

IN THE MATTER OF THE PETITION TO CHANGE THE NAME OF GO CHANG TO JAYME S. TAN. JAYME S. TAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.*G.R. No. L-16384. April 26, 1962*

Ponente: PAREDES, J.

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On March 12, 1959, Go Chang, a citizen of the Republic of Nationalist China, but born in the Philippines, filed with the Court of First Instance of Cebu, a verified petition for change of name (Sp. Proc. No. 189-R), to Jayme S. Tan. The jurisdictional facts as to age, status, citizenship, residence, place of birth and name of parents were alleged. In the petition it was further stated that he (petitioner), was registered with the Local Civil Registrar and the Immigration Bureau under the name of Go Chang; baptized as Jaime Descals Go Chang; that at tender age, he was taken under the care of an uncle; that in his studies (from Grade 1 to 2nd year in College), he has been enrolled under the name Jayme S. Tan, Tan being the surname of his uncle and the middle initial "S" standing for the surname of his mother Lim Sy; that all his friends know him as Jayme S. Tan; and that by seeking the change of his name it was not his intention to conceal or hide any unfavorable record but to correct an error.

During the hearing, documentary evidence (Exhibits A, A-1 to A-3), consisting of the affidavit of the Publisher of the "La Prensa", and clippings of the order (of hearing), respectively, were presented to prove compliance with the legal requirement of publication. The motion for Bill of Particulars, presented by the Provincial Fiscal was denied by the trial court on the ground that same was improper and would serve only to delay the proceedings. The petitioner testified that when he started schooling at the "Colegio de Santa Maria", San Juan, Rizal, he was enrolled under the name of Jayme S. Tan, which name he has continuously used up to College; that he desires to change his name to clear up an error and avoid confusion and that because of the discrepancy about his name in his school records and alien certificate of registration, the Board of Medical Examiners refused to issue him a "Medical Number" to be considered as a medical student, unless he secures a court order, allowing him to use the name Jayme S. Tan, appearing in his school records.

The Provincial Fiscal, who represented the Solicitor General filed no written opposition to the petition but attended the hearing and cross-examined the petitioner. After trial, the lower court on August 29, 1959, rendered judgment, pertinent portions of which read—

"The evidence presented proved the truth of the petitioner's allegations in his petition. Besides, it has also been established in evidence that the petition has no pending obligation with the Government; that he has never been accused of any offense, nor any suit filed against him and that his purpose in asking that he be allowed to use his name of Jaime S. Tan by which he was enrolled in school and known by his friends is to have same as his sole official name; that without a judicial authority to use the name, he would not be allowed by the Board of Medical Examiners to take the board examinations for physicians; that it is in good faith that he asked the authority and no confusion of identity will be caused or created by the use of said name and furthermore he is

not intending to change his Chinese nationality by the use of said name.

The Court under these circumstances feels fully justified in granting the petition, under the authority of Rule 103, of the Rules of Court, and said petition as hereby granted and, from now on the petitioner will use, as his official name, to identify himself, the name JAIME S. TAN after this name is duly registered in the office of corresponding local Civil Registrar".

Under date of September 3, 1959, the Provincial Fiscal of Cebu, moved for the reconsideration of the above judgment. The motion was denied on September 12, 1959. The appeal of the State is anchored on two points, viz:

(1)

The lower court erred in taking cognizance of the instant petition for change of name filed despite the fact that it did not acquire jurisdiction over the case by reason of a substantial defect in the petition and publication of the Order for hearing; and

(2)

The lower court erred in granting the petition despite the fact that the petitioner failed to adduce any proper and reasonable reason for changing his name.

A discrepancy exists in the petition and the published Order. Whereas in the published Order the name of petitioner was spelled Jaime S. Tan, the verified petition spells his name as Jayme S. Tan (Exha. A-1 to A-3). Even the affidavit of the publisher of "La Prensa" (Exh. A), the name appearing is Jaime S. Tan. Petitions for change of name being proceedings in rem, strict compliance with the requirements of publication is essential, for it is by such means that the Court acquires jurisdiction (*Aida Jacobo vs. Republics* 54 Off. Gaz., No. 9, p. 2928). Considering the fact that the proceedings is one for change of name, the defect in the petition and the order, as to the spelling of the name of the petitioner, is substantial, because it did not correctly identify the party to said proceedings. As the Solicitor General has aptly observed—

"* * *. Not only was it misleading to the courts of justice, but also prejudiced the interests of the general public. By said act, he made it difficult or virtually impossible for anyone who might have an adverse interest, to oppose his petition. In the eyes of the law, therefore petitioner has not complied strictly with the legal requirement regarding publication, thereby rendering the entire proceeding had in the court below null and void."

It may be argued that the difference in the spelling is minor, that is the "i" has been erroneously typewritten as "y", or vice versa. The difference of one letter in a name may mean the distinction of identity of one person with that of another. If the projected change means so great to the petitioner, he should, at least, have exerted efforts to correct the mistake, if it was a mistake at all.

We find also that no reasonable circumstance exists or was proven to warrant petitioner's change of name. Petitioner in his petition alleges that he was baptized as Jayme Go Chang and that throughout his school days he has been enrolled under the name of Jayme S. Tan. His own documents, however, belie said allegations because his baptismal certificate (Exh. D), shows that his baptismal name is "Jaime Descals Go Chang". Except his own testimony, no other evidence was introduced to show that in school and to his friends he was using and/or was known by the name of Jayme S. Tan. Because of the discrepancy existing in his school records and his alien certificate of registration, the Board of Medical Examiners allegedly refused to give him a "Medical Number" to be considered a medical student, unless he secures a court order allowing him to use the name Jayme S. Tan. No corroborative evidence was adduced to show the veracity of this assertion. The fact that the Certificate of

Enrollment issued by the "Southwestern College" (Exh. E), mentions a certain Jaime S. Tan as officially enrolled in the College of Medicine, would show that what petitioner has alleged to the effect that since his first enrollment in Grade I until college, he was continuously using the name Jayme S. Tan, cannot be true. If the purpose of changing his name is to correct an error or avoid confusion, the petitioner should retain the use of his name "Go Chang" appearing in the Civil Registrar and Bureau of Immigration, the real and official name, rather than change it. The real name of a person is that given him in the Civil registrar, not the name by which he was baptized in his church or by which he has been known in the community, or which he has adopted (*Chomi vs. Local Civil Registrar of Manila*, 99 Phil., 1004; 52 Off. Gaz., No. 15, p. 6541). There was no reason for the Medical Board to require the change of his name to Jayme S. Tan, considering the fact that the Certificate of Enrollment from the Southwestern College mentions already of a medical student bearing a similar name. It would seem that the change of name sought for in the petition, would only add confusion to the already confused state of things. There would also be no practical purpose in allowing his name to be changed, in order to give him a "medical number" as he claims, because not being a Filipino, he could not be admitted to take the Medical Board Examinations. Moreover, petitioner-appellee has continuously been violating the Anti-Alias Law (Comm. Act No. 142), for having been using the name Jayme S. Tan, for various purposes. The granting of the instant petition would in effect be sanctioning an illegal act, which we cannot do.

Wherefore, the decision appealed from is hereby reversed, and the petition of Go Chang to change his name to Jayme S. Tan denied. Costs taxed against the petitioner-appellee.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Dizon, JJ., concur.

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