petitioner-appellee. It would thus clearly appear that the lower court did act mistakenly in reaching the conclusion that such a privilege, which is not to be indiscriminately awarded to any and every applicant, could properly be availed of by petitioner-appellee.

WHEREFORE, the decision appealed from is reversed, with costs against petitioner-appellee.

Reyes, J.B.L., Acting C.J., Dizon, Zaldivar, Sanchez, and Teehankee, JJ., concur.
Makalintal, Capistrano, and Barredo, JJ., did not take part.
Concepcion, C.J., and Castro, J., on official leave.

[1] Article 376 of the Civil Code provides: "No person can change his name or surname without judicial authority."

[2] *Ong Peng Oan v. Republic*, 102 Phil. 468, 470.

[3] Record on Appeal, p. 19.

[4] *Ibid*, pp. 18-19.

[5] L-22040, November 29, 1965. See also *Ng Yao Siong v. Republic*, 16 SCRA 483 (1966); *Chiu Hap Chiu v. Republic*, 16 SCRA 868 (1966).

[6] Brief for Appellant, p. 5.

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