

**IN THE MATTER OF THE PETITION TO CHANGE AND CORRECT
ENTRY IN THE CIVIL REGISTRY OF MANILA. ALBERTO T. CHOMI,
PETITIONER AND APPELLANT, VS. THE LOCAL CIVIL REGISTRAR OF
MANILA, R...**

G.R. No. L-9203. September 28, 1956

Ponente: LABRADOR, J.

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LABRADOR, J.:

These proceedings were instituted for the purpose of making changes, allege to be corrections, in the birth certificate of the applicant, Register No. 3873 of Manila. The petition alleges that petitioner is the son of Celerina Arellano Chomi and Sotera Tan, both deceased; that he was baptized and given the name of Alberto and since then had been known by the following name Alberto T. Chomi or Alberto Chomi; that his birth certificate in the civil register of Manila gives his name as Apolinario Arellano and his father's name as Celerino Arellano, instead of Alberto Arellano Chomi and Celerino Arellano Chomi,. respectively, the latter names being their corresponding names.

Opposition was filed against the petition by the Solicitor General, who claims that the changes sought to be made will involved a change in the name of the petitioner as well as that of his father, which changes are substantial in nature and that since only mistakes clerical in nature are authorized to be made under Article 412 of the new Civil Code, if the petitioner desires to change his name the appropriate remedy should be by a petition under Act No. 1386 in relation with Rule 103 of the Rules of Court The Court of First Instance before which the petition was tried sustained the opposition of the Solicitor General, and denied the petition. Upon denial of petitioner's motion for reconsideration he has come to us on appeal.

The evidence submitted by the petitioner fully sustains his claim that he was born on June 1, 1916 and such birth was duly registered in the civil registry of Manila under Register No. 3873. The name of his father, according to the register, is Celerino .Arellano and that his mother, Sotera Tan. The data contained ki the register are supposed to have been furnished by Dr. Rebecca Parish of the Mary Johnston Hospital (Exhibit "D"). By the testimony of Pedro Batungbakal, it was also shown that petitioner is the son of Celerino Arellano Chomi and Sotera Tan; that when petitioner was baptized at the Tondo Catholic Church, the witness acted as godfather and that petitioner was given the name of Alberto; and that since then petitioner had been known by and had actually used the name of Alberto T. Chomi. No evidence contradicting the above evidence has been submitted.

It is claimed on behalf of the petitioner that the real surname of the petitioner's father and of himself is Arellano Chomi and that there was a mistake in putting the correct name of the petitioner committed by the officials of the civil register of Manila. The contention appears at first glance to be well founded, but upon careful analysis it would seem to us, not that there was error in petitioner's name in the register, but that his name was not complete because the real surname of his father "Chomi" was not added. As to the claim that his name should have been Alberto we also find that its appearance in the civil register could not have been a mistake. It was occasioned by

the fact that upon baptism he was given a different name and this baptismal name has since then been given to the petitioner and used by him.

We, therefore, find that there was no mistake or error in the record of petitioner's entry of birth which justifies a change in said entry. If error there can be, it is on the part of the parents of the petitioner in giving him a name different from that which they registered or ordered to be registered. The omission of "Chomi" is not an error or mistake; the name may be incomplete, not incorrect, but such incompleteness is deemed insufficient to authorize these proceedings, especially because the petition for correction was filed almost 40 years after the entry was made and the change desired to be introduced is not of form merely, but one of substance which may affect the status of the person, subject of the entry.

That the reasons for our conclusion may be better understood, we deem it opportune to express certain fundamentals regarding the establishment of the civil registry. Act No. 3753 entitled "An Act to Establish a Civil Registry," aims at the establishment of a registry "for recording the civil status of persons." The facts or matters required to be contained therein are similar to those required in Article 326 of the Spanish Civil Code. While the law does not expressly state that the name of the child is to be stated in every entry it is to be understood that the registry should contain such name. One of the things that are required to be placed in the registry is the name that has been given or is to be given to the child. (Article 20, Law on Civil Registry of 1870.) While this express provision is not contained in the law it is nevertheless required for the purposes of the civil registry.

For the purposes of the law, the official name of petitioner is Alberto Arellano. That is his name in the eyes of the law. The mere fact that he was baptized by an other name under which he has since then been known and which he has used did not per se have the effect of changing his name. 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. These principles are presumed from the official establishment by the government of the Civil Register. And this principle is confirmed by the procedure that Act No. 1386 has established in case persons for one reason or another change their names. These principles are necessary in the interest of conserving the means of identifying of citizens and individuals to prevent the confusion that may ensue from indiscriminate use and adoption of names. While the practice in this Catholic country is for individuals to adopt the names given them at baptism, baptismal names have never been recognized in the law and this practice has not been sanctioned by the law. To adopt this practice would violate the rule and policy established in the law and in Act No. 1386. We find it our solemn duty to overlook this religious practice and enforce the provision of law and the policy laid down by it, and in accordance herewith we declare that the real name of petitioner is that given him in the civil register, not the name by which he was baptised in his church or by which he has been known in the community, or which he has adopted, and that the only remedy left to him in case he desires to change his name in the register, which is his official name, is for him to file the special proceedings outlined in Act No. 1386 and now embodied in Rule 103 of the Rules of Court.

In view of the foregoing, the order denying the petition is hereby affirmed without prejudice to the petitioner instituting the proper action to change his name as herein before indicated. Without costs.

Paras, C. J., Montemayor, Bautista Angelo, Concepcion, Endencia, and Felix, JJ., concur.

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