

[With Resolution of June 30, 1961]

G.R. No. 15811. March 27, 1961

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-15811/>

BARRERA, J.:

In a petition for change of name filed by Juan Manuel and his children Alexander, Gloria, Jack, and Victor, all surnamed Manuel, in the Court of First Instance of Pangasinan (Sp. Proc. No. 13791), it was alleged, among others—

"1. That petitioner Juan Manuel is the father of the other petitioners—Alexander, Gloria, Jack, and Victor, all surnamed Manuel; that they are all of legal age, except petitioners Gloria Manuel, Jack Manuel and Victor Manuel, who are 20, 18 and 16 years of age, respectively, Filipinos, and residents of No. 17 Castillo Street, Municipality of Lingayen, Province of Pangasinan, Philippines;

"2. That the petitioners have been—and still—are bona fide residents of the Municipality of Lingayen, Province of Pangasinan, Philippines, since the time of their birth up to the present;

"3. That petitioner Juan Manuel desires to change his name, because there are several persons not only in the street where he resides but in the whole municipality of Lingayen, whose names are identical to his name, Juan Manuel, thus causing confusion, particularly whenever a letter is addressed simply 'Juan Manuel', it could not be determined with certainty who is the person referred to. Another reason for the desire to change his name is that he is the child born outside of wedlock of one John Eaton, an American, and Maria Arachea Manuel, a Filipina, now both deceased. When petitioner Juan Manuel was baptized he used the family name of his mother; now, however, he desires to follow the name and surname of his father;

"4. That the other petitioners—Alexander, Gloria, Jack and Victor, all surnamed Manuel naturally and logically desire to follow their father's family name;

"5. That petitioner Juan Manuel desires to change his name to John M. Eaton and petitioners, Alexander, Gloria, Jack and Victor all surnamed Manuel; desire to change their names to Alexander, Gloria, Jack and Victor, all surnamed Eaton;

"6. That the petitioners desire that the order of hearing be published in the Pangasinan Courier."

This petition was duly published in the Pangasinan Courier once a week for three consecutive weeks.

The Solicitor General filed an opposition thereto on certain procedural grounds.

After due trial, during which only the petitioners appeared and adduced their evidence, the court granted the petition. From this decision, the oppositor has appealed.

It may be observed from the petition quoted above that the plea of change of name, from Juan Manuel to Juan M. Eaton, is prompted not only by the inconveniences his present name brings to petitioner but also by his desire to carry and use the surname of his putative father. Actually, therefore, the granting of the petition would not only result in the change of the name by which he is customarily known, but would also give judicial sanction to the

use by petitioner who, admittedly, was born out of wedlock to Maria Arachea Manuel and one John Eaton, of his alleged father's surname.

Under the Civil Code, a natural child may use the father's surname if he is acknowledged by both parents. Should he be recognized by only one of the parents, the natural child shall employ the surname of such recognizing parent. (Art. 366; also Art. 282). There is no evidence on record that petitioner Juan Manuel was duly recognized by the alleged father. The petition, therefore, for change of his name from Juan Manuel to Juan M. Eaton, should have been denied by the trial court.

It is true that the question of paternity is not the issue in the instant case, and there may really be some need for a change of his name, yet petitioner should not be allowed to use a surname which otherwise he is not permitted to employ under the law.

With the above conclusion, it follows that the prayer of the other petitioners must also be denied.

Wherefore, the decision appealed from is hereby reversed, without pronouncement as to costs. So ordered.

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

RESOLUTION

June 30, 1961

BARRERA, J.:

In our decision promulgated on March 27, 1961, the petitions for change of name of Juan Manuel, to Juan M. Eaton, and of his children Alexander, Gloria, Jack, and Victor, all surnamed Manuel, to Alexander Eaton, Gloria Eaton, Jack Eaton, and Victor Eaton, respectively were denied, for the reason that John Eaton, Juan Manuel's alleged natural father, does not appear to have acknowledged him. It was, therefore, held that pursuant to Article 366 of the New Civil Code, petitioner Juan Manuel is not allowed to use the surname of his alleged natural father.

Petitioners filed a motion for reconsideration claiming that following our ruling in the case of Valencia vs. Rodriguez (84 Phil., 222; 47 Off. Gaz., No. 1, p. 180), an unacknowledged natural child may also use the surname of the natural father.

The ruling in the cited case of Valencia Rodriguez vs. Rodriguez, supra, is not applicable to the one at bar. Firstly, the case was decided before the effectivity of the new Civil Code when there was no specific legal provision regulating the use of surnames, whereas, under the prevailing law, a natural child may only use the father's surname if he is acknowledged by both parents. Otherwise, he shall employ only the surname of the recognizing parent. (Art. 366, new Civil Code.) There is nothing in the records to show that petitioner Juan Manuel was acknowledged by both his natural father and mother.

Secondly, unlike in the Valencia case where the father was found to have acquiesced to the use by the illegitimate children of his surname, there is no evidence in the instant case that petitioner Juan Manuel has previously used the surname Eaton, with the consent or acquiescence of the putative father. On the contrary, his petition for change of name specifically alleged that he had always been using the name "Juan Manuel" and signified the intention to adopt his alleged natural father's surname only in 1958 when he filed the petition, and after the demise of the latter.

As to the other ground of the motion, it may be stated that while it is true that the oppositor Republic of the Philippines failed to assign as error in its brief, the granting of the petition of Juan Manuel, the same is plain enough for us not to take notice thereof. Thus, under Section 5 of Rule 53, Rules of Court, this Court may properly pass upon said question. (*Dilag vs. Resurreccion*, 76 Phil., 650.)

The motion for reconsideration is denied, for lack of merit. So ordered.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes J. B. L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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.