

## ONG TE, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

*G. R. No. L-15549. June 30, 1962*

Ponente: REGALA, J.

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### REGALA, J.:

This is an appeal from an order of the Court of First Instance of Cagayan, dated January 31, 1951, dismissing the petition of Ong Te for change of his name to "Antonio Ong Ang."

In his petition, the herein appellant averred that he is a Chinese citizen; that he has been a bona fide resident of the province of Cagayan for more than seven years, having continuously resided therein since 1950; that he is a holder of an Alien Certificate of Registration; that he has never been convicted of any crime nor is at present accused of any; and that his petition was not intended to evade any lawful or valid and existing obligation.

During the hearing, the petitioner was represented by counsel and his testimony was to the effect that his main reasons for wanting to change his name are that there are several persons having the same name as his, and that he has long been known by the name "Antonio." The Provincial Fiscal of Cagayan, in representation of the Solicitor General, appeared for the government and cross-examined the petitioner.

After trial, the lower court issued an order, the dispositive portion of which reads as follows:

"Considering that the ground alleged by the petitioner to change his name is not, in the opinion of the Court, a valid one as he was not given the name of Antonio when he was 'baptized, the Court hereby denies the petition and consequently dismisses the same."

From this order the petitioner has appealed. The appeal is devoid of merit.

While We do not share the reason advanced by the court below in denying the petition, to wit—that petitioner was not given the name of Antonio when he was" baptized—because baptism is not a condition sine qua non to a change of name, We are of the opinion that the petition should still be dismissed.

To follow the reasoning of the court below to its logical conclusion, there will be no possibility of persons changing their names because most, if not all, the applicants have not been baptized of the names which they would want to adopt subsequently. Be that as it may, We feel, as indicated above, that the decision of the court denying the petition should be affirmed.

While petitioner testified to the effect that when he was securing a visa to Hongkong he was told that there are over 30 persons who bear the name of "Ong Te," it is not, however, sufficiently shown that this alleged duplication of names would prejudice him in some way or another. His testimony to this effect was not even supported by any other evidence. We cannot, therefore, seriously take it as a ground for the change of name desired.

As to the alleged ground that petitioner had been using the name "Antonio" for quite a time, there is authority to

the effect that "the mere fact that the applicant has been using a different name and has become known by it does not per se alone constitute 'proper and reasonable cause' or justification, to legally authorize a change of name." (Ong Peng Oan vs. Republic, 102 Phil., 468; 54 Off. Gaz. (8) 2527.)

Furthermore, the addition of the words "Ong Ang" after the word "Antonio" would add more confusion than the use of his present name, Ong Te.

Section 5, Rule 103 of the Rules of Court requires that for a change of name, there should appear proper and reasonable cause. But, unfortunately for the petitioner, he has failed to prove before Us that his petition is grounded upon proper and reasonable cause.

Wherefore, the decision appealed from is affirmed. Costs against the petitioner-appellant.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Barrera, and Dizon, JJ., concur.

Makalintal, J., concurs in the result. Order affirmed.

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