

GREGORIO GO, PETITIONER AND APPELLEE VS. REIPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20160. November 29, 1965

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal from the decision of the Court of First instance of Cebu, Hon. Amador E. Gomez, presiding, approving the change of name of the minor Baby Go to Albert Go.

It appears that representatives of the Cebu Maternity Hospital in Cebu City where Baby Go was born, registered this boy in the office of the local civil registrar of Cebu City, under the name of Baby Go. The petitioner desires to adopt a Christian name in accordance with accepted practices of Filipino Catholics "Baby" is not a Christian name and it was given to him without his knowledge and consent. His parents were not given the opportunity to choose his appropriate name.

A pertinent portion of the decision of the Court of First Instance reads as follows:

"The Court finds the petition to be well-founded and therefore grants the same; and pursuant thereto hereby authorizes the name of Baby Go registered in the local civil registrar of Cebu City, to be changed to Albert Go, and that henceforth this child shall bear the name Albert Go."

When the Solicitor General, upon representation of the provincial fiscal, appealed from said judgment of the CFI, the court denied the Record on Appeal on the ground that the appeal was frivolous. This Court, in the case Republic vs. Amador Gomez, 115 Phil. 361, reversed the order of the CFI in denying the appeal, and ordered the appeal interposed by the Republic be given due course.

The main ground of the objection of the Republic from order of the lower court is that the same did not conform with the provisions of Article 408 of the New Civil Code in relation to Section 10 of Act No. 3753. This law authorizes the registration of change of name in the proper book of the Civil Registry, but not allow the alteration or changing of original entries in the Civil Registry. The contention of the Solicitor General is that the order of the lower court authorizing the name of Baby Go, registered in the local civil Registrar of Cebu City to be changed to Albert Go, is in excess of its jurisdiction, and therefore, void.

On the other hand, in his brief, appellee states that had the appellant brought the question on the import of the appealed order to the attention of the lower court, shortly after its promulgation on October 8, 1960 before taking appeal therefrom, the proceedings could have been settled right there and then.

Under the provisions of Rule 103, Section 5, of the Rules of Court, there must be satisfactory proof that all the allegations of the petition are true, and if there is proper and reasonable cause for changing the name of the petitioner, the court shall adjudge that such name be changed in accordance with the prayer of the petition.

This Court feels, after studying the petition as well as the order of the lower court, that the allegations in the petition are true and that there is proper and reasonable cause for changing the name of Baby Go to Albert Go.

In line with decisions rendered by this Court in the cases of *Ansaldo vs. Republic*, 102 Phil., 1046; 54 Off. Gaz., 5886, and *Roces vs. Local Civil Registrar of Manila*, 54 Off. Gaz., 4950, and considering the language of the order of the lower court, said judgment is hereby modified in the sense that said order shall be construed as not to make erasures and cancellations of the change of the name of Baby Go to Albert Go in the original entry, but only to make the proper marginal corrections or annotations in the Civil Registry. Without costs.

Bengzon, C. J., Concepción, Dizon Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.
Bautista Angelo, J., concurs in the result.

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