

IN RE: PETITION FOR CHANGE OF SURNAMES OF MINORS: CESAR UN TO CESAR TIU, NORBERTO ON TO NORBERTO TIU, URSULINA ON TO URSULINA TIU. SUSANA RENDORA, PETITIONER, VS. REPUBLIC OF ...

G.R. No. L-26198. October 16, 1970

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b3d00cf7e615/>

DIZON, J.:

Under date of August 7, 1965, Susana Rendora filed below a petition for authority to change the surname of her minor children known as Cesar UN, Norberto ON and Ursulina ON, to TIU - the surname of their father.

Thereafter, the lower court issued an order setting the hearing of the petition on September 21, 1965, the same having been published in accordance with law.

The Republic of the Philippines, through the City Fiscal of Ormoc City, filed an opposition to the petition on the following grounds:

1. That considering the proximity of the date set for the hearing of the petition, the court will not have acquired jurisdiction over the case on that day, invoking in support of this ground, the provisions of Section 3, Rule 104 of the Rules of Court;
2. And that the newspaper in which the order of the court was to be published was not of a general circulation.

The evidence shows that Cesar UN, Norberto ON and Ursulina ON are the children of petitioner Susana Rendora with TIU HONG, a Chinese citizen; that TIU HONG and said children were registered with the Bureau of Immigration; that the surnames ON and UN carried by the children are the same; that TIU HONG is commonly known in the Chinese community of Ormoc City as YUTIAN ON; that petitioner learned of the error in recording the surname of her children only when they started going to school.

Upon the above evidence, the lower court subsequently rendered the following very uninformative decision:

"This is a petition for a change of name of Cesar Un to CESAR TIU, Norberto On to NORBERTO TIU and Ursulina On to URSULINA TIU filed by the natural guardian, Susana Rendora.

After the necessary publication in the "MORNING TIMES", no opposition has been filed either by the City Attorney of Ormoc City or by the Solicitor General of the Philippines although both of them were furnished a copy of the petition as early as August 27, 1965. City Fiscal Ramon O. de Veyra, appeared for the Solicitor General to cross examine the witness presented by the petitioner.

It appears from the evidence presented that Cesar Tiu, Norberto Tiu and Ursulina Tiu as well as their natural guardian, Susana Rendora, have been permanent residents of Ormoc City for more than three (3) years prior to the filing of this petition; that Susana Rendora is the natural mother of Cesar Tiu, Norberto Tiu and Ursulina Tiu;

This petition was made for the purpose of giving the minors the true family name of the father because the surnames Un and On presently carried by said minors in their Alien Certificate of Registration is a community surname by which their father is known.

No creditors appear to be prejudiced by the change of name of Cesar Un to CESAR TIU, Norberto On to NORBERTO TIU and Ursulina On to URSULINA TIU.

WHEREFORE, decision is hereby rendered in favor of petitioner Susana Rendora with ACR No. A 88981 issued at Ormoc City on January 13, 1961, changing the name of Cesar Un with ACR. No. A 88982 issued at Ormoc City on January 13, 1965 to CESAR TIU, Norberto On with ACR. No. A 240316 issued at Ormoc City on February 27, 1953 to NORBERTO TIU and Ursulina On with ACR. No. A-240317 issued at Ormoc City on February 27, 1953 to URSULINA TIU.

Let copies of this decision be furnished the Local Civil Registrar of Ormoc City.

City Attorney Ramon O. de Veyra and Attorney Artemio Derecho are notified of this decision in open court.

SO ORDERED."

The State appealed and prays for the reversal of the above decision and for the dismissal of the petition, claiming that the lower court had not acquired jurisdiction to hear the petition and that petitioners had failed to prove a proper and reasonable cause to justify the change of their respective surnames.

The record discloses that the birth certificate of Cesar UN gives his name as Cesar ON HIA TIAN and that of his father as ON HIA TIAN (Exhibit "H"); that the birth certificate of Norberto UN records his name as Norberto TIAN and that of his father as ON HIO TIAN (Exhibit "J"), while the birth certificate of Ursulina ON records the name of her father as YUTIAN UN (Exhibit "I").

It is to be borne in mind in this connection that, for legal purposes, the true name of a person is that given him in the Civil Register, and that for the purpose of a petition such as the one filed by petitioners, what is or may be changed is their true or official name as recorded in the Civil Register. Consequently, the publication required by law, must give that true or official name of the petitioners to enable the State to undertake the proper investigation regarding the truth of the allegations made in their petition (*Jesus Ng etc. vs. Republic*, G.R. No. L-20306, March 31, 1966). As the order published in connection with the present proceeding did not give the true or correct surnames of the petitioners, said publication was rendered ineffective in law.

Testifying in support of the petition, Susana Rendora, mother of the minors whose surnames are sought to be changed, testified that she wants them "to bear the family name of TIU" but then proceeded to answer the question of what was the family name of her husband by saying that it was TIU HONG. Moreover, the alien certificate of her husband shows that he was also known under an alias, to wit, TIU SONG PIN. Moreover, while Susana Rendora claims to be married to TIU HONG, no marriage contract was presented as part of the evidence, nor did her husband testify. Neither was evidence presented that TIU HONG was authorized to use the alias TIU SONG PIN, or that he is the same person as the one whose name was given in the birth certificates of their children as YUTIAN UN, ON HIO TIAN and ON HIA TIAN.

Upon the foregoing, we are of the opinion and so hold, that the evidence of record is utterly insufficient to support the decision appealed from.

WHEREFORE, the decision appealed from is reversed and the petition filed below is hereby dismissed, without prejudice.

Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ.,

concur.

Concepcion, C.J., on official leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.