

IN RE: PETITION FOR THE USE OF AN ALIAS, YU KHENG CHIAU, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G. R. No. 14022. December 28, 1959

Ponente: BARRERA, J.

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BARRERA, J.:

This is an appeal taken from the decision dated March 28, 1958 of the Court of First Instance of Manila (in Civil Case No. 35940), denying petitioner's petition for the use of an alias name.

On October 7, 1957, petitioner filed in the above-mentioned court, a petition for the use of an alias name, to wit:

"PETITION

"COMES NOW the petitioner, by counsel, and to this Honorable court respectfully alleges:

"1. That he is of legal age, Chinese, married, residing at 962-A (Now 1854) Alvarado Extension, Manila, at which City he has been a bona fide resident since 1925;

"2." That the petitioner's real name is Yu Khehg; the word Yu, in the Chinese language, being one and the same with Yang or Young, and symbolized by the same written character: Yu being the pronunciation in the Amoy dialect; Yang in the Cantonese dialect; and Young, in the Mandarin dialect which is the national language of China;

"3. That for these reasons the petitioner has also been known as 'Young' or 'Kheng Chiau Young' to his Filipino and foreign friends and business colleagues; and accordingly, in his business and ordinary transactions, the petitioner has been signing his name as 'Kheng Chiau Young', 'Kheng C. Young', or simply 'K. C. Young', by which name, written in Occidental fashion, he has come to be better known and identified;

"4. That the signature and name: 'Kheng Chiau Young', or 'Kheng C. Young', is found by the petitioner not only necessary for better identification, but also more convenient for business purposes in the Philippines where the occidental way of signing is practiced;

"5. That the petitioner further desires to comply with the strict letter of Commonwealth Act No. 142.

"WHEREFORE, it is respectfully prayed that the petitioner be authorized by this Honorable Court, pursuant to law, to use and employ the alias 'Kheng Chiau Young', as well as any of the Occidental forms thereof, to wit: 'Kheng C. Young' or 'K. C. Young', and sign himself in such manner or style."

After due publication of the petition and order of hearing and after receiving evidence, the court on March 28, 1958 rendered a decision which, in part, reads:

"The Court understands the predicament of the petitioner; but it is not disposed to grant his petition. It may be true as petitioner says that in China, Young is the same as Yu so that Kheng Chiau Young is the same as Yu Kheng Chiau; but in the Philippines, Yu is not Young. To grant the petition would be to add more confusion.

More than that, the Court gathers from petitioner's evidence that he intends to reside permanently in the Philippines; the Court takes this from the fact that he has initiated a petition for naturalization; this being the case, it is only proper that he follow the Filipino way of using only one name; if he believes that it would be better for him to write his name following the Occidental method, he can easily file a petition for change of name, so that in lieu of the name, Yu Kheng Chiau" he can, abandoning the same, ask for authority to adopt the name 'Kheng Chiau Young.'

"In view whereof, denied."

Petitioner's motion for reconsideration of said decision filed on April 24, 1958 having been denied, he appealed to us on May 22, 1958.

Petitioner, in this instance, claims that the lower court erred in denying his petition for the use of an alias name, on the grounds stated in the decision above-quoted.

We do not agree with petitioner. Section 2 of Commonwealth Act No. 142 provides that "Any person desiring to use an alias or aliases shall apply for authority therefor in proceedings like those legally provided to obtain judicial authority for a change of name" under Rule 103 of the Rules of Court, which states in Section 5, as follows:

"SEC. 5. Judgment.—Upon satisfactory proof in open court on the date fixed in the order that such order has been published as directed and that the allegations of the petition are true, the court shall, if proper and reasonable cause appears for change the name of the petitioner, adjudge that such name be changed in accordance with the prayer of the petition." (Italics supplied.)

Under this provision, a petitioner seeking the change of his name or the use of an alias name, as in the instant case, must show to the satisfaction of the court "proper and reasonable" grounds, in order to entitle him to the grant of his petition. An order granting or denying the petition is a matter of judicial discretion, not of right.[1]

"Such a petitioner is required, among other things, to state the is no statutory duty resting on the district court to make the order demanded except:

Upon being duly satisfied, by proof in open court, of the truth of the allegations set forth in the petition, and that there exists proper and reasonable cause for changing the name of the petitioner.'

"Proof of proper and reasonable cause sufficient to satisfy the district court is a condition of the statutory relief. At common law a man may change his name any time; but in this state, if he desires a judicial record thereof, he must adduce evidence to satisfy the court that there is sufficient and reasonable cause for the change. In exercising the power to change names the district court is not subject to the whims of every petitioner. * * * Under the statute requiring sufficient and reasonable cause for a change of name, a decree is not a matter of right, but of judicial discretion. Sufficient and reasonable cause for changing the name of petitioner has not been shown." (In re Taminosien, 97 Neb. 514; 150 N.W. 824; Italics supplied.)

There can hardly be any doubt that petitioner's use of the alias "Kheng Chiau Young" in addition to his real name "Yu Kheng Chiau" would add to more confusion. That he is known in his business, as manager of the Robert Reid, Inc. by the former name, is not sufficient reason to allow him its use. After all, petitioner admitted that he is known to his associates by both names. In fact, the Anselmo Trinidad, Inc., of which he is a customer, knows him by his real name. Neither would the fact that he had encountered certain difficulties in his transactions with governments offices, which required him to explain why he bore two names, justify the grant of his petition, for petitioner could easily avoid said difficulties by simply using and sticking only to his real name "Yu Kheng Chiau."

The fact that petitioner intends to reside permanently in the Philippines, as shown by his having filed a petition for

naturalization in Branch V of the above-mentioned court, argues the more against the grant, of his petition, because if naturalized as a Filipino citizen, there would then be no necessity for his further using said alias, as it would be contrary to the usual Filipino way and practice of using only one name in ordinary as well as business transactions. And, as the lower court correctly observed, if he believes (after he is naturalized) that it would be better for him to write his name following the Occidental method, "he can easily file a petition for change of name, so that in lieu of the name 'Yu Kheng Chiau', he can, abandoning the same, ask for authority to adopt the name 'Kheng Chiau Young'".

All things considered, we are of the opinion and so hold, that petitioner has not shown satisfactorily proper and reasonable grounds under the aforequoted provisions of Commonwealth Act No. 142 and the Rules of Court, to warrant the grant of his petition for the use of an alias name.

Wherefore, finding no error in the judgment of the court a quo, we hereby affirm the same, with costs against the petitioner-appellant. So ordered.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Endencia, and Gutierrez David, JJ., concur.

[1] In re Ross, 67 P. 2d 94, 8 Cal. 2d 608, 110 ALR 217; In re Useldinger, 96 P. 2d. 958, 35 Cal. App. 2d 723; In re Yeserski, 47 Pa Dist. & Co. 259; Petition of Rounick, 47 Pa. Dist. & Co. 71; Petition of Winstein, 35 Pa. Dist. & Co. 227, 65 CJS 20.

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