

**MARIA LYDIA ARENAS-GONZALES, PETITIONER-APPELLEE, VS. THE
LOCAL CIVIL OF CALASIAO, PANGASINAN, NT-APPELLEE; REPUBLIC
OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

CV No. 84552, December 12, 2007

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This is an appeal under Rule 41 of the Rules of Civil Procedure from the Decision of the Regional Trial Court, First Judicial Region, Branch 44, Dagupan City, dated 10 November 2004 in SP. PROC. NO. 2004-0118-D, a petition for change of name. The dispositive portion of the assailed Decision reads:[1]

"WHEREFORE, the Local Civil Registrar of Calasiao, Pangasinan is ordered and directed to change the name Myrna Lydia to Maria Lydia in the birth certificate of Myrna Lydia D. Arenas.

Furnish copies of this decision to the Office of the Provincial Prosecutor, Dagupan City, Atty. Napoleon Arenas, Jr., Solicitor General and the Local Civil Registrar, Calasiao, Pangasinan.

SO ORDERED."

The antecedent facts are as follows:

On 03 June 2004, Maria Lydia Arenas-Gonzales (hereafter petitioner-appellee) filed in the court a quo a petition for change of name. In her petition, petitioner-appellee alleged, inter alia, the following:[2]

" * * *

2. Petitioner's birth certificate, as evidenced by Annex "A" hereof, specifically her first name appears therein as "Myrna Lydia", however, she has been using since her childhood up to the present time the name "MARIA LYDIA" as evidence by her baptismal certificate and other documents marked as Annexes "B" and series.

3. Evidently, the entry in her birth certificate mentioned above is inimical to her rights and interest that they must be changed to conform to the truth and to prevent the perpetration of wrong. (sic)

Wherefore, premises considered, it is more respectfully prayed to the Honorable Court that the first name of petitioner be changed from "Myrna Lydia" to "Maria Lydia" in the manner as pleaded above to conform to the truth and in the interest of justice.

* * *"

On 06 October 2004,[3] the Office of the Solicitor General (hereafter oppositor-appellant) filed its Comment/Opposition to the petition claiming that the court a quo did not acquire jurisdiction over said petition in view of the failure of petitioner-appellee to include her real name in the caption thereof, oppositor-appellant further argued that in petitions for change of name, procedural requirements, being jurisdictional in nature, could not be dispensed with, hence, all the aliases of petitioner-appellee should have been stated in the title of the petition.

In her comment,[4] petitioner-appellee countered that the Solicitor General's opposition did not have any bearing on the petition inasmuch as petitioner was using only one alias, Maria. She further explained that contrary to

oppositor-appellant's claim, the order[5] and the petition did indicate the names "Maria" and "Myrna."

On 10 November 2004, upon petitioner-appellee's compliance with the jurisdictional requirements, the court a quo granted the petition, oppositor-appellant then filed this appeal, which is principally founded on the court a quo's lack of jurisdiction.

We find merit in the instant appeal.

At the outset, it should be noted that the petition was entitled "Maria Lydia Arenas-Gonzales, Petitioner, vs. The Local Civil Registrar of Calasiao, Pangasinan." The title itself, as correctly observed by oppositor-appellant, is fatally and jurisdictionally defective in light of the High Court's ruling in *Republic of the Philippines vs. Hon. Segundo M. Zosa*,[6] to wit;

"* * *

In a petition for change of name the title of the petition should include (1) the applicant's real name, (2) his aliases or other names, if any, and (3) the name sought to be adopted even if these data are found in the body of the petition. For the publication to be valid and effective, the published order should reproduce the title of the petition containing the data already stated and should contain correct information as to (1) the name or names of the applicant; (2) the cause for the changed name, and (3) the new name asked for.

In the present case, the petition itself, as well as the order published, carries the following title "In Re: Petition for Change of Name Lee King Sing, Petitioner." It does not contain the name (Antonio C. Lee) sought to be adopted and the names by which petitioner was known to his friends and associates. The title should have read In the Matter of the Change of Name of Lee King Sing, otherwise known as Antonio or Tony to Antonio C. Lee, Lee King Sing, Petitioner. The petition does not indicate in its title or caption that herein respondent desires to change his name to Antonio C. Lee. The published order setting his petition for hearing reproduced that defective title. The failure to include the name sought to be adopted in the title of the petition nor in the title or caption of the notices published in the newspapers renders the trial court without jurisdiction to hear and determine the petition.

* * *"

The distinction between a real name and an alias, as aptly stated by oppositor-appellant, is that the former is the true and real name of a person as that given to him and entered in the civil register[7] while the latter is a name used by a person or intended to be used by him publicly and habitually, usually in business transactions, in addition to his real name by which he is registered at birth or baptized the first time or substitute name authorized by competent authority.[8]

From the foregoing, it is thus clear that in the caption of the petition in the court a quo, not only should the name "Maria Linda" be indicated, it is imperative that her real name, "Myrna Linda" should have also been included. Failing to comply with this indispensable requirement, it follows that the court a quo acquired no jurisdiction in granting her petition.

WHEREFORE, the Decision of the court a quo dated 10 November 2004 in SP Proc. No. 2004-0118-D is hereby reversed and set aside. Petitioner-appellee's petition for change of name dismissed for lack of jurisdiction on the part of the Regional Trial Court, First Judicial Region, Branch 44, Dagupan City to hear and grant the same.

SO ORDERED.

De Guia-Salvador and De Leon, JJ., concur.

[*] Court of Appeals Report Annotated, Vol. 43.

[1] Records, pp. 36-39

[2] Id., pp. 1-2.

[3] Id., p. 16.

[4] Id., p. 35

[5] Order of the court a quo dated 23 June 2004. Id., p. 11.

[6] 165 SCRA 292.

[7] Yasin vs. Judge, Shari'a District Court, 241 SCRA 606

[8] Ursua vs. Court of Appeals, 256 SCRA 147.

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