

IN THE MATTER OF THE CHANGE OF NAME OF ABUNDIO ROTAQUIO. ABUNDIO ROTAQUIO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-18971. January 29, 1968

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Republic of the Philippines from the order of the Court of First Instance of Davao in Special Proceedings No. 1100 entitled "In the Matter of the Change of Name of Abundio Rotaquio" allowing petitioner therein to change his family name from Rotaquio to Rota.

On November 7, 1960 Abundio Rotaquio filed a petition with the above-named court for a change of his surname to "Rota", alleging that he was married and a bona fide resident of Davao City since 1945; that two of his four minor children have been carrying the family name of "Rota" in their school records; that his family name (Rotaquio) sounds like a Christian name and sometimes creates confusion among his friends and acquaintances; that the use of the family name "Rotaquio" by him and his two other children sometimes evoke unfavorable comments causing him embarrassment; and finally, their said family name has always been a handicap in his social, business and official dealings.

After the publication of the petition and after hearing the same, as well as the opposition filed by the Provincial Fiscal of Davao, in representation of appellant, the lower court rendered the appealed judgment.

Main contention of the Government in this appeal is that there is no proper and reasonable cause for allowing petitioner to change his family name.

It appears that petitioner is a married resident of the city of Davao; that he has four children of school age, two of whom (Antonio and Celestina), for one reason or another, were enrolled under, and carry the family name Rota, while the other two (Victor and Editha) were enrolled under, and carry the surname Rotaquio; that even when petitioner was single, his surname was often taken for his Christian or given name, and on many occasions his acquaintance addressed him as "Taquio", or "Tags" or "Takoy" or as "Akoy".

We agree with the Solicitor General that the State has an interest in the name borne and used by individuals for purposes of identification, and that the change of name is a mere privilege and not a matter of right, but it is like-wise true that the authority may be granted by the courts if there is sufficient reason therefor: as when the change is necessary to avoid confusion.

In the present case We believe that, as petitioner contends, his true surname gives rise to confusion because people often take it as his Christian name. The change thereof, therefore, can not be considered as arbitrary or whimsical, especially there being in this case no claim or pretense that petitioner seeks the change to achieve some unlawful purpose.

WHEREFORE, the order appealed from is hereby affirmed, without costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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