

## IN THE MATTER OF THE PETITION OF JUAN CHING ING KING TO CHANGE HIS NAME TO JUAN MANUEL.

*G.R. No. L-8301. April 28, 1956*

Ponente: PARAS, C.J.

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### PARAS, C.J.:

The Government has appealed from a decision of the Court of First Instance of Pampanga, granting the petition of Juan Ching Ing King to change his name to Juan Manuel.

The petitioner alleged that he is an illegitimate son of Maria Manuel (a Filipino citizen) and Enrique Ching Ing King who died in Lubao, Pampanga, on April 15, 1953; that although he is a Filipino citizen, he was often mistaken for a Chinese because of his surname; that being an illegitimate son he should use maternal surname especially after the death of his father.

Compliance with the required publication is conceded. It is merely contended for the appellant that the combined testimony of the petitioner and Maria Manuel to the effect that the former is the latter's illegitimate son, without corroborative document evidence, was not sufficient; that as the petitioner alleged that the records of the civil registrar of Lubao were destroyed, the court should have required him to present the corresponding certificate of said registrar or at least petitioner's baptismal certificate; that the court should also have required the fiscal who represented the office of the Solicitor General to request the Chief of Police of Lubao or the Constabulary Provincial Commander to make necessary investigation; and that a change of name should not be allowed on scanty evidence when its effect is the recognition of the petitioner as a Filipino citizen.

Appellant's contention are untenable. The petition was not one for naturalization and no issue was in fact raised as to petitioner's citizenship. According to the verified petition, the change of name was desired not solely because of petitioner's Filipino nationality, but because being an illegitimate son, the petitioner thought it more appropriate to use his maternal surname, particularly after his father's death. The maternal surname, particularly after his father's death. The important fact of his filiation was established by his testimony and that of his mother; and no attempt was made by the fiscal (who in view of the required publication had full opportunity to make proper investigation through himself or other Government authorities), to refute or contradict the same or even to show that such oral evidence was incompetent. Upon the other hand, article 278 of the Civil Code provides that "recognition shall be made in the record of birth, a will, a statement before a court of record or in any authentic document." We note also that section 5 of Rule of Court 103 (governing change of name) merely requires "satisfactory" proof. It was, therefore, incumbent upon the petitioner to present only evidence as would be satisfactory to the court, not all the best evidence available.

The appealed decision is affirmed without costs. So. ordered.

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

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