

JESUS NG YAO SIONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20306. March 31, 1966

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Petitioner, a Chinese resident of Dumaguete City, bears a number of names: [1] (1) Jesus Ng, in his birth certificate and certificate of residence, (2) Jesus Uy Keng Lee, in his school records, (3) Uy Keng Lee Jesus, also in his school records, (4) Keng Lee Uy, to his friends and to the general public, (5) Uy Keng Lee, in his income tax returns, and (6) Jesus Ng Yao Siong, in his alien certificate of registration. These divers names, so his petition avers, "had caused much confusion in his school records and unnecessary delay and embarrassment to him in his dealings with the public". To obviate all these, petitioner would want to be known only by one name—Keng Lee Uy and accordingly petitioned that the Negros Oriental court authorize the change of all the other names to Keng Lee Uy. The city attorney of Dumaguete opposed the petition, alleged that there is no necessity for the change of name and that petitioner is guilty of a violation of the laws regarding the use of names and surnames. The judgment—after hearing—went for petitioner. The Republic appealed.

- 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.[2] 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." [3]

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.[4]

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[5] against possible mistaken reference to him as the petitioner.[6]

Change of name is not a right. It is a privilege.[7] The court may give or withhold its consent.

In a proceeding for a change of name the following question may crop up: What is the name to be changed? By Article 408 of the Civil Code a person's birth must be entered in the civil register. So it is, that the civil register records his name. That name in the civil register, for legal purposes, is his real name.[8] And correctly so, because the civil register is an official record of the civil status of persons. A name given to a person in the church records

or elsewhere or by which he is known in the community—when at variance with that entered in the civil register—is unofficial and cannot be recognized as his real name.

We therefore rule that for purposes of an application for change of name under Article 376 of the Civil Code, the only name that may be changed is the true or official name recorded in the civil register.

With the foregoing guidelines, let us now examine petitioner's application, and the order of publication and the actual publication thereof. The order of publication herein -based on the petition—was published in "The Negros Times", a weekly newspaper in Dumaguete City. The title of this case was there printed as follows: "In the matter of the change of name of Jesus Ng Yao Siong, Jesus Ng Yao Siong, petitioner." But Jesus Ng Yao Siong, the name appearing in the petition, the order of publication, and the publication itself, is not the true name of petitioner. As heretofore stated, his name appearing in the civil register is merely "Jesus Ng" without the Yao Siong. The name to be changed, if any, is Jesus Ng—not Jesus Ng Yao Siong. It thus results that there is no name to be changed in the petition.

It is our view that this failure in the heading of the application to give the true name sought to be changed is fundamental; such failure is non-compliance with the strict requirements of publication; it is fatal; and the court did not acquire jurisdiction to hear the case.[9]

- Petitioner's other names are recited in the body of the order of publication, as actually published, thus:

"ORDER

A verified petition having been filed by Jesus Ng Yao Siong, thru Atty. Baltazar V. Loo, praying that the name Jesus Ng Yao Siong, Jesus Ng, Jesus Uy Keng Lee and Uy Keng Lee Jesus be changed to KENG LEE UY; * * *

Petitioner himself admits that he is known by all these names. This gives rise to the necessity of including his aliases in the title of the petition—not only in the body thereof. So that, the title of this petition should read "In the matter of the change of name of Jesus Ng, otherwise known as Jesus Ng Yao Siong, Jesus Uy Keng Lee, Uy Keng Lee Jesus, Keng Lee Uy and Uy Keng Lee" (this last being the name he uses in his income tax returns). The 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.

We accordingly hold 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.

- The admitted fact that petitioner had been using aliases ushers us to another problem: Can a court of justice lawfully grant an application for a change of name where he has violated a law regarding the use of aliases? This poser comes to the fore, because petitioner was never authorized to use an alias by a competent court pursuant to the provisions of Commonwealth Act 142, entitled "An act to regulate the use of aliases". With reference to the name Uy Keng Jesus or Jesus Uy Keng Lee which he has used in school, or Keng Lee Uy by which he is known to his friends and the general public, or Uy Keng Lee which he uses in his income tax returns, or Jesus Ng Yao Siong which appears in his alien certificate of registration, none of these names is a "pseudonym for literary purposes", or a name "by which he had been known since his childhood" or "authorized by a competent court". This use is prohibited by that law. While we are loathe to attach a felonious label to the use of these different names, we say that such use appears to be a violation of Section 1 of said Commonwealth Act 142, punishable with imprisonment ranging from 1 month to 6 months pursuant to Section 4 of said statute. Neither did he use

these other names as "pen names" or "stage names"; and another statute prohibits him from using the same.[10] To grant the petition here is to sanction an unlawful act which might reach the proportions of a crime. Tan vs. Republic, supra, warns that this cannot be done.

- The touchstone for the grant of a change of name is that there be "proper and reasonable cause" for which the change is sought.[11]

The petition and petitioner's testimony are one in the claim that his various names caused much confusion in the school records and unnecessary delay and embarrassment to him in his dealings with the public. This does not constitute proper and reasonable justification to legally authorize a change of name for him. For indeed he had been using these names all along. And that use naturally facilitates his transactions with others who knew him by the one name or the other. Again we say that the petition not being supported by weighty reasons, the condition for the grant thereof is non-existent; and, nothing is left for the court but to dismiss said petition.[12]

Upon the record as it stands, we vote to reverse the appealed judgment and to dismiss the petition. Costs against petitioner.[12] So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

[1]"A name, when applied to a particular person, is a word or words used to distinguish, that is, identify that person." U.S. vs. To Lee Piu, 35 Phil. 4; syllabus.

[2] Article 376, Civil Code of the Philippines; Sections 1 and 3, Rule 103, Rules of Court.

[3] Grey Alba, et al., vs. de la Cruz, 17 Phil. 49, 62.

[4] See Section 2, Rule 103, Rules of Court.

[5] Section 4, Rule 103, Rules of Court: "Any interested person may appear at the hearing and oppose the petition".

[6] Cf. Article 374, Civil Code, which reads: "In case of identity of names and surnames, the younger person shall be obliged to use such additional name or surname as will avoid confusion."

[7] Ong Peng Oan vs. Republic, 54 Official Gazette No. 8, pp. 2527, 2528.

[8] Chomi vs. Local Civil Registrar of Manila, 52 Official Gazette, No. 15, pp. 6541, 6543.

[9] Cf. Tan vs. Republic, G.R. L-16384, April 26, 1962. The petition spells petitioner's given name as Jayme, (in Jayme S. Tan), while the published order spells that name as Jaime.. Held: The difference of one letter in a name may mean the distinction of identity of one person with that of another. Petition was denied.

[10] Articles 379, 380 of the Civil Code.

[11]Section 5, Rule 103, supra.

[12] Ong Peng Oan vs. Republic, supra; Ty Bio Giao vs. Republic, G.R. L-18669, November 29, 1965; Yu Chi Han vs. Republic, G.R. L-22040, November 29, 1965.

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