

TY BIO GIAO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-18669. November 29, 1965

Ponente: DIZON, J.

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DIZON, J.:

On January 18, 1961, appellee Ty Bio Giao filed a verified petition with the lower court for a change of name, alleging that he is of legal age, a Chinese national, and has been a bona fide resident of Ormoc City, Leyte, Philippines, for more than three years prior to the filing of the petition; that the name "Ty Bio Giao", which is a derivative of the Chinese name of his ancestry, "carries, in the Visayan dialect, a meaning and connotation which evoke derisive laughter and abusive comments from those who hear the same, thereby causing embarrassment to the Petitioner" and has always been a handicap in his social and business dealings; that he desires to have his name changed to Vicente Ty, which was the name given to him by his parents when he was baptized sometime in the year 1927 at the Metropolitan Cathedral of Cebu City, and by which name he is commonly known in the community; and, lastly, that the change of name herein prayed for is not for the purpose of defrauding any person.

After the requisite publication of the petition and notice to the Solicitor General, an opposition thereto was filed by the City Attorney of Ormoc City, in representation of the former.

The court, after due hearing, rendered the appealed judgment granting the petition. Hence the present appeal by the State.

We agree with appellant that appellee failed to prove the truth of the facts alleged in his petition.

It is well settled that a change of name may be authorized only when there is proper and reasonable cause therefor (Section 5, Rule 103, Rules of Court; *Aida Jacobo vs. Republic*, 54 Off. Gaz., No. 9, p. 2028). The record discloses that petitioner failed to prove his allegation that his true name evokes derisive laughter and abusive comments from those who hear the name pronounced, this embarrassing him no end. In fact, no evidence was introduced regarding the meaning of the name "Ty Bio Giao" in the Visayan dialect sufficient to cause such derisive laughter. Neither did petitioner present sufficient evidence to show how, and in what manner his name has been all these years a handicap in his business dealings with others.

On the other hand Petitioner's claim that he was baptized sometime in the year 1927 and was given the name Vicente y has not been established by reliable evidence. The document marked as Exhibit C presented by him in this connection is a mere certificate of the parish priest of the place where he was supposed to have been baptized as to the non-availability of church records due to the destruction of the same during the last war. It is obvious that said document does not prove petitioner's contention regarding his baptism and the name given to him.

But the most important reason justifying denial of petitioner's application is the fact, admitted by him, that during his residence in the Philippines he had used and had been known under several names, without legal authority to do so. The possibility therefore exists – should he be allowed now to change his name – that confusion would

arise in the minds of those who had previously known him under different names.

In cases of this nature, the possible consequences of the change of name must be carefully taken into account, and the policy of the courts should be to deny the application in the absence of clear proof that the change is really necessary and will not in anyway serve any unlawful purpose. The State has an interest in the name borne by each individual for purposes of identification, and the same should not be changed for trivial reasons.

Wherefore, the decision appealed from is reversed, with the result that the petition for change of name filed by appellee is dismissed. With costs.

Bengzon, C. J., Concepción, Reyes, J. B. L., Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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