

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. JOSE R. HERNANDEZ, IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 158, PASIG CITY AND SPOUSES VAN MUNSON Y NA...

G.R. No. 117209. February 09, 1996

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-117209/>

REGALADO, J.:

Indeed, what's in a name, as the Bard of Avon has written, since a rose by any other name would smell as sweet?

This could well be the theme of the present appeal by certiorari which challenges, on pure questions of law, the order of the Regional Trial Court, Branch 158, Pasig City, dated September 13, 1994[1] in JDRC Case No. 2964. Said court is faulted for having approved the petition for adoption of Kevin Earl Bartolome Moran and simultaneously granted the prayer therein for the change of the first name of said adoptee to Aaron Joseph, to complement the surname Munson y Andrade which he acquired consequent to his adoption.

The facts are undisputed. On March 10, 1994, herein private respondent spouses, Van Munson y Navarro and Regina Munson y Andrade, filed a petition[2] to adopt the minor Kevin Earl Bartolome Moran, duly alleging therein the jurisdictional facts required by Rule 99 of the Rules of Court for adoption, their qualifications as and fitness to be adoptive parents, as well as the circumstances under and by reason of which the adoption of the aforementioned minor was sought. In the very same petition, private respondents prayed for the change of the first name of said minor adoptee to Aaron Joseph, the same being the name with which he was baptized in keeping with religious tradition, and by which he has been called by his adoptive family, relatives and friends since May 6, 1993 when he arrived at private respondents' residence.[3]

At the hearing on April 18, 1994, petitioner opposed the inclusion of the relief for change of name in the same petition for adoption. In its formal opposition dated May 3, 1995,[4] petitioner reiterated its objection to the joinder of the petition for adoption and the petitions for change of name in a single proceeding, arguing that these petitions should be conducted and pursued as two separate proceedings.

After considering the evidence and arguments of the contending parties, the trial court ruled in favor of herein private respondents in this wise:

"WHEREFORE, minor child Kevin Earl Bartolome Moran is freed from all legal obligations of obedience and maintenance with respect to his natural parents, and for all legal intents and purposes shall be known as Aaron Joseph Munson y Andrade, the legally adopted child of Van Munson and Regina Munson effective upon the filing of the petition on March 10, 1994. As soon as the decree of adoption becomes final and executory, it shall be recorded in the Office of the Local Civil Registrar of Pasig, Metro Manila pursuant to Section 8, Rule 99 and Section 6, Rule 103, respectively, of the Rules of Court, and shall be annotated in the record of birth of the adopted child, which in this case is in Valenzuela, Metro Manila, where the child was born. Likewise, send a copy of this Order to the National Census and Statistics Office, Manila, for its appropriate action consistent

herewith." [5]

At this juncture, it should be noted that no challenge has been raised by petitioner regarding the fitness of herein private respondents to be adopting parents nor the validity of the decree of adoption rendered in their favor. The records show that the latter have commendably established their qualifications under the law to be adopters, [6] and have amply complied with the procedural requirements for the petition for adoption, [7] with the findings of the trial court being recited thus:

"To comply with the jurisdictional requirements, the Order of this Court dated March 16, 1994 setting this petition for hearing (Exh. 'A') was published in the March 31, April 6 and 13, 1994 issues of the Manila Chronicle, a newspaper of general circulation (Exhs. 'B' to 'E' and submarkings). x x x

xxx

"Petitioners apart from being financially able, have no criminal nor derogatory record (Exhs. 'K' to 'V'); and are physically fit to be the adoptive parents of the minor child Kevin (Exh. 'W'). Their qualification to become the adoptive parents of Kevin Earl finds support also in the Social Case Study Report prepared by the DSWD through Social Worker Luz Angela Sonido, the pertinent portion of which reads:

'Mr. and Mrs. Munson are very religious, responsible, mature and friendly individuals. They are found physically healthy, mentally fit, spiritually and financially capable to adopt Kevin Earl Moran a.k.a Aaron Joseph.

'Mr. and Mrs. Munson have provided AJ with all his needs. They unselfishly share their time, love and attention to him. They are ready and willing to continuously provide him a happy and secure home life.

'Aaron Joseph, on the other hand, is growing normally under the care of the Munsons. He had comfortably settled in his new environment. His stay with the Munsons during the six months trial custody period has resulted to a close bond with Mr. and Mrs. Munson and vice-versa.

'We highly recommend to the Honorable Court that the adoption of Kevin Earl Moran aka Aaron Joseph by Mr. and Mrs. Van Munson be legalized.'" [8]

It has been said all too often enough that the factual findings of the lower court, when sufficiently buttressed by legal and evidential support, are accorded high respect and are binding and conclusive upon this Court. [9] Accordingly, we fully uphold the propriety of that portion of the order of the court below granting the petition for adoption.

The only legal issues that need to be resolved may then be synthesized mainly as follows: (1) whether or not the court a quo erred in granting the prayer for the change of the registered proper or given name of the minor adoptee embodied in the petition for adoption; and (2) whether or not there was lawful ground for the change of name.

I. It is the position of petitioner that respondent judge exceeded his jurisdiction when he additionally granted the prayer for the change of the given or proper name of the adoptee in a petition for adoption.

Petitioner argues that a petition for adoption and a petition for change of name are two special proceedings which, in substance and purpose, are different from and are not related to each other, being respectively governed by distinct sets of law and rules. In order to be entitled to both reliefs, namely, a decree of adoption and an authority to change the given or proper name of the adoptee, the respective proceedings for each must be instituted separately, and the substantive and procedural requirements therefor under Articles 183 to 193 of the Family Code in relation to Rule 99 of the Rules of Court for adoption, and Articles 364 to 380 of the Civil Code in relation to Rule 103 of the Rules of Court for change of name, must correspondingly be complied with. [10]

A perusal of the records, according to petitioner, shows that only the laws and rules on adoption have been observed, but not those for a petition for change of name.[11] Petitioner further contends that what the law allows is the change of the surname of the adoptee, as a matter of right, to conform with that of the adopter and as a natural consequence of the adoption thus granted. If what is sought is the change of the registered given or proper name, and since this would involve a substantial change of one's legal name, a petition for change of name under Rule 103 should accordingly be instituted, with the substantive and adjective requisites therefor being conformably satisfied.[12]

Private respondents, on the contrary, admittedly filed the petition for adoption with a prayer for change of name predicated upon Section 5, Rule 2 which allows permissive joinder of causes of action in order to avoid multiplicity of suits and in line with the policy of discouraging protracted and vexatious litigations. It is argued that there is no prohibition in the Rules against the joinder of adoption and change of name being pleaded as two separate but related causes of action in a single petition. Further, the conditions for permissive joinder of causes of action, i.e., jurisdiction of the court, proper venue and joinder of parties, have been met.[13]

Corollarily, petitioner insists on strict adherence to the rule regarding change of name in view of the natural interest of the State in maintaining a system of identification of its citizens and in the orderly administration of justice.[14] Private respondents argue otherwise and invoke a liberal construction and application of the Rules, the welfare and interest of the adoptee being the primordial concern that should be addressed in the instant proceeding.[15]

On this score, the trial court adopted a liberal stance in holding that "

"Furthermore, the change of name of the child from Kevin Earl Bartolome to Aaron Joseph should not be treated strictly, it appearing that no rights have been prejudiced by said change of name. The strict and meticulous observation of the requisites set forth by Rule 103 of the Rules of Court is indubitably for the purpose of preventing fraud, ensuring that neither State nor any third person should be prejudiced by the grant of the petition for change of name under said rule, to a petitioner of discernment.

"The first name sought to be changed belongs to an infant barely over a year old. Kevin Earl has not exercised full civil rights nor engaged in any contractual obligations. Neither can he nor petitioners on his behalf, be deemed to have any immoral, criminal or illicit purpose for seeking said cha(n)ge of name. It stands to reason that there is no way that the state or any person may be so prejudiced by the action for change of Kevin Earl's first name. In fact, to obviate any possible doubts on the intent of petitioners, the prayer for change of name was caused to be published together with the petition for adoption.[16]

Art. 189 of the Family Code enumerates in no uncertain terms the legal effects of adoption:

"(1) For civil purposes, the adopted shall be deemed to be a legitimate child of the adopters and both shall acquire the reciprocal rights and obligations arising from the relationship of parent and child, including the right of the adopted to use the surname of the adopters;

(2) The parental authority of the parents by nature over the adopted shall terminate and be vested in the adopters, except that if the adopter is the spouse of the parent by nature of the adopted, parental authority over the adopted shall be exercised jointly by both spouses; and

(3) The adopted shall remain an intestate heir of his parents and other blood relatives."

Clearly, the law allows the adoptee, as a matter of right and obligation, to bear the surname of the adopter, upon issuance of the decree of adoption. It is the change of the adoptee's surname to follow that of the adopter which is the natural and necessary consequence of a grant of adoption and must specifically be contained in the order of the court, in fact, even if not prayed for by petitioner.

However, the given or proper name, also known as the first or Christian name, of the adoptee must remain as it was originally registered in the civil register. The creation of an adoptive relationship does not confer upon the adopter a license to change the adoptee's registered Christian or first name. The automatic change thereof, premised solely upon the adoption thus granted, is beyond the purview of a decree of adoption. Neither is it a mere incident in nor an adjunct of an adoption proceeding, such that a prayer therefor furtively inserted in a petition for adoption, as in this case, cannot properly be granted.

The name of the adoptee as recorded in the civil register should be used in the adoption proceedings in order to vest the court with jurisdiction to hear and determine the same,[17] and shall continue to be so used until the court orders otherwise. Changing the given or proper name of a person as recorded in the civil register is a substantial change in one's official or legal name and cannot be authorized without a judicial order. The purpose of the statutory procedure authorizing a change of name is simply to have, wherever possible, a record of the change, and in keeping with the object of the statute, a court to which the application is made should normally make its decree recording such change)[18]

The official name of a person whose birth is registered in the civil register is the name appearing therein. If a change in one's name is desired, this can only be done by filing and strictly complying with the substantive and procedural requirements for a special proceeding for change of name under Rule 103 of the Rules of Court, wherein the sufficiency of the reasons or grounds therefor can be threshed out and accordingly determined.

Under Rule 103, a petition for change of name shall be filed in the regional trial court of the province where the person desiring to change his name resides. It shall be signed and verified by the person desiring his name to be changed or by some other person in his behalf and shall state that the petitioner has been a bona fide resident of the province where the petition is filed for at least three years prior to such filing, the cause for which the change of name is sought, and the name asked for. An order for the date and place of hearing shall be made and published, with the Solicitor General or the proper provincial or city prosecutor appearing for the Government at such hearing. It is only upon satisfactory proof of the veracity of the allegations in the petition and the reasonableness of the causes for the change of name that the court may adjudge that the name be changed as prayed for in the petition, and shall furnish a copy of said judgment to the civil registrar of the municipality concerned who shall forthwith enter the same in the civil register.

A petition for change of name being a proceeding in rem, strict compliance with all the requirements therefor is indispensable in order to vest the court with jurisdiction for its adjudication.[19] It is an independent and discrete special proceeding, in and by itself, governed by its own set of rules. A fortiori, it cannot be granted by means of any other proceeding. To consider it as a mere incident or an offshoot of another special proceeding would be to denigrate its role and significance as the appropriate remedy available under our remedial law system.

The Solicitor General correctly points out the glaring defects of the subject petition insofar as it seeks the change of name of the adoptee,[20] all of which taken together cannot but lead to the conclusion that there was no petition sufficient in form and substance for change of name as would rightfully deserve an order therefor. It would be procedurally erroneous to employ a petition for adoption to effect a change of name in the absence of the corresponding petition for the latter relief at law.

Neither can the allowance of the subject petition, by any stretch of imagination and liberality, be justified under the rule allowing permissive joinder of causes of action. Moreover, the reliance by private respondents on the pronouncements in *Briz vs. Briz*, et al.[21] and *Peyer vs. Martinez*, et al.[22] is misplaced.

A restatement of the rule and jurisprudence on joinder of causes of action would, therefore, appear to be called for.

By a joinder of actions, or more properly, a joinder of causes of action, is meant the uniting of two or more demands or rights of action in one action, the statement of more than one cause of action in a declaration.[23] It is the union of two or more civil causes of action, each of which could be made the basis of a separate suit, in the same complaint, declaration or petition. A plaintiff may under certain circumstances join several distinct demands, controversies or rights of action in one declaration, complaint or petition.[24]

As can easily be inferred from the above definitions, a party is generally not required to join in one suit several distinct causes of action. The joinder of separate causes of action, where allowable, is permissive and not mandatory in the absence of a contrary statutory provision, even though the causes of action arose from the same factual setting and might under applicable joinder rules be joined.[25] Modern statutes and rules governing joinders are intended to avoid a multiplicity of suits and to promote the efficient administration of justice wherever this may be done without prejudice to the rights of the litigants. To achieve these ends, they are liberally construed.[26]

While joinder of causes of action is largely left to the option of a party litigant, Section 5, Rule 2 of our present Rules allows causes of action to be joined in one complaint conditioned upon the following requisites: (a) it will not violate the rules on jurisdiction, venue and joinder of parties; and (b) the causes of action arise out of the same contract, transaction or relation between the parties, or are for demands for money or are of the same nature and character.

The objectives of the rule or provision are to avoid a multiplicity of suits where the same parties and subject matter are to be dealt with by effecting in one action a complete determination of all matters in controversy and litigation between the parties involving one subject matter, and to expedite the disposition of litigation at minimum cost. The provision should be construed so as to avoid such multiplicity, where possible, without prejudice to the rights of the litigants. Being of a remedial nature, the provision should be liberally construed, to the end that related controversies between the same parties may be adjudicated at one time; and it should be made effectual as far as practicable,[27] with the end in view of promoting the efficient administration of justice.[28]

The statutory intent behind the provisions on joinder of causes of action is to encourage joinder of actions which could reasonably be said to involve kindred rights and wrongs, although the courts have not succeeded in giving a standard definition of the terms used or in developing a rule of universal application. The dominant idea is to permit joinder of causes of action, legal or equitable, where there is some substantial unity between them.[29] While the rule allows a plaintiff to join as many separate claims as he may have, there should nevertheless be some unity in the problem presented and a common question of law and fact involved, subject always to the restriction thereon regarding jurisdiction, venue and joinder of parties. Unlimited joinder is not authorized.[30]

Our rule on permissive joinder of causes of action, with the proviso subjecting it to the correlative rules on jurisdiction, venue and joinder of parties[31] and requiring a conceptual unity in the problems presented, effectively disallows unlimited joinder.[32]

Turning now to the present petition, while it is true that there is no express prohibition against the joinder of a petition for adoption and for change of name, we do not believe that there is any relation between these two petitions, nor are they of the same nature or character, much less do they present any common question of fact or law, which conjointly would warrant their joinder. In short, these petitions do not rightly meet the underlying test of conceptual unity demanded to sanction their joinder under our Rules.

As keenly observed and correctly pointed out by the Solicitor General "

"A petition for adoption and a petition for change of name are two special proceedings which, in substance and purpose, are different from each other. Each action is individually governed by particular sets of laws and

rules. These two proceedings involve disparate issues. In a petition for adoption, the court is called upon to evaluate the proposed adopter's fitness and qualifications to bring up and educate the adoptee properly (Prasnick vs. Republic, 99 Phil. 665). On the other hand, in a petition for change of name, no family relations are created or affected for what is looked into is the propriety and reasonableness of the grounds supporting the proposed change of name (Yu vs. Republic, 17 SCRA 253).

xxx

"x x x Hence, the individual merits of each issue must be separately assessed and determined for neither action is dependent on the other.[33]

"The rule on permissive joinder of causes of action is clear. Joinder may be allowed only if the actions show a commonality of relationship and conform to the rules on jurisdiction, venue and joinder of parties (Section 5, Rule 2, Rules of Court).

"These conditions are wanting in the instant case. As already pointed out in our Petition (pp. 9-10), an action for adoption and an action for change of name are, in nature and purpose, not related to each other and do not arise out of the same relation between the parties. While what is cogent in an adoption proceeding is the proposed adopter's fitness and qualifications to adopt, a petition for change of first name may only prosper upon proof of reasonable and compelling grounds supporting the change requested. Fitness to adopt is not determinative of the sufficiency of reasons justifying a change of name. And similarly, a change of first name cannot be justified in view of a finding that the proposed adopter was found fit to adopt. There is just no way that the two actions can connect and find a common ground, thus the joinder would be improper.

"In contending that adoption and change of name may be similarly sought in one petition, private respondents rely upon Peyer vs. Martinez and Briz vs. Briz (p. 4, Comment).

"We however submit that these citations are non sequitur. In both cases, the fact of intimacy and relatedness of the issues is so pronounced. In Peyer, an application to pronounce the husband an absentee is obviously intertwined with the action to transfer the management of conjugal assets to the wife. In Briz, an action for declaration of heirship was deemed a clear condition precedent to an action to recover the land subject of partition and distribution proceeding. However, the commonality of relationship which stands out in both cases does not characterize the present action for adoption and change of name. Thus the rulings in Peyer and Briz find no place in the case at bar.

"Besides, it is interesting to note that although a joinder of the two actions was, in Briz, declared feasible, the Supreme Court did not indorse an automatic joinder and instead remanded the matter for further proceedings, granting leave to amend the pleadings and implead additional parties-defendants for a complete determination of the controversy (Briz vs. Briz, 43 Phil. 763, 770). Such cautionary stance all the more emphasizes that although joinders are generally accepted, they are not allowed where the conditions are not satisfactorily met."[34]

It furthermore cannot be said that the proposed joinder in this instance will make for a complete determination of all matters pertaining to the coetaneous grant of adoption and change of name of the adoptee in one petition. As already stated, the subject petition was grossly insufficient in form and substance with respect to the prayer for change of name of the adoptee. The policy of avoiding multiplicity of suits which underscores the rule on permissive joinder of causes of action is addressed to suits that are intimately related and also present interwoven and dependent issues which can be most expeditiously and comprehensively settled by having just one judicial proceeding, but not to suits or actions whose subject matters or corresponding reliefs are unrelated or diverse such that they are best taken up individually.

In Nabus vs. Court of Appeals, et al. ,[35] the Court clarified the rule on permissive joinder of causes of action:

"The rule is clearly permissive. It does not constitute an obligatory rule, as there is no positive provision of law or

any rule of jurisprudence which compels a party to join all his causes of action and bring them at one and the same time. Under the present rules, the provision is still that the plaintiff may, and not that he must, unite several causes of action although they may be included in one of the classes specified. This, therefore, leaves it to the plaintiff's option whether the causes of action shall be joined in the same action, and no unfavorable inference may be drawn from his failure or refusal to do so. He may always file another action based on the remaining cause or causes of action within the prescriptive period therefor." (*Italics supplied.*)

The situation presented in this case does not warrant exception from the Rules under the policy of liberal construction thereof in general, and for change of name in particular, as proposed by private respondents and adopted by respondent judge. Liberal construction of the Rules may be invoked in situations wherein there may be some excusable formal deficiency or error in a pleading, provided that the same does not subvert the essence of the proceeding and connotes at least a reasonable attempt at compliance with the Rules. Utter disregard of the Rules cannot justly be rationalized by harking on the policy of liberal construction.

The Court is not impervious to the frustration that litigants and lawyers alike would at times encounter in procedural bureaucracy but imperative justice requires correct observance of indispensable technicalities precisely designed to ensure its proper dispensation.[36] It has long been recognized that strict compliance with the Rules of Court is indispensable for the prevention of needless delays and for the orderly and expeditious dispatch of judicial business.[37]

Procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These rules are not intended to hamper litigants or complicate litigation but, indeed to provide for a system under which a suitor may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge.[38]

It cannot be overemphasized that procedural rules have their own wholesome rationale in the orderly administration of justice. Justice has to be administered according to the Rules in order to obviate arbitrariness, caprice, or whimsicality.[39] We have been cautioned and reminded in *Limpot vs. CA, et al.* that:[40]

"Rules of procedure are intended to ensure the orderly administration of justice and the protection of substantive rights in judicial and extrajudicial proceedings. It is a mistake to propose that substantive law and adjective law are contradictory to each other or, as has often been suggested, that enforcement of procedural rules should never be permitted if it will result in prejudice to the substantive rights of the litigants. This is not exactly true; the concept is much misunderstood. As a matter of fact, the policy of the courts is to give both kinds of law, as complementing each other, in the just and speedy resolution of the dispute between the parties. Observance of both substantive rights is equally guaranteed by due process, whatever the source of such rights, be it the Constitution itself or only a statute or a rule of court.

xxx

x x x(T)hey are required to be followed except only when for the most persuasive of reasons they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. x x x. While it is true that a litigation is not a game of technicalities, this does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution. Justice eschews anarchy."

Only exceptionally in very extreme circumstances, when a rule deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy such that rigid application thereof frustrates rather than promotes substantial justice, will technicalities deserve scant consideration from the court. In such situations, the courts are

empowered, even obligated, to suspend the operation of the rules.[41]

We do not perceive any injustice that can possibly be visited upon private respondents by following the reglementary procedure for the change in the proper or given name that they seek for their adopted child. We are hard put to descry the indispensability of a change of the first name of the adoptee to his welfare and benefit. Nor is the said change of such urgency that would justify an exemption from or a relaxation of the Rules. It is the State that stands to be prejudiced by a wanton disregard of Rule 103 in this case, considering its natural interest in the methodical administration of justice and in the efficacious maintenance of a system of identification of its citizens.

The danger wrought by non-observance, of the Rules is that the violation of or failure to comply with the procedure prescribed by law prevents the proper determination of the questions raised by the parties with respect to the merits of the case and makes it necessary to decide, in the first place, such questions as relate to the form of the action. The rules and procedure laid down for the trial court and the adjudication of cases are matters of public policy.[42] They are matters of public order and interest which can in no wise be changed or regulated by agreements between or stipulations by parties to an action for their singular convenience.[43]

In *Garcia vs. Republic*,[44] we are reminded of the definiteness in the application of the Rules and the importance of seeking relief under the appropriate proceeding:

"x x x The procedure set by law should be delimited. One should not confuse or misapply one procedure for another lest we create confusion in the application of the proper remedy."

Respondent judge's unmindful disregard of procedural tenets aimed at achieving stability of procedure is to be deplored. He exceeded his prerogatives by granting the prayer for change of name, his order being unsupported by both statutory and case law. The novel but unwarranted manner in which he adjudicated this case may be characterized as a regrettable abdication of the duty to uphold the teachings of remedial law and jurisprudence.

II. Petitioner avers that it was error for the lower court to grant the petition for change of name without citing or proving any lawful ground. Indeed, the only justification advanced for the change of name was the fact of the adoptee's baptism under the name Aaron Joseph and by which he has been known since he came to live with private respondents.[45]

Private respondents, through a rather stilted ratiocination, assert that upon the grant of adoption, the subject minor adoptee ipso facto assumed a new identification and designation, that is, Aaron Joseph which was the name given to him during the baptismal rites. Allowing the change of his first name as prayed for in the petition, so they claim, merely confirms the designation by which he is known and called in the community in which he lives. This largely echoes the opinion of the lower court that naming the child Aaron Joseph was symbolic of naming him at birth, and that they, as adoptive parents, have as much right as the natural parents to freely select the first name of their adopted child.[46]

The lower court was sympathetic to herein private respondents and ruled on this point in this manner:

"As adoptive parents, petitioner like other parents may freely select the first name given to his/her child as it is only the surname to which the child is entitled that is fixed by law. x x x.

xxx

"The given name of the minor was Kevin Earl, a name given for no other purpose than for identification purposes in a birth certificate by a woman who had all intentions of giving him away. The naming of the minor as Aaron Joseph by petitioners upon the grant of their petition for adoption is symbolic of naming the minor at birth."[47]

We cannot fathom any legal or jurisprudential basis for this attenuated ruling of respondent judge and must thus set it aside.

It is necessary to reiterate in this discussion that a person's name is a word or combination of words by which he is known and identified, and distinguished from others, for the convenience of the world at large in addressing him, or in speaking of or dealing with him. It is both of personal as well as public interest that every person must have a name. The name of an individual has two parts:

"The given or proper name and the surname or family name. The given or proper name is that which is given to the individual at birth or at baptism, to distinguish him from other individuals. The surname or family name is that which identifies the family to which he belongs and is continued from parent to child. The given name may be freely selected by the parents for the child, but the surname to which the child is entitled is fixed by law.[48]

By Article 408 of the Civil Code, a person's birth must be entered in the civil register. The official name of a person is that given him in the civil register. That is his name in the eyes of the law.[49] And once the name of a person is officially entered in the civil register, Article 376 of the same Code seals that identity with its precise mandate: no person can change his name or surname without judicial authority. This statutory restriction is premised on the interest of the State in names borne by individuals and entities for purposes of identification.[50]

By reason thereof, the only way that the name of person can be changed legally is through a petition for change of name under Rule 103 of the Rules of Court.[51] For purposes of an application for change of name under Article 376 of the Civil Code and correlatively implemented by Rule 103, the only name that may be changed is the true or official name recorded in the civil register. As earlier mentioned, a petition for change of name being a proceeding in rem, impressed as it is with public interest, strict compliance with all the requisites therefor in order to vest the court with jurisdiction is essential, and failure therein renders the proceedings a nullity.[52]

It must likewise be stressed once again that a change of name is a privilege, not a matter of right, addressed to the sound discretion of the court which has the duty to consider carefully the consequences of a change of name and to deny the same unless weighty reasons are shown. Before a person can be authorized to change his name, that is, his true or official name or that which appears in his birth certificate or is entered in the civil register, he must show proper and reasonable cause or any convincing reason which may justify such change.[53]

Jurisprudence has recognized, inter alia, the following grounds as being sufficient to warrant a change of name: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change results as a legal consequence of legitimation or adoption; (c) when the change will avoid confusion; (d) when one has continuously used and been known since childhood by a Filipino name and was unaware of alien parentage; (e) when the change is based on a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and without prejudice to anybody; and (f) when the surname causes embarrassment and there is no showing that the desired change of name was for a fraudulent purpose or that the change of name would prejudice public interest.[54]

Contrarily, a petition for change of name grounded on the fact that one was baptized by another name, under which he has been known and which he used, has been denied inasmuch as the use of baptismal names is not sanctioned.[55] For, in truth, baptism is not a condition sine qua non to a change of name.[56] Neither does the fact that the petitioner has been using a different name and has become known by it constitute proper and reasonable cause to legally authorize a change of name.[57] 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.[58]

The instant petition does not sufficiently persuade us to depart from such rulings of long accepted wisdom and applicability. The only grounds offered to justify the change of name prayed for was that the adopted child had been baptized as Aaron Joseph in keeping with the religious faith of private respondents and that it was the name by which he had been called and known by his family, relatives and friends from the time he came to live with private respondents.[59] Apart from suffusing their pleadings with sanctimonious entreaties for compassion, none of the justified grounds for a change of name has been alleged or established by private respondents. The legal bases chosen by them to bolster their cause have long been struck down as unavailing for their present purposes. For, to allow the adoptee herein to use his baptismal name, instead of his name registered in the civil register, would be to countenance or permit that which has always been frowned upon.[60]

The earlier quoted posturing of respondent judge, as expressed in his assailed order that-

"(a)s adoptive parents, petitioners like other parents may freely select the first name given to his/her child as it is only the surname to which the child is entitled that is fixed by law x x x.

"The given name of the minor was Kevin Earl, a name given for no other purpose than for identification purposes in a birth certificate by a woman who had all the intentions of giving him away. The naming of the minor as Aaron Joseph by petitioners upon grant of their petition for adoption is symbolic of naming the minor at birth."

and supposedly based on the authority of Republic vs. Court of Appeals and Maximo Wong, supra, painfully misapplies the ruling therein enunciated.

The factual backdrop of said case is not at all analogous to that of the case at bar. In the Wong case, therein petitioner Maximo Wong sought the change of his surname which he acquired by virtue of the decree of adoption granted in favor of spouses Hoong Wong and Concepcion Ty Wong. Upon reaching the age of majority, he filed a petition in court to change his surname from Wong to Alcala, which was his surname prior to the adoption. He adduced proof that the use of the surname Wong caused him embarrassment and isolation from friends and relatives in view of a suggested Chinese ancestry when in reality he is a Muslim Filipino residing in a Muslim community, thereby hampering his business and social life, and that his surviving adoptive mother consented to the change of name sought. This Court granted the petition and regarded the change of the surname as a mere incident in, rather than the object of, the adoption.

It should be noted that in said case the change of surname, not the given name, and the legal consequences thereof in view of the adoption were at issue. That it was sought in a petition duly and precisely filed for that purpose with ample proof of the lawful grounds therefor only serves to reinforce the imperative necessity of seeking relief under and through the legally prescribed procedures.

Here, the Solicitor General meritoriously explained that:

"Respondent Judge failed to distinguish between a situation wherein a child is being named for the first time by his natural parent, as against one wherein, a child is previously conferred a first name by his natural parent, and such name is subsequently sought to be disregarded and changed by the adoptive parents. In the first case, there is no dispute that natural parents have the right to freely select and give the child's first name for every person, including juridical persons, must have a name (Tolentino, A., Commentaries and Jurisprudence on the Civil Code, Vol. 1, 1987 edition, page 721). In the second case, however, as in the case at bar, private respondents, in their capacities as adopters, cannot claim a right to name the minor adoptee after such right to name the child had already been exercised by the natural parent. Adopting parents have not been conferred such right by law, hence, the right asserted by private respondents herein remains but illusory. Renaming the adoptee cannot be claimed as a right. It is merely a privilege necessitating judicial consent upon compelling grounds. "[61]

The liberality with which this Court treats matters leading up to adoption insofar as it carries out the beneficent purposes of adoption and ensures to the adopted child the rights and privileges arising therefrom, ever mindful that the paramount consideration is the overall benefit and interest of the adopted child,[62] should be understood in its proper context. It should not be misconstrued or misinterpreted to extend to inferences beyond the contemplation of law and jurisprudence.

The practically unrestricted freedom of the natural parent to select the proper or given name of the child presupposes that no other name for it has theretofore been entered in the civil register. Once such name is registered, regardless of the reasons for such choice and even if it be solely for the purpose of identification, the same constitutes the official name. This effectively authenticates the identity of the person and must remain unaltered save when, for the most compelling reasons shown in an appropriate proceeding, its change may merit judicial approval.

While the right of a natural parent to name the child is recognized, guaranteed and protected under the law, the so-called right of an adoptive parent to re-name an adopted child by virtue or as a consequence of adoption, even for the most noble intentions and moving supplications, is unheard of in law and consequently cannot be favorably considered. To repeat, the change of the surname of the adoptee as a result of the adoption and to follow that of the adopter does not lawfully extend to or include the proper or given name. Furthermore, factual realities and legal consequences, rather than sentimentality and symbolisms, are what are of concern to the Court.

Finally, it is understood that this decision does not entirely foreclose and is without prejudice to, private respondents' privilege to legally change the proper or given name of their adopted child, provided that the same is exercised, this time, via a proper petition for change of name. Of course, the grant thereof is conditioned on strict compliance with all jurisdictional requirements and satisfactory proof of the compelling reasons advanced therefor.

WHEREFORE, on the foregoing premises, the assailed order of respondent judge is hereby MODIFIED. The legally adopted child of private respondents shall henceforth be officially known as Kevin Earl Munson y Andrade unless a change thereof is hereafter effected in accordance with law. In all other respects, the order is AFFIRMED.

SO ORDERED.

Romero, Puno, and Mendoza, JJ., concur.

[1] Annex A. Petition; Rollo, 37-40; per Presiding Judge Jose R. Hernandez.

[2] Annex B, Id.; Ibid.; 41-44.

[3] Id., Id; Ibid., 44-45.

[4] Annex C, Id, Ibid., 47-50.

[5] Annex A, Id.: *ibid.*, 40.

[6] See Art. 183 in relation to Art. 185, Family Code.

[7] See Art. 188, Family Code; Arts. 32-38, Child and Youth Welfare Code; Secs. 1-5, Rule 99, Rules of Court.

[8] Annex A, Petition; Rollo, 37, 38.

[9] *FNCB Finance vs. Estavillo*, G.R. No. 93394, December 20, 1990, 192 SCRA 514; *Donato, et al. vs. Court of Appeals, et al.*, G.R. No. 102603, January 18, 1993, 217 SCRA 196; *Isabelo, Jr. vs. Perpetual Help College of*

Rizal, Inc., et al., G.R. No. 103142, November 8, 1993, 227 SCRA 591.

[10] Rollo, 18-19.

[11] Ibid., 20-23.

[12] Ibid., 16.

[13] Ibid., 63, 65-66.

[14] Ibid., 24-27.

[15] Ibid., 70-71.

[16] Annex A, Petition; Rollo, 39.

[17] Cruz vs. Republic, L-20927, July 26, 1966, 17 SCRA 693.

[18] See Art. 412, Civil Code; Re Ross, 8 Cal 2d 608, 67 P2d 94, 110 ALR 217.

[19] Yu Chi Han vs. Republic, L-22040, November 29, 1965, 15 SCRA 454; Cruz vs. Republic, supra, fn. 17; Republic vs. Tañada, etc., et al., L-3 1563, November 29, 1971, 42 SCRA 419; Secan Kok vs. Republic, L-27621, August 30, 1973, 52 SCRA 322.

[20] Rollo, 21-22.

[21] 43 Phil. 763 (1922).

[22] 88 Phil. 72 (1951).

[23] 1 C.J.S., Actions, Sec. 61, 1181.

[24] 1 Am Jur 2d, Actions, Sec. 81, 776.

[25] Ibid., Id., Sec. 85, 778.

[26] Ibid., Id., Sec. 86, 779.

[27] Francisco V.J., The Revised Rules of Court in the Philippines, Vol. I 1973 ed., 186.

[28] 1 Am Jur 2d, Actions. Sec. 86, 779.

[29] Ibid., Id., Sec. 89, 781.

[30] Francisco, V.J., op. cit., 185-189.

[31] Union Glass & Container Corp., et al. vs. Securities and Exchange Commission, et al., G.R. No. 64013, November 28, 1983, 126 SCRA 31.

[32] See Flores vs. Mallare-Phillips, et al., G.R. No. 66620, September 24, 1986, 144 SCRA 377.

[33] Rollo, 18-19.

[34] Ibid., 86-88.

[35] G.R. No. 91670, February 7, 1991, 193 SCRA 732; Baldovi vs. Sarte, 36 Phil. 550 (1917). Cf. Hicks vs. Hilario, et al., 40 Phil. 576 (1919) and Insurance Company of North America vs. United States Lines Co., et al., L-2 1839, April 30, 1968, 23 SCRA 438.

- [36] Young vs. Ombudsman, G.R. No. 110736, December 27, 1993, 228 SCRA 718.
- [37] Villanueva vs. Court of Appeals, et al., G.R. No. 99357, January 27 1992, 205 SCRA 537.
- [38] Santos vs. Court of Appeals, et al., G.R. No. 92862, July 4, 1991, 198 SCRA 806; Philippine National Construction Corporation vs. Court of Appeals, et al., G.R. No. 104437, December 17 1993, 228 SCRA 565.
- [39] Vasco vs. Court of Appeals, et al., L-46763, February 28, 1978, 81 SCRA 762.
- [40] L-44642, February 20 1989, 170 SCRA 367. See also Edra vs. Intermediate Appellate Court, et al., G.R. No. 75041, November 13, 1989 179 SCRA 344.
- [41] Alonso vs. Villamor, 16 Phil. 315 (1910); Republic Court of Appeals, et al., G.R. NO. 56077, February 28, 1985, 135 SCRA 165; Yong Chan Kim vs. People, et al., G.R. No. 84719, January 25, 1991, 193 SCRA 344; Bank of America, NT & SA vs. Gerochi, Jr., etc., et al., G.R. 73210, February 10, 1994, 230 SCRA 9; Buan, et al. vs. Court of Appeals, et al., G.R. No. 101614, August 17, 1994, 235 SCRA 424.
- [42] Sanidad vs. Cabotaje, 5 Phil. 204 (1905).
- [43] Arzadon vs. Arzadon, 15 Phil. 77 (1910).
- [44] L-16085, November 29, 1961, 3 SCRA 519.
- [45] Rollo, 28.
- Ibid., 67-68.
- [47] Ibid., 39.
- [48] Tolentino, A.M., Civil Code of the Philippines, Commentaries and Jurisprudence, Vol. I, 1993 ed., 672.
- [49] Chomi vs. Local Civil Registrar of Manila, 99 Phil. 1004 (1956); Ng Yao Siong vs. Republic, L-20306, March 31, 1966, 16 SCRA 483.
- [50] Chiu Hap Chiu vs. Republic, L-20018, April 30, 1966, 16 SCRA 864.
- [51] Chomi vs. Local Civil Registrar of Manila, supra fn. 49.
- [52] Ng Yao Siong vs. Republic, supra, fn. 49; Republic vs. Tañada, etc., et al., supra, fn. 19; Secan Kok vs. Republic, supra, fn. 19. See Tan vs. Republic, L-16384, April 26, 1962, 4 SCRA 1128.
- [53] Ong Pen Oan vs. Republic, 102 Phil. 460 (1957); Nacionale vs. Republic, L18067, April 29, 1966, 16 SCRA 636; Yu vs. Republic, L-20874, May 25, 1966, 17 SCRA 253; Calderon vs. Republic, L- 18127, April 5, 1967, 19 SCRA 721.
- [54] Republic vs. Court of Appeals, et al., G.R. No. 97906, May 21, 1992, 209 SCRA 189, 199 and cases therein cited. See also Republic vs. Avila, etc., et al., L-33131, May 30, 1983, 122 SCRA 483.
- [55] Chomi vs. Local Civil Registrar of Manila, supra, fn. 49.
- [56] Ong Te vs. Republic, L-15549, June 30, 1962, 5 SCRA 484.
- [57] Ong Pen Oan vs. Republic, supra, fn. 53; Grant vs. Republic, L-23609, March 31, 1966, 16 SCRA 517.
- [58] Ng Yao Siong vs. Republic, supra, fn. 49.
- [59] Annex B, Petition; Rollo, 44, 67.

[60] Cruz vs. Republic, supra, fn. 17.

[61] Rollo, 31-32.

[62] Republic vs. Court of Appeals, et al., G.R. No. 92326, January 24, 1992, 205 SCRA 356.

[Decision]

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; FINDINGS OF TRIAL COURT, RESPECTED. - The factual findings of the lower court, when sufficiently buttressed by legal and evidential support, are accorded high respect and are binding and conclusive upon this Court.

2. CIVIL LAW; NAME OF A PERSON; ELUCIDATED. - A person's name is a word or combination of words by which he is known and identified, and distinguished from others, for the convenience of the world at large in addressing him, or in speaking of or dealing with him. It is both of personal as well as public interest that every person must have a name. The name of an individual has two parts: the given or proper name and the surname or family name. The given or proper name is that which is given to the individual at birth or at baptism, to distinguish him from other individuals. The surname or family name is that which identifies the family to which he belongs and is continued from parent to child. The given name may be freely selected by the parents for the child, but the surname to which the child is entitled is fixed by law. By Article 408 of the Civil Code, a person's birth must be entered in the civil register. The official name of a person is that given him in the civil register. That is his name in the eyes of the law. And once the name of a person is officially entered in the civil register, Article 376 of the same Code seals that identity with its precise mandate: no person can change his name or surname without judicial authority. This statutory restriction is premised on the interest of the State in names borne by individuals and entities for purposes of identification.

3. REMEDIAL LAW; SPECIAL PROCEEDINGS; CHANGE OF PROPER NAME IS A SUBSTANTIAL CHANGE; HOW EFFECTED. - Changing the given or proper name of a person as recorded in the civil register is a substantial change in one's official or legal name and cannot be authorized without a judicial order. The purpose of the statutory procedure authorizing a change of name is simply to have, wherever possible, a record of the change, and in keeping with the object of the statute, a court to which the application is made should normally make its decree recording such change. The official name of a person whose birth is registered in the civil register is the name appearing therein. If a change in one's name is desired, this can only be done by filing and strictly complying with the substantive and procedural requirements for a special proceeding for change of name under Rule 103 of the Rules of Court, wherein the sufficiency of the reasons or grounds therefor can be threshed out and accordingly determined. Under Rule 103, a petition for change of name shall be filed in the regional trial court of the province where the person desiring to change his name resides. It shall be signed and verified by the person desiring his name to be changed or by some other person in his behalf and shall state that the petitioner has been a bona fide resident of the province where the petition is filed for at least three years prior to such filing, the cause for which the change of name is sought, and the name asked for. An order for the date and place of hearing shall be made and published, with the Solicitor General or the proper provincial or city prosecutor appearing for the Government at such hearing. It is only upon satisfactory proof of the veracity of the allegations in the petition and the reasonableness of the causes for the change of name that the court may adjudge that the name be changed as prayed for in the petition, and shall furnish a copy of said judgment to the civil registrar of the municipality concerned who shall forthwith enter the same in the civil register. A petition for change of name being a proceeding in rem, strict compliance with all the requirements therefor is indispensable in order to vest the court with jurisdiction for its adjudication. It is an independent and discrete special proceeding, in and by itself,

governed by its own set of rules. A fortiori, it cannot be granted by means of any other proceeding.

4. ID.; ID.; ID.; CAUSES; WHEN SUFFICIENT. - A change of name is a privilege, not a matter of right, addressed to the sound discretion of the court which has the duty to consider carefully the consequences of a change of name and to deny the same unless weighty reasons are shown. Before a person can be authorized to change his name, that is, his true or official name or that which appears in his birth certificate or is entered in the civil register, he must show proper and reasonable cause or any convincing reason which may justify such change. Jurisprudence has recognized, inter alia, the following grounds as being sufficient to warrant a change of name: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change results as a legal consequence of legitimation or adoption; (c) when the change will avoid confusion; (d) when one has continuously used and been known since childhood by a Filipino name and was unaware of alien parentage; (e) when the change is based on a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and without prejudice to anybody; and (f) when the surname causes embarrassment and there is no showing that the desired change of name was for a fraudulent purpose or that the change of name would prejudice public interest.

5. ID.; ID.; ID.; WHEN NOT PROPER; CASE AT BAR. - A petition for change of name grounded on the fact that one was baptized by another name, under which he has been known and which he used, has been denied inasmuch as the use of baptismal names is not sanctioned. For, in truth, baptism is not a condition sine qua non to a change of name. Neither does the fact that the petitioner has been using a different name and has become known by it constitute proper and reasonable cause to legally authorize a change of name. 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. To allow the adoptee herein to use his baptismal name, instead of his name registered in the civil register, would be to countenance or permit that which has always been frowned upon. The practically unrestricted freedom of the natural parent to select the proper or given name of the child presupposes that no other name for it has theretofore been entered in the civil register. Once such name is registered, regardless of the reasons for such choice and even if it be solely for the purpose of identification, the same constitutes the official name. This effectively authenticates the identity of the person and must remain unaltered save when, for the most compelling reasons shown in an appropriate proceeding, its change may merit judicial approval. While the right of a natural parent to name the child is recognized, guaranteed and protected under the law, the so-called right of an adoptive parent to re-name an adopted child by virtue or as a consequence of adoption, even for the most noble intentions and moving supplications, is unheard of in law and consequently cannot be favorably considered.

6. CIVIL LAW; FAMILY CODE; ADOPTION; LEGAL EFFECTS ON THE NAME AND SURNAME OF ADOPTEE. - Art. 189 of the Family Code enumerates the legal effects of adoption. The law allows the adoptee, as a matter of right and obligation, to bear the surname of the adopter, upon issuance of the decree of adoption. It is the change of the adoptee's surname to follow that of the adopter which is the natural and necessary Consequence of a grant of adoption and must specifically be contained in the order of the court, in fact, even if not prayed for by petitioner. However, the given or proper name, also known as the first or Christian name, of the adoptee must remain as it was originally registered in the civil register. The creation of an adoptive relationship does not confer upon the adopter a license to change the adoptee's registered Christian or first name. The automatic change thereof, premised solely upon the adoption thus granted, is beyond the purview of a decree of adoption. Neither is it a mere incident in nor an adjunct of an adoption proceeding, such that a prayer therefor furtively inserted in a petition for adoption, as in this case, cannot properly be granted. The name of the adoptee as recorded in the civil register should be used in the adoption proceedings in order to vest the court with jurisdiction to hear and determine the same, and shall continue to be so used until the court orders otherwise.

7. REMEDIAL LAW; CIVIL PROCEDURE; JOINDER OF CAUSES OF ACTIONS; ELUCIDATED; NOT APPLICABLE IN CASE AT BAR. - By a joinder of causes of action, is meant the uniting of two or more demands or rights of action in one action, the statement of more than one cause of action in a declaration. It is the union of two or more civil causes of action, each of which could be made the basis of a separate suit, in the same complaint, declaration or petition. A plaintiff may under certain circumstances join several distinct demands, controversies or rights of action in one declaration, complaint or petition. A party is generally not required to join in one suit several distinct causes of action. The joinder of separate causes of action, where allowable, is permissive and not mandatory in the absence of a contrary statutory provision, even though the causes of action arose from the same factual setting and might under applicable joinder rules be joined. Modern statutes and rules governing joinders are intended to avoid a multiplicity of suits and to promote the efficient administration of justice wherever this may be done without prejudice to the rights of the litigants. To achieve these ends, they are liberally construed. While joinder of causes of action is largely left to the option of a party litigant, Section 5, Rule 2 of our present Rules allows causes of action to be joined in one complaint conditioned upon the following requisites: (a) it will not violate the rules on jurisdiction, venue and joinder of parties; and (b) the causes of action arise out of the same contract, transaction or relation between the parties, or are for demands for money or are of the same nature and character. The objectives of the rule or provision are to avoid a multiplicity of suits where the same parties and subject matter are to be dealt with by effecting in one action a complete determination of all matters in controversy and litigation between the parties involving one subject matter, and to expedite the disposition of litigation at minimum cost. The statutory intent behind the provisions on joinder of causes of action is to encourage joinder of actions which could reasonably be said to involve kindred rights and wrongs. The dominant idea is to permit joinder of causes of action, legal or equitable, where there is some substantial unity between them. While the rule allows a plaintiff to join as many separate claims as he may have, there should nevertheless be some unity in the problem presented and a common question of law and fact involved, subject always to the restriction thereon regarding jurisdiction, venue and joinder of parties. Unlimited joinder is not authorized. Turning now to the present petition, while it is true that there is no express prohibition against the joinder of a petition for adoption and for change of name, we do not believe that there is any relation between these two petitions, nor are they of the same nature or character, much less do they present any common question of fact or law, which conjointly would warrant their joinder. The policy of avoiding multiplicity of suits which underscores the rule on permissive joinder of causes of action is addressed to suits that are intimately related and also present interwoven and dependent issues which can be most expeditiously and comprehensively settled by having just one judicial proceeding, but not to suits or actions whose subject matters or corresponding reliefs are unrelated or diverse such that they are best taken up individually.

8. ID.; ID.; LIBERAL CONSTRUCTION OF RULES; ELUCIDATED; NOT WARRANTED IN CASE AT BAR. - The situation presented in this case does not warrant exception from the Rules under the policy of liberal construction thereof in general, and for change of name in particular, as proposed by private respondents and adopted by respondent judge. Liberal construction of the Rules may be invoked in situations wherein there may be some excusable formal deficiency or error in a pleading, provided that the same does not subvert the essence of the proceeding and connotes at least a reasonable attempt at compliance with the Rules. Utter disregard of the Rules cannot justly be rationalized by harking on the policy of liberal construction. The Court is not impervious to the frustration that litigants and lawyers alike would at time encounter in procedural bureaucracy but imperative justice requires correct observance of indispensable technicalities precisely designed to ensure its proper dispensation. Strict compliance with the Rules of Court is indispensable for the prevention of needless delays and for the orderly and expeditious dispatch of judicial business. Procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These

rules are not intended to hamper litigants or complicate litigation but, indeed to provide for a system under which a suitor may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge. Procedural rules have their own wholesome rationale in the orderly administration of justice. Justice has to be administered according to the Rules in order to obviate arbitrariness, caprice, or whimsicality. Only exceptionally in very extreme circumstances, when a rule deserts its proper office as in aid to justice and becomes its great hindrance and chief enemy such that rigid application thereof frustrates rather than promotes substantial justice, will technicalities deserve scant consideration from the court. In such situations, the courts are empowered, even obligated, to suspend the operation of the rules. It is the State that stands to be prejudiced by a wanton disregard of Rule 103 in this case, considering its natural interest in the methodical administration of justice and in the efficacious maintenance of a system of identification of its citizens. The rules and procedure laid down for the trial court and the adjudication of cases are matters of public policy. They are matters of public order and interest which can in no wise be changed or regulated by agreements between or stipulations by parties to an action for their singular convenience. The liberality with which this Court treats matters leading up to adoption insofar as it carries out the beneficent purpose of adoption and ensures to the adopted child the rights and privileges arising therefrom, ever mindful that the paramount consideration is the overall benefit and interest of the adopted child, should be understood in its proper context. It should not be misconstrued or misinterpreted to extend to inferences beyond the contemplation of law and jurisprudence.

APPEARANCES OF COUNSEL

The Solicitor General for petitioner.

The Law Firm of Pascual Gesmundo and Lim for private respondents.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.