

IN THE MATTER OF THE PETITION FOR CHANGE OF NAME, GO CHIU BENG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-29574. August 18, 1972

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

This is an appeal, taken by the Government, from a decision of the Court of First Instance of Leyte granting the petition of appellee Go Chiu Beng for change of name to that of "Reynaldo Bingo," as prayed for in his amended petition, instead of "Reynaldo Gosibeng", as prayed for in his original petition.

Upon a review of the records, it is manifest therefrom that the decision appealed from must be set aside as null and void for want of jurisdiction to entertain appellee's petition for change of name, it being undisputed, as it appears from petitioner's Exhibit "A", that the only name given in the title of the notice of the order about the filing of appellee's amended petitions was that of Go Chiu Beng; that no other name was given in said title, despite the fact that, in both his original and amended petition, appellee alleged that he had "always" been known, "since his arrival in the Philippines," as "Reynaldo"; and that his own certificate of naturalization, Exhibit "B", shows that he is likewise known as "Jimmy Go."

Indeed, in *Ng Yao Siong vs. Republic*,^[1] it was held:

"1. Change of name is a judicial proceeding in rem Jurisdiction to hear and determine a petition therefor, by law, is acquired after publication of the 'order reciting the purpose of the petition' and the 'date and place for the hearing thereof' for three (3) successive weeks in a newspaper of general circulation. Publication is notice to the whole world that the proceeding has for its object 'to bar indifferently all who might be minded to make an objection of any sort against the right sought to be established.'

"But, for that publication to be effective, it must give a correct information. To inform, the publication should recite, amongst others, the following facts: (1) the name or names of the applicant, (2) the cause for which the change of name is sought, and (3) the new name asked for.

"Change of name is a matter of public interest. Petitioner might be in the gallery of wanted criminals; he could be in hiding to avoid service of sentence or compliance with a judgment in a criminal case; he could have escaped a penal institution into which he had been confined. If an alien, he might have given cause for deportation or might be one against whom an order of deportation had actually been issued. And again the new name petitioner desires to adopt may be similar to that of a respectable person. The latter may have evidence that petitioner is with unsavory reputation. Naturally, it is to the interest of the person actually enjoying the good name to protect it against possible mistaken reference to him as the petitioner.

"Change of name is not a right. It is a privilege. The court may give or withhold its consent."

In said case of *Ng Yao Siong*, his other names, although not mentioned in the title of his petition and in the notice published in connection therewith, were set forth in the body of the petition. Yet it was ruled that all aliases

should be included in the title of the petition, not only in the body thereof, because "* * * (t)he reason for this is obvious. Notices in the newspapers, like the one under consideration, usually appear in the back pages. The reader, as is to be expected, merely glances at the title of the petition. It is only after he has satisfied himself that the title interests him, that he proceeds to read down further. The probability is that the portions in the publication heretofore quoted will escape the reader's notice. The purpose for which the publication is made, that is, to inform, may thus be unserved." The Court then ruled that "for a publication of a petition for a change of name to be valid, the title thereof should include, first, his real name, and second, his aliases, if any." [2]

Indeed, in a subsequent case, [3] this Court explained -

"Notices published in the newspapers often appear in the back pages thereof or in pages least read or paid attention to. The reader, as usually happens, merely scans these pages and glances fleetingly at the captions of the published orders or the titles of the petitions. Only if the caption or the title strikes him does the reader proceed to read on. And the probability is great that the reader does not at all notice the other names and/or aliases of the applicant if these are mentioned only in the body of the order or petition. The non-inclusion of all the names and/or aliases of the applicant in the caption of the order or the title of the petition defeats the very purpose of the required publication."

WHEREFORE, the decision appealed from should be as it is hereby annulled and set aside and this case dismissed, with costs against petitioner-appellee Go Chiu Beng. It is so ordered.

Makalintal, Zaldivar, Castro, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

Reyes, J.B.L., Fernando, and Makasiar, JJ., took no part.

[1] L-20306, March 31, 1966.

[2] See, also, Republic vs. Lee Wai Lam, L-22607, July 30, 1969; Chan Chin vs. The Local Civil Registrar of Manila, L-27159, Sept. 17, 1969.

[3] Republic vs. Tañada, L-31563, Nov. 29, 1971.

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