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Special Proceedings MIS Office Normal JOJO 2 19 2002-01-15T02:49:00Z 2002-01-15T02:49:00Z 2 652 3720
Supreme Court of the Philippines 31 7 4568 9.2720 110

8. CHANGE OF NAME

1. Name Defined

A name is that word or combination of words by which a person is distinguished from others and which he bears as a label or appellation for the convenience of the world at large in addressing him or in speaking of or dealing with him. 214

1. Minor

A minor may sign and verify his petition for a change of name subject to the required assistance of a guardian ad litem, although the absence of the latter does not void the proceeding because it is amendable. 215

2. Resident Aliens

Resident aliens may also petition for a change of name. A nonresident alien may not avail himself of the same right; such a proceeding would not be of much benefit to him. 216 But the petition will not be entertained if petitioner's citizenship is either controverted or doubtful. 217

2. Procedure

1. Venue

The petition shall be filed in the RTC (CFI) of the place of residence of the person desiring to change his name. 218

2. Petition

Petitioner should allege (1) that he is a bona fide resident of the region (province) for at least three (3) years, (2) the cause for the change of name, and (3) the name asked for. 219

3. Hearing

The hearing is held after notice and publication. 220 The inclusion in the title of the petition for change of name and in the published order of the name sought to be authorized, is jurisdictional. 221

3. Case Rulings

1. Joinder of causes of action

Petitions for adoption and change of name cannot be joined. They are not the same in nature and character nor do they present common questions of law and fact. 222

2. Resumption of use of maiden name after divorce

The resumption by the wife of her maiden name after a Muslim divorce, is not change of name under Rule 103. The proceeding filed to resume the use of the maiden name is a superfluity but it is directory. 223

3. Absence of cause

No proper and reasonable cause has been shown in the petition for a change of name from Vicencio to Yu. In fact, confusion is likely. Adoption is required. 224

4. Causes for change of name

A 47-year old resident of Tacloban City, named Haw Liong, wanted to change his name to Alfonso Lantin, as he would soon be a Filipino. The Supreme Court, however, held that there was no compelling reason for the change of name. According to the Court, what may be considered, among others, as proper and reasonable causes that may warrant the change are: (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. 225

5. Erasing signs of former nationality

Petitioner was born in Hong Kong and came to the Philippines as a British subject. He became a naturalized Filipino. The Court of Appeals found that the evidence established sufficient justification for petition for change of name, i.e., a sincere desire to adopt a Filipino name Kenneth Kiana So, to erase signs of his former nationality which will unduly hamper his social and business life; his change of name will do away with his many aliases which should be discouraged, apart from the fact that it will avoid confusion and will be for the convenience of the world at large in addressing him or in speaking of or dealing with him. 226

6. Resulting confusion

Legitimate minor children were not allowed to adopt the surname of the mother's second husband, because there would be a false impression of their family relations, as it could result in confusion in their paternity. 227

7. Improving personality or social standing

On the other hand, a natural child through her mother petitioned for a change of name to adopt the surname of her stepfather. The Solicitor General argued that this would hide the child's illegitimacy. The Supreme Court held that there was nothing wrong with it, and that a change of name may be asked to improve one's personality or social standing and to promote his best interests as long as injury or prejudice is not caused to anyone. 228

8. Legitimate minor child

A legitimate minor child may not also be allowed to change his surname from that of a father who was a fugitive from justice to that of his mother. There will be confusion as to parentage as it might create the impression that the minors were illegitimate since they would carry the maternal surname only, which is inconsistent with their legitimate status in their birth records. 229

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214 Yu v. Republic, G.R. No. 20874, May 25, 1966, 17 SCRA 253.

215 Tse v. Republic, G.R. No. 20708, August 31, 1967, 20 SCRA 1261.

216 Ong Huan Tin v. Republic, G.R. No. 20997, April 27, 1967, 19 SCRA 966.

217 Basas v. Republic, G.R. No. 23595, February 20, 1968, 22 SCRA 652.

218 Rules of Court, Rule 103, Sec. 1.

219 Ibid, Sec. 2.

220 Ibid, Secs 3 and 4.

221 Go v. Republic, G. R. No. L-31760, May 25, 1977, 77 SCRA 65.

222 Republic v. Hernandez, G. R. No. 117209, February 9, 1996, 253 SCRA 509.

223 Yasin v. Judge, Shari'a District Court, G.R. No. 94986, February 23, 1995, 241 SCRA 606.

224 Republic v. Court of Appeals, G.R. No. 88202, December 14, 1998, 300 SCRA 138.

225 Haw Liong v. Republic, G.R. No. 21194, April 24, 1966, 16 SCRA 677.

226 Republic v. Intermediate Appellate Court, G. R. No. L-70513, October 13, 1986, 145 SCRA 25.

227 Padilla vs. Republic, No. L-28274, April 30, 1982, 113 SCRA 789.

228 Calderon v. Republic, G.R. No. 18127, April 5, 1967, 19 SCRA 721.

229 Naldoza v. Republic, G.R. No. L-55538, March 15, 1982, 112 SCRA 568.

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