

**IN RE: PETITION FOR CHANGE OF NAME AND/OR
CORRECTION/CANCELLATION OF ENTRY IN CIVIL REGISTRY OF
JULIAN LIN CARULASAN WANG ALSO KNOWN AS JULIAN LIN WANG,
TO BE AMENDED/CORRECTED ...**

G.R. NO. 159966. March 30, 2005

Ponente: TINGA, J.

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TINGA, J.:

I will not blot out his name out of the book of life.

Revelation 3:5

On 22 September 2002, petitioner Julian Lin Carulasan Wang, a minor, represented by his mother Anna Lisa Wang, filed a petition dated 19 September 2002 for change of name and/or correction/cancellation of entry in the Civil Registry of Julian Lin Carulasan Wang. Petitioner sought to drop his middle name and have his registered name changed from Julian Lin Carulasan Wang to Julian Lin Wang.

The petition was docketed as Special Proceedings Case No. 11458 CEB and raffled to the Regional Trial Court (RTC) of Cebu City, Branch 57.

The RTC established the following facts:

Julian Lin Carulasan Wang was born in Cebu City on February 20, 1998 to parents Anna Lisa Wang and Sing-Foe Wang who were then not yet married to each other. When his parents subsequently got married on September 22, 1998, ...they executed a deed of legitimation of their son so that the child's name was changed from Julian Lin Carulasan to Julian Lin Carulasan Wang....

The parents of Julian Lin Carulasan Wang plan to stay in Singapore for a long time because they will let him study there together with his sister named Wang Mei Jasmine who was born in Singapore.... Since in Singapore middle names or the maiden surname of the mother are not carried in a person's name, they anticipate that Julian Lin Carulasan Wang will be discriminated against because of his current registered name which carries a middle name. Julian and his sister might also be asking whether they are brother and sister since they have different surnames. Carulasan sounds funny in Singapore's Mandarin language since they do not have the letter "R" but if there is, they pronounce it as "L." It is for these reasons that the name of Julian Lin Carulasan Wang is requested to be changed to Julian Lin Wang.[1]

On 30 April 2003, the RTC rendered a decision denying the petition.[2] The trial court found that the reason given for the change of name sought in the petition—that is, that petitioner Julian may be discriminated against when studies in Singapore because of his middle name—did not fall within the grounds recognized by law. The trial court ruled that the change sought is merely for the convenience of the child. Since the State has an interest in the name of a person, names cannot be changed to suit the convenience of the bearers. Under Article 174 of the Family Code, legitimate children have the right to bear the surnames of the father and the mother, and there is no

reason why this right should now be taken from petitioner Julian, considering that he is still a minor. The trial court added that when petitioner Julian reaches the age of majority, he could then decide whether he will change his name by dropping his middle name.[3]

Petitioner filed a motion for reconsideration of the decision but this was denied in a resolution dated 20 May 2004.[4] The trial court maintained that the Singaporean practice of not carrying a middle name does not justify the dropping of the middle name of a legitimate Filipino child who intends to study there. The dropping of the middle name would be tantamount to giving due recognition to or application of the laws of Singapore instead of Philippine law which is controlling. That the change of name would not prejudice public interest or would not be for a fraudulent purpose would not suffice to grant the petition if the reason for the change of name is itself not reasonable.[5]

Petitioner then filed this Petition for Review on Certiorari (Under Rule 45)[6] arguing that the trial court has decided a question of substance not theretofore determined by the Court, that is: whether or not dropping the middle name of a minor child is contrary to Article 174[7] of the Family Code. Petitioner contends that “[W]ith globalization and mixed marriages, there is a need for the Supreme Court to rule on the matter of dropping of family name for a child to adjust to his new environment, for consistency and harmony among siblings, taking into consideration the “best interest of the child.”[8] It is argued that convenience of the child is a valid reason for changing the name as long as it will not prejudice the State and others. Petitioner points out that the middle name “Carulasan” will cause him undue embarrassment and the difficulty in writing or pronouncing it will be an obstacle to his social acceptance and integration in the Singaporean community. Petitioner also alleges that it is error for the trial court to have denied the petition for change of name until he had reached the age of majority for him to decide the name to use, contrary to previous cases[9] decided by this Court that allowed a minor to petition for change of name.[10]

The Court required the Office of the Solicitor General (OSG) to comment on the petition. The OSG filed its Comment[11] positing that the trial court correctly denied the petition for change of name. The OSG argues that under Article 174 of the Family Code, legitimate children have the right to bear the surnames of their father and mother, and such right cannot be denied by the mere expedient of dropping the same. According to the OSG, there is also no showing that the dropping of the middle name “Carulasan” is in the best interest of petitioner, since mere convenience is not sufficient to support a petition for change of name and/or cancellation of entry.[12] The OSG also adds that the petitioner has not shown any compelling reason to justify the change of name or the dropping of the middle name, for that matter. Petitioner’s allegation that the continued use of the middle name may result in confusion and difficulty is allegedly more imaginary than real. The OSG reiterates its argument raised before the trial court that the dropping of the child’s middle name could only trigger much deeper inquiries regarding the true parentage of petitioner. Hence, while petitioner Julian has a sister named Jasmine Wei Wang, there is no confusion since both use the surname of their father, Wang. Even assuming that it is customary in Singapore to drop the middle name, it has also not been shown that the use of such middle name is actually proscribed by Singaporean law.[13]

We affirm the decision of the trial court. The petition should be denied.

The Court has had occasion to express the view that the State has an interest in the names borne by individuals and entities for purposes of identification, and that a change of name is a privilege and not a right, so that before a person can be authorized to change his name given him either in his certificate of birth or civil registry, he must show proper or reasonable cause, or any compelling reason which may justify such change. Otherwise, the request should be denied.[14]

The touchstone for the grant of a change of name is that there be ‘proper and reasonable cause’ for which the change is sought.[15] To justify a request for change of name, petitioner must show not only some proper or compelling reason therefore but also that he will be prejudiced by the use of his true and official name. Among the grounds for change of name which have been held valid are: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change results as a legal consequence, as in legitimation; (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) a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and without prejudicing 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.[16]

In granting or denying petitions for change of name, the question of proper and reasonable cause is left to the sound discretion of the court. The evidence presented need only be satisfactory to the court and not all the best evidence available. What is involved is not a mere matter of allowance or disallowance of the request, but a judicious evaluation of the sufficiency and propriety of the justifications advanced in support thereof, mindful of the consequent results in the event of its grant and with the sole prerogative for making such determination being lodged in the courts.[17]

The petition before us is unlike other petitions for change of name, as it does not simply seek to change the name of the minor petitioner and adopt another, but instead seeks to drop the middle name altogether. Decided cases in this jurisdiction involving petitions for change of name usually deal with requests for change of surname. There are only a handful of cases involving requests for change of the given name[18] and none on requests for changing or dropping of the middle name. Does the law allow one to drop the middle name from his registered name? We have to answer in the negative.

A discussion on the legal significance of a person’s name is relevant at this point. We quote, thus:

...For all practical and legal purposes, a man's name is the designation by which he is known and called in the community in which he lives and is best known. It is defined as the word or combination of words by which a person is distinguished from other individuals and, also, as the label or appellation which he bears for the convenience of the world at large addressing him, or in speaking of or dealing with him. Names are used merely as one method of indicating the identity of persons; they are descriptive of persons for identification, since, the identity is the essential thing and it has frequently been held that, when identity is certain, a variance in, or misspelling of, the name is immaterial.

The names of individuals usually have two parts: the given name 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 baptism, to distinguish him from other individuals. The name 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.

A name is said to have the following characteristics: (1) It is absolute, intended to protect the individual from being confused with others. (2) It is obligatory in certain respects, for nobody can be without a name. (3) It is fixed, unchangeable, or immutable, at least at the start, and may be changed only for good cause and by judicial proceedings. (4) It is outside the commerce of man, and, therefore, inalienable and intransmissible by act inter vivos or mortis causa. (5) It is imprescriptible.[19]

This citation does not make any reference to middle names, but this does not mean that middle names have no practical or legal significance. Middle names serve to identify the maternal lineage or filiation of a person as well as further distinguish him from others who may have the same given name and surname as he has.

Our laws on the use of surnames state that legitimate and legitimated children shall principally use the surname of the father.[20] The Family Code gives legitimate children the right to bear the surnames of the father and the mother,[21] while illegitimate children shall use the surname of their mother, unless their father recognizes their filiation, in which case they may bear the father's surname.[22]

Applying these laws, an illegitimate child whose filiation is not recognized by the father bears only a given name and his mother's surname, and does not have a middle name. The name of the unrecognized illegitimate child therefore identifies him as such. It is only when the illegitimate child is legitimated by the subsequent marriage of his parents or acknowledged by the father in a public document or private handwritten instrument that he bears both his mother's surname as his middle name and his father's surname as his surname, reflecting his status as a legitimated child or an acknowledged illegitimate child.

Accordingly, the registration in the civil registry of the birth of such individuals requires that the middle name be indicated in the certificate. The registered name of a legitimate, legitimated and recognized illegitimate child thus contains a given or proper name, a middle name, and a surname.

Petitioner theorizes that it would be for his best interest to drop his middle name as this would help him to adjust more easily to and integrate himself into Singaporean society. In support, he cites *Oshita v. Republic*[23] and *Calderon v. Republic*,[24] which, however, are not apropos both.

In *Oshita*, the petitioner therein, a legitimate daughter of a Filipino mother, Buena Bartolome, and a Japanese father, Kishimatsu Oshita, sought to change her name from Antonina B. Oshita to Antonina Bartolome. The Court granted her petition based on the following considerations: she had elected Philippine citizenship upon reaching the age of majority; her other siblings who had also elected Philippine citizenship have been using their mother's surname; she was embarrassed to bear a Japanese surname there still being ill feeling against the Japanese due to the last World War; and there was no showing that the change of name was motivated by a fraudulent purpose or that it will prejudice public interest.

In *Calderon*, the Court allowed petitioner Gertrudes Josefina del Prado, an illegitimate minor child acting through her mother who filed the petition in her behalf, to change her name to Gertudes Josefina Calderon, taking the surname of her stepfather, Romeo C. Calderon, her mother's husband. The Court held that a petition for change of name of an infant should be granted where to do is clearly for the best interest of the child. The Court took into consideration the opportunity provided for the minor petitioner to eliminate the stigma of illegitimacy which she would carry if she continued to use the surname of her illegitimate father. The Court pronounced that justice dictates that every person be allowed to avail of any opportunity to improve his social standing as long as doing so he does not cause prejudice or injury to the interests of the State or of other people.

Petitioner cites *Alfon v. Republic*,[25] in arguing that although Article 174 of the Family Code gives the legitimate child the right to use the surnames of the father and the mother, it is not mandatory such that the child could use only one family name, even the family name of the mother. In *Alfon*, the petitioner therein, the legitimate daughter of Filomeno Duterte and Estrella Alfon, sought to change her name from Maria Estrella Veronica Primitiva Duterte (her name as registered in the Local Civil Registry) to Estrella S. Alfon (the name she had been using since childhood, in her school records and in her voter's registration). The trial court denied her petition but this Court overturned the denial, ruling that while Article 364 of the Civil Code states that she, as a legitimate child, should principally use the surname of her father, there is no legal obstacle for her to choose to use the surname of her mother to which she is entitled. In addition, the Court found that there was ample justification to grant her petition, i.e., to avoid confusion.

Weighing petitioner's reason of convenience for the change of his name against the standards set in the cases he

cites to support his contention would show that his justification is amorphous, to say the least, and could not warrant favorable action on his petition.

The factual antecedents and unique circumstances of the cited cases are not at all analogous to the case at bar. The instant case is clearly distinguishable from the cases of Oshita and Alfon, where the petitioners were already of age when they filed their petitions for change of name. Being of age, they are considered to have exercised their discretion and judgment, fully knowing the effects of their decision to change their surnames. It can also be unmistakably observed that the reason for the grant of the petitions for change of name in these two cases was the presence of reasonable or compelling grounds therefore. The Court, in Oshita, recognized the tangible animosity most Filipinos had during that time against the Japanese as a result of World War II, in addition to the fact of therein petitioner's election of Philippine citizenship. In Alfon, the Court granted the petition since the petitioner had been known since childhood by a name different from her registered name and she had not used her registered name in her school records and voter's registration records; thus, denying the petition would only result to confusion.

Calderon, on the other hand, granted the petition for change of name filed by a mother in behalf of her illegitimate minor child. Petitioner cites this case to buttress his argument that he does not have to reach the age of majority to petition for change of name. However, it is manifest in Calderon that the Court, in granting the petition for change of name, gave paramount consideration to the best interests of the minor petitioner therein.

In the case at bar, the only reason advanced by petitioner for the dropping his middle name is convenience. However, how such change of name would make his integration into Singaporean society easier and convenient is not clearly established. That the continued use of his middle name would cause confusion and difficulty does not constitute proper and reasonable cause to drop it from his registered complete name.

In addition, petitioner is only a minor. Considering the nebulous foundation on which his petition for change of name is based, it is best that the matter of change of his name be left to his judgment and discretion when he reaches the age of majority.[26] As he is of tender age, he may not yet understand and appreciate the value of the change of his name and granting of the same at this point may just prejudice him in his rights under our laws.

WHEREFORE, in view of the foregoing, the Petition for Review on Certiorari is DENIED.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] RTC Decision, penned by Judge Enriqueta Loquillano-Belarmino, Rollo, p. 21.

[2] Id. at 20-23.

[3] Ibid.

[4] Id. at 24-25.

[5] Ibid.

[6] Id. at 3-58; with Annexes.

[7] Art. 174. Legitimate children shall have the right: (1) To bear the surnames of the father and mother, in conformity with the provisions of the Civil Code on Surnames;

[8] Rollo, p. 5.

[9] Petitioner cites the following cases: *Tse v. Republic*, No. L-20708, 31 August 1967, 20 SCRA 1261; *Calderon v. Republic*, 126 Phil. 1 (1967); and *Republic v. Lee Wai Lam*, No. L-22607, 30 July 1969, 28 SCRA 1043. In these three cases, the Court allowed the minor to petition for change of name. *Ibid*.

[10] *Ibid*.

[11] Rollo, pp. 63-80.

[12] *Ibid*.

[13] *Id.* at 71.

[14] *Republic v. Lee Wai Lam*, No. L-22607, 30 July 1969, 28 SCRA 1040, 1047-48, citing *Yu Chi Han v. Republic*, No. L-22040, 29 November 1965 and *Yap Ek Siu v. Republic*, No. L-25437, 28 April 1969.

[15] *Republic v. Court of Appeals*, G.R. No. 88202, 14 December 1998, 300 SCRA 138.

[16] *Republic v. Court of Appeals*, G.R. No. 97906, 21 May 1992, 209 SCRA 189. See also *Republic v. Hernandez*, G.R. No. 117209, 9 February 1996, 253 SCRA 509.

[17] *Ibid*.

[18] *Go v. Republic*, No. L-20160, 29 November 1965; *In re: Flaviano C. Zapanta v. Local Civil Register*, G.R. No. 55380, 26 September 1994; *Republic v. Hernandez*, G.R. No. 117209, 9 February 1996.

[19] *Republic v. Court of Appeals*, *supra* at note 16.

[20] Article 364, Civil Code.

[21] Article 174, Family Code. *Supra* at note 7.

[22] Article 176, Family Code, as amended by Republic Act No. 9255 (An Act Allowing Illegitimate Children to Use the Surname of Their Father, Amending for the Purpose Article 176 of Executive Order No. 209, Otherwise Known as the “Family Code of the Philippines”), which took effect on 19 March 2004, by allowing illegitimate children to use the surname of their father if their filiation has been expressly recognized by the father through the record of birth appearing in the civil register, or when an admission in a public document or private handwritten instrument is made by the father.

[23] 125 Phil. 1098 (1967).

[24] *Supra* note 9.

[25] No. L-51201, 29 May 1980, 97 SCRA 858.

[26] In *Republic v. Marcos*, G.R. No. 31065, 15 February 1990, 182 SCRA 223, and *Padilla v. Republic*, 199 Phil. 226 (1982), the Court denied the petitions for change of name filed by mothers in behalf of their minor children for prematurity.

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