

IN THE MATTER OF THE PETITION FOR CHANGE OF NAME, GIL GO, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-31760. May 25, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

This is a special proceeding for change of name. A summary of petitioner's evidence is as follows:

Gil Go was born in Tacloban City on September 1, 1942. His name in the civil register is Gil Co. He was registered as the legitimate son of Co Beng Chiong and Ong Sun Ti (mother). During liberation (Commonwealth, according to petitioner's counsel), Co Beng Chiong, following a Chinese custom, allegedly adopted the surname Yao of his godfather and changed his name to Yao Ka Sin. No documentary evidence was presented on this point.

When Gil Go was baptized, he was allegedly given the name Gil Yao Eng Hua. His baptismal certificate was not presented in evidence. Gil Go testified that since childhood, he has been known as Henry Yao among his relatives, friends and business associates, but in his business and government transactions, he used the name Gil Co. No third person corroborated his testimony. He did not present any documentary evidence to prove that he is known in the community as Henry Yao.

In his alien registration certificate (ACR), which was marked as Exhibit G but is not found in the record (he withdrew it and did not present later the photostatic copy which his counsel promised to offer as a substitute), he is registered as Gil Go due to an alleged error of an immigration clerk. Because of the confusion generated by those names, he wants legal authorization for the use of the name Henry Yao.

On March 9, 1965 Gil Go filed the instant petition in the Court of First Instance of Leyte. He prayed that his name be changed to Henry Yao. During the hearing, the city fiscal opposed the petition. The lower court granted it (Special Proceeding No. 1042). The city fiscal appealed.

The issue is whether the lower court erred in allowing the change of name. Gil Go did not submit any appellee's brief.

1. It was not indicated in the title or caption of Gil Go's petition that he desired to change his name to Henry Yao. The published order setting his petition for hearing reproduced that defective title. Nor was it indicated in his petition that his registered name is Gil Co, a name which he allegedly used in his official transactions (19 tsn). In his petition, he used the name Gil Go.

The proceeding for a change of name is a proceeding in rem. Jurisdiction to hear and determine the petition for change of name is acquired after due publication of the order, setting it for hearing, which order should contain certain data, among which is the name sought to be adopted, a matter which should be indicated in the title of the petition (*Pabellar vs. Republic*, L-27298, March 4, 1976, 70 SCRA 16).

The reason for that rule is that the ordinary reader only glances fleetingly at the caption of the published order or the title of the petition in a special proceeding. Only if the caption or the title strikes him does he proceed to read the contents of the order. And the probability is great that he does not at all notice the other names or aliases of the applicant if these are mentioned only in the body of the order or petition. The noninclusion of all the names or aliases of the applicant in the caption of the order or in the title of the petition defeats the very purpose of the required publication (*Republic vs. Tañada*, L-31563, November 29, 1971, 42 SCRA 419).

Inasmuch as the title of the petition in this case and the order setting it for hearing were deficient, the lower court did not acquire jurisdiction over the proceeding (*Llerena Telmo vs. Republic*, L-28549, September 23, 1976, 73 O.G. 39, 43).

On this score alone, the trial court's order granting the petition should be reversed.

2. Another ground for the reversal of the trial court's order is that the reasons adduced by Gil Go and his evidence are insufficient to justify his change of name.

Change of name is a matter of public interest. It is a privilege and not a matter of right. The court should weigh carefully the consequences of the change of name and deny the same unless weighty reasons are shown. The State has an interest in the names borne by individuals and entities for purposes of identification. (*Ong Peng Oan vs. Republic*, 102 Phil. 468). Change of name may entail serious consequences and cause some complications. It should be authorized only for compelling reasons.

Gil Go (Gil Co)'s assertion that he has used the name Henry Yao was not solidly substantiated by any documentary evidence or by the testimony of other persons. His uncorroborated evidence consisted only of his testimony and his birth certificate where his surname is Co, not Go.

On the witness stand, he contradicted the allegation in paragraph 3 of his petition (which he had verified) that he was "christened Gil Go". He testified that he was christened Gil Yao Eng Hua.

He failed to prove the allegation in his petition that the change of his name to Henry Yao is justified by "convenience and business reasons". As already observed, he did not offer indubitable proof that he used the name Henry Yao, or that his father was known as Yao Ka Sin. He used the name Gil Co in his school records (13 tsn).

WHEREFORE, the trial court's order allowing the change of name is reversed with costs against the petitioner-appellee.

SO ORDERED.

Fernando, (Chairman), Barredo, Muñoz Palma, and Martin, JJ., concur.
Antonio and Concepcion, Jr., JJ., did not take part.

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