

**IN THE MATTER OF THE PETITION FOR CHANGE OF NAMES.
SALVADORA ONG ALIAS PECK SUAN AND YAP KENG HUE, ET AL.,
PETITIONERS AND APPELLEES, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR ...**

G.R. No. 14359. January 29, 1960

Ponente: ENDENCIA, J.

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ENDENCIA, J.:

Petitioners-appellees filed civil case No. 1555-R, in the Court of First Instance of Cebu entitled "In the Matter of the Petition for Change of Names of Salvadora Ong alias Peck Suan and Yap Ken Hua, et al." and prayed, for the reasons stated therein, that the Civil Registrar of the City of Cebu be ordered "to correct and change the name of the father to YAP KENG HUE, of the mother to SALVADORA ONG alias PECK SUAN and of the child YAP BEE LING alias MARY as the true and correct names," alleging that the entry of their names in said local civil registry was erroneous, there appearing the name of the father as YAP KING HUE; the name of the mother as PECK SUAN ONG and the name of the child as YAP BEE LING. After due hearing, the lower court entered the following order:

"Por las razones expresadas, se ordena al Registro Civil de la Ciudad de Cebu que haga las correspondientes correcciones en el Registro No. 5773, referente al nacimiento de la niña YAP BEE LING, de la manera siguiente:

"NAME OF CHILD

MARY YAP BEE LING;

NAME OF FATHER

YAP KENG HUE;

NAME OF MOTHER.....

SALVADORA ONG alias PECK SUAN

ASI SE ORDENA."

The case was appealed and in this instance the Solicitor General contends that the lower court erred:

- In entertaining in the instant petition for change of names, a petition for use of aliases; and
- In ordering the correction to be made in the birth certificate of Yap Bee Ling.

Petitioners-appellees claim that the decision in question should be sustained because the true name of the mother

of Yap Bee Ling is really Salvadora Ong alias Peck Suan as shown by the alien certificate Exhibit "D"; that the true name of the father is Yap Keng Hue as shown by Exhibit "E"; and that the true name of the child is Yap Bee Ling alias Mary. They further claim that before the preparation of the birth certificate Exhibit "C", Yap Keng Hue presented to Dra. Gloria Cura Bacay Exhibits D and E, requesting her to make appear in Exhibit "C" the name of the father as Yap Keng Hua; that of the mother as Salvadora Ong alias Peck Suan and therefore Exhibit "C" as well as the entry in the civil registry of Cebu should be corrected in order that the true names of the father, mother and child may appear therein. Dra. Bacay prepared Exhibit "C", the birth certificate, the content of which was correctly copied in the local civil registry of births of Cebu City, testified however that the data in Exhibit "C" are correct and that she never saw Exhibits "D" and "E" before the preparation of said Exhibit "C". This testimony fully refutes the contention of petitioners about the incorrectness of Exhibit "C" and its entry in the civil registry of births of the City of Cebu. On the other hand, there is no evidence showing that error has been committed in the preparation of Exhibit "C", or that Exhibit "C" was incorrectly copied in the civil registry of births of Cebu City; and as to the name of the child Yap Bee Ling, we find no mistake in the aforementioned civil registry of births of Cebu City, for her name appearing therein tallies with her name in the birth certificate. The omission of the alias MARY in said civil registry was not due to error or mistake because such alias does not appear in the birth certificate. The name of Yap Bee Ling as appears in the civil registry is not incorrect; it may be incomplete, but such incompleteness is not sufficient to authorize the correction sought for by the petitioners. On the other hand, if the desire of the petitioners is to secure for Yap Bee Ling authority to use the alias Mary, that should have been stated clearly in the petition and substantiated at its hearing, a fact which the records fail to show.

Wherefore, finding no reason for granting the petition the decision appealed from is hereby reversed, with costs.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, and Gutierrez David, JJ., concur.

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