

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. PIO R. MARCOS, JUDGE OF THE COURT OF FIRST INSTANCE OF BAGUIO AND BENGUET AND PANG CHA QUEN REPRESENTING THE MINOR, MAY SIA ALI...

G.R. No. L-31065. February 15, 1990

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

This is a petition for review of the order dated February 12, 1969 of respondent Judge Pio R. Marcos of the then Court of First Instance, now Regional Trial Court of Baguio and Benguet, granting the petition for change of name under Rule 103 of the Rules of Court and authorizing "the name of the minor child May Sia alias Manman Huang, also known as Mary Pang [to] be changed to Mary Pang De la Cruz" (p. 12, Rollo).

On March 30, 1968, a verified petition was filed by private respondent Pang Cha Quen alleging that she is a citizen of Nationalist China, married to Alfredo De la Cruz, a Filipino citizen; that she had resided in Baguio City since her birth on January 29, 1930; that by a previous marriage to Sia Bian alias Huang Tzeh Lik, a citizen of Nationalist China, she gave birth to a daughter, May Sia alias Manman Huang on January 28, 1958 in the City of Manila; that on January 12, 1959, she caused her daughter to be registered as an alien under the name of Mary Pang, i.e., using the maternal surname, because the child's father had abandoned them; that her daughter has always used the name Mary Pang at home and in the Baguio Chinese Patriotic School where she studies; that on August 16, 1966, petitioner Pang Cha Quen married Alfredo De la Cruz; that as her daughter has grown to love and recognize her stepfather, Alfredo De la Cruz, as her own father, she desires to adopt and use his surname "De la Cruz" in addition to her name "Mary Pang" so that her full name shall be Mary Pang De la Cruz; that Alfredo De la Cruz gave his conformity to the petition by signing at the bottom of the pleading; that the petition was not made for the purpose of concealing a crime as her ten-year old daughter has not committed any, nor to evade the execution of a judgment as she has never been sued in court, and the petition is not intended to cause damage or prejudice to any third person. She prayed that her daughter be allowed to change her name from May Sia, alias Manman Huang, to Mary Pang De la Cruz.

On April 4, 1968, respondent Judge issued an order setting the hearing of the petition on September 16, 1968 at 9:00 o'clock in the morning and inviting all interested persons to appear and show cause, if any, why the petition should not be granted. The order also directed that it be published at the expense of the petitioner in the Baguio Midland Courier, a newspaper of general circulation in Baguio City and Mountain Province, once a week for three (3) consecutive weeks, the first publication to be made as soon as possible. The order also commanded that the Solicitor General and the City Attorney of Baguio be furnished copies of the order and petition.

On September 16, 1968, when the petition was called for hearing, nobody opposed it. Upon motion of petitioner's counsel, respondent Judge authorized the Clerk of Court or his deputy to receive the evidence of the petitioner, Pang Cha Quen.

Finding the petition meritorious, respondent Judge issued an order on February 12, 1969 authorizing the name of the minor, May Sia alias Manman Huang, also known as Mary Pang, to be changed to Mary Pang De la Cruz.

The Government, through the Solicitor General, appealed to the Supreme Court on the ground that the court's order is contrary to law.

In its petition for review, the Government raised two (2) issues namely: (1) whether or not respondent Judge had acquired jurisdiction over the case; and (2) whether respondent Judge erred in granting the petition although private respondent Pang Cha Quen failed to adduce proper and reasonable cause for changing the name of the minor "May Sia" alias "Manman Huang."

On the first issue, the Government pointed out that the captions of the petition and of the published order of the court did not include the name "Mary Pang" as one of the names that the minor has allegedly been using, hence, the petition and the published order contain a fatal jurisdictional defect.

The Government's contention is well-taken. Thus did we rule in the case of *Jesus Ng Yao Siong vs. Republic*, 16 SCRA 483, 487-88:

"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.

"xxx xxx xxx.

"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."

In *Republic vs. Zosa*, G.R. No. 48762, September 12, 1988, this Court explained the reason for the rule requiring the inclusion of the name sought to be adopted and the other names or aliases of the applicant in the title of the petition, or in the caption of the published order. It is that the ordinary reader only glances fleetingly at the caption of the published order or the title of the petition in a special proceeding for a change of name. Only if the caption or the title strikes him because one or all of the names mentioned are familiar to him, does he proceed to read the contents of the order. The probability is great that he will not notice the other names or aliases of the applicant if they are mentioned only in the body of the order or petition.

In the case at bar, the caption of both the verified petition dated March 30, 1968, and the published order of the trial court dated April 4, 1968 read, thus:

"IN RE:

PETITION FOR CHANGE OF NAME OF THE MINOR MAY SIA ALIAS MANMAN HUANG TO MARY PANG DE LA CRUZ,

"PANG CHA QUEN,

"Petitioner." (p. 15, Rollo.)

The omission of her other alias — "Mary Pang" — in the captions of the court's order and of the petition defeats the purpose of the publication. In view of that defect, the trial court did not acquire jurisdiction over the subject of the proceedings, i.e., the various names and aliases of the petitioner which she wished to change to "Mary Pang De la Cruz."

In *Go Chin Beng vs. Republic*, L-29574, August 18, 1972, we held that all aliases of the applicant must be set forth in the title of the published petition, for the omission of any of such aliases would be fatal to the petition even if such other aliases are mentioned in the body of the petition.

The second ground for the Government's appeal is the failure of the petitioner below, Pang Cha Quen, to state a proper and reasonable cause for changing the name/names of her daughter.

The following have been considered valid grounds for a change of name:

- (1) when the name is ridiculous, dishonorable, or extremely difficult to write or pronounce;
- (2) when the change results as a legal consequence, as in legitimation;
- (3) when the change will avoid confusion (*Haw Liong vs. Republic*, L-21194, April 29, 1966; *Chiu Hap Chiu vs. Republic*, L-20018, April 30, 1966; *Republic vs. Tañada, et al.*, L-31563, November 29, 1971; *Alfon vs. Republic*, L-51201, May 29, 1980);
- (4) having continuously used and been known since childhood by a Filipino name, unaware of his alien parentage (*Josefina Ang Chay vs. Republic*, L-28507, July 31, 1980); or
- (5) a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and not to prejudice anybody (*Uy vs. Republic*, L-22712, November 29, 1965).

As may be gleaned from the petition filed in the lower court, the reasons offered for changing the name of petitioner's daughter are: (1) that "her daughter grew up with, and learned to love and recognize Alfredo de la Cruz as her own father" (p. 23, Rollo); (2) to afford her daughter a feeling of security (pp. 23-24, Rollo); and (3) that "Alfredo de la Cruz agrees to this petition, and has signified his conformity at the foot of this pleading" (p. 24, Rollo).

Clearly, these are not valid reasons for a change of name. The general rule is that a change of name should not be permitted if it will give a false impression of family relationship to another where none actually exists (*Laperal vs. Republic*, L-18008, October 30, 1962; *Johnson vs. Republic*, L-18284, April 30, 1963; *Moore vs. Republic*, L-18407, June 26, 1963). In *Padilla vs. Republic*, 113 SCRA 789, we specifically held that our laws do not authorize legitimate children to adopt the surname of a person not their father, for to allow them to adopt the surname of their mother's husband, who is not their father, can result in confusion of their paternity.

Another reason for disallowing the petition for change of name is that it was not filed by the proper party. Sections 1 and 2, Rule 103 of the Rules of Court, provide:

"SECTION 1. Venue. — A person desiring to change his name shall present the petition to the Court of First Instance of the province in which he resides, or, in the City of Manila, to the Juvenile and Domestic Relations Court.

"SEC. 2. Contents of petition. — A petition for change of name shall be signed and verified by the person desiring his name changed, or some other person on his behalf, and shall set forth:

"(a) That the petitioner has been a bona fide resident of the province where the petition is filed for at least three (3) years prior to the date of such filing;

"(b) The cause for which the change of the petitioner's name is sought;

"(c) The name asked for."

Clearly, the petition for change of name must be filed by the person desiring to change his/her name, even if it

may be signed and verified by some other person in his behalf. In this case, however, the petition was filed by Pang Cha Quen not by May Sia.

Hence, only May Sia herself, alias Manman Huang, alias Mary Pang, when she shall have reached the age of majority, may file the petition to change her name. The decision to change her name, the reason for the change, and the choice of a new name and surname shall be hers alone to make. It must be her personal decision. No one else may make it for her. The reason is obvious. When she grows up to adulthood, she may not want to use her stepfather's surname, nor any of the aliases chosen for her by her mother. In *Moore vs. Republic*, 8 SCRA 282, 284, we held:

"Another factor to be reckoned with is the fact that the child concerned is still a minor who for the the present cannot fathom what would be his feeling when he comes to a mature age. Any way, if the time comes, he may decide the matter for himself and take such action as our law may permit. For the present we deem the action taken by petitioner premature."

As pointed out by the Solicitor General, 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 like the instant case (*Ty vs. Republic*, L-18669, November 29, 1965). A change of name is a mere privilege and not a matter of right (*Ong Peng Oan vs. Republic*, L-8035, November 29, 1957; *Yu vs. Republic*, L-22040, November 29, 1965) and because the petition to change the name of the minor May sia is not supported by weighty reasons, the trial court erred in granting it.

WHEREFORE, the petition for certiorari is granted, and the order appealed from is hereby reversed and set aside. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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