REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ROSELIE ELOISA BRINGAS BOLANTE A.K.A. MARIA ELOISA BRINGAS BOLANTE, RESPONDENT.

G.R. NO. 160597. July 20, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

In this petition for review under Rule 45 of the Rules of Court, the Republic of the Philippines assails and seeks to set aside the decision[1] of the Court of Appeals (CA) dated October 21, 2003 in CA-G.R. CV No. 74398 affirming that of the Regional Trial Court (RTC) of Bangued, Abra in Special Proceeding Case No. 1916, a petition for change of name thereat commenced by herein respondent Roselie Eloisa Bringas Bolante also known as Maria Eloisa Bringas Bolante.

In her petition before the RTC, respondent alleged, among other things, the following:

> - That she is a Filipino, of legal age, married, born to spouses Floriano B. Bolante and Paula B. Bringas and a resident since birth of Bangued, Abra;
>
> - That per records in the Office of the Municipal Civil Registrar, Bangued, Abra, her registered name is Roselie Eloisa Bringas Bolante which name, as far as she can remember, she did not use but instead the name Maria Eloisa Bringas Bolante;
>
> - That the name Maria Eloisa appears in all her school as well as in her other public and private records; and
>
> - That her married name is Maria Eloisa B. Bolante-Marbella.

Thus, to prevent confusion, Ms. Bolante prayed that her registered name be changed to conform to the name she has always carried and used.

Finding the petition sufficient in form and substance, the trial court ordered respondent, as petitioner thereat, to comply with the jurisdictional requirements of notice and publication, and set the hearing on February 20, 2001.

At the scheduled February 20, 2001 initial hearing, the trial court issued an Order giving respondent five (5) days within which to file a written formal offer of evidence to establish jurisdictional facts and set the presentation of evidence proper on March 26, 2001. In the afternoon of February 20, respondent filed her "Offer of Evidence for Marking and Identification Purposes to Prove Jurisdictional Facts."

On June 5, 2001, the branch clerk of court, acting upon the trial court's express March 26, 2001 directive for a resetting, issued a notice for a July 18, 2001 hearing. Following another resetting, what actually would be the initial hearing was, after notice, scheduled on September 25, 2001 and actually held. At that session, respondent presented and marked in evidence several documents without any objection on the part of herein petitioner Republic, represented by the Office of the Solicitor General (OSG), thru the duly deputized provincial prosecutor of Abra. Among the documents thus submitted and marked in evidence were the following:

Exh. "A" - The Petition
Exh. "B" - The Notice of Initial Hearing
Exh. "C" - The Certificate of Posting
Exh. "D" - The Appearance of the Solicitor General
Exh. "E" - The Authority given to the Office of the Provincial Prosecutor
Exh. "F" - The Affidavit of Publication
Exh. "F-I" -The Newspaper Clippings
Exh. "G" - The Norluzonian Courier
Exh. "H" - Another copy of Norluzonian Courier

Shortly after the trial court has declared its acquisition of jurisdiction over the case, respondent took the witness stand to state that the purpose of her petition was to have her registered name changed to that which she had actually been using thru the years. She also categorically stated she had not been accused of any crime under either her registered name or her present correct name.

An excerpt of other portions of her testimony, as recited in the Republic's petition which cited the decision of the trial court:

> At the witness stand the petitioner [herein respondent Bolante] testified, among others, that she is now married to Jorge Marbella, Jr. and presently residing at Bliss Angad, Bangued, Abra since 1995 but before she resided in Zone 4, Bangued, Abra since birth. She presented her birth certificate and was marked as Exhibit J to establish such fact of birth and to effect that the name Roselie Eloisa B. Bolante entered therein is not her true and correct name but instead Maria Eloisa Bolante which she had been using during her school days, while being a government employee, and in all her public and private records.
>
> She presented her professional license issued by the Professional Regulation Commission, Certificate issued by the Philippine Institute of Certified Public Accountant and a 'Quick Count' document all issued in her name Maria Eloisa B. Marbella, which documents were marked as Exhibit K and Exhibit L and Exhibit M respectively. She likewise marked her marriage license as Exhibit N to prove her marriage xxx.
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> xxx xxx xxx
>
> On cross she stated that the purpose of filing the petition is that, she wanted to secure a passport and wanted that the same be issued in her correct name and that she would not have filed the petition was (sic) it not for the passport.
>
> On clarificatory question by the Court she said that her reason in filing the petition is her realization that there will be a complication upon her retirement.[2] (Words in bracket added.)

On January 23, 2002, the trial court rendered judgment granting the basic petition, disposing as follows:

> WHEREFORE, premises considered, this petition is hereby approved and is granted by this Court for being meritorious.
>
> The Municipal Registrar of Bangued, Abra, is hereby directed:
>
> a) To change the name of the petitioner in her record of birth from Roselie Eloisa Bringas Bolante to Maria Eloisa Bringas Bolante; and,
>
> b) To record this decision in the Civil Registry in accordance with Registry Regulations.
>
> Furnish copy of this Order to the Municipal Civil Registrar of Bangued, Abra for recording and compliance.
>
> SO ORDERED.[3] (Underscoring added)

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In time, the Republic, through the OSG, went to the CA whereat its appellate recourse was docketed as CA-G.R. CV No. 74398. In the herein assailed Decision of October 21, 2003,[4] the appellate court affirmed in toto that of the trial court.

Hence, the Republic's present petition on the following issues:

I

> WHETHER OR NOT RESPONDENT'S SUBSTANTIAL COMPLIANCE WITH SEC. 3, RULE 103 OF THE RULES OF COURT IS SUFFICIENT TO VEST THE TRIAL COURT WITH JURISDICTION TO TAKE COGNIZANCE OF THE PETITION A QUO.
>
> II
>
> WHETHER OR NOT RESPONDENT'S BARE TESTIMONY, UNSUPPORTED BY ANY OTHER EVIDENCE, IS SUFFICIENT TO PROVE THAT THE CHANGE OF HER NAME IS NOT RESORTED FOR ILLEGAL PURPOSES.

Sections 2 and 3, Rule 103 of the Rules of Court prescribe the procedural and jurisdictional requirements for a change of name. As we articulated in Republic v. Hon. Judge of Branch III of the CFI of Cebu,[5] citing pertinent jurisprudence,[6] non-compliance with these requirements would be fatal to the jurisdiction of the lower court to hear and determine a petition for change of name. The provisions adverted to are pertinently quoted hereunder:

> SEC. 2. Contents of petition. - A petition for change of name shall be signed and verified by the person desiring his name changed, or some other person on his behalf, and shall set forth:
>
> (a) That the petitioner has been a bona fide resident of the province where the petition is filed for at least three (3) years prior to the date of such filing;
>
> (b) The cause for which the change of the petitioner's name is sought;
>
> (c) The name asked for.
>
> SEC. 3. Order for hearing. - If the petition filed is sufficient in form and substance, the court, by an order reciting the purpose of the petition, shall fix a date and place for the hearing thereof, and shall direct that a copy of the order be published before the hearing at least once a week for three (3) successive weeks in some newspaper of general circulation published in the province, ... The date set for the hearing shall not be within thirty (30) days prior to an election nor within four (4) months after the last publication of the notice. (Underscoring added.)

On the postulate that the initial hearing of a petition for a change of name cannot be set within four (4) months from the last publication of the notice of such hearing, petitioner submits at the threshold that the trial court did not acquire jurisdiction over the case for want or defective publication.

We are not persuaded.

As gleaned from the records, the basic petition for change of name was filed on October 18, 2000 and set for hearing on February 20, 2001 via an Order issued on November 13, 2000. The notice of hearing was published in the November 23, and 30, 2000 and December 7, 2000 issues of the Norluzonian Courier. Counted from the last day, December 7, 2000, of publication of the Order, the initial hearing scheduled on February 20, 2001 is indeed within the four-month prohibited period prescribed under Section 3, Rule 103 of the Rules. The Court, as did the CA,[7] must emphasize, however, that the trial court, evidently upon realizing the error committed respecting the 4-month limitation, lost no time in rectifying its mistake by rescheduling, with due notice to all concerned, the

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initial hearing for several times, finally settling for September 25, 2001.

It is the Republic's posture that the fact that the hearing took place on September 25, 2001, beyond the four-month prohibited period, did not cure the jurisdictional defect since notice of the September 25, 2001 setting went unpublished. Pressing on, the Republic would state - and correctly so - that the in rem nature of a change of name proceeding necessitates strict compliance with all jurisdictional requirements, particularly on publication, in order to vest the court with jurisdiction thereover.[8]

The Court, to be sure, is fully aware that the required publication serves as notice to the whole world that the proceeding in question has for its object to bar indifferently all who might be minded to make an objection of any and against the right sought to be established. It is the publication of such notice that brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it.[9]

In the context of Section 3, Rule 103 of the Rules, publication is valid if the following requisites concur: (1) the petition and the copy of the order indicating the date and place for the hearing must be published; (2) the publication must be at least once a week for three successive weeks; and, (3) the publication must be in some newspaper of general circulation published in the province, as the court shall deem best. Another validating ingredient relates to the caveat against the petition being heard within 30 days prior to an election or within four (4) months after the last publication of the notice of the hearing.

It cannot be over-emphasized that in a petition for change of name, any interested person may appear at the hearing and oppose the petition. Likewise, the Solicitor General or his deputy shall appear on behalf of the Government.[10] The government, as an agency of the people, represents the public and, therefore, the Solicitor General, who appears on behalf of the government, effectively represents the public.[11] In this case, the Solicitor General deputized the provincial prosecutor of Abra for the purpose of appearing in the trial on his behalf. As it were, the provincial prosecutor of Abra was fully apprised of the new dates of the initial hearing. Accordingly, there was no actual need for a republication of the initial notice of the hearing.

Not lost on the Court is the fact that during the September 25, 2001 initial hearing which, to reiterate is already outside the 4-month limitation prescribed by the Rules, the provincial prosecutor of Abra interposed no objection as to the genuineness, authenticity, relevancy or sufficiency of the exhibits presented to prove the jurisdictional requirements exacted by the Rules. In a very real sense, therefore, the petitioner Republic fully and knowingly acquiesced in the jurisdiction of the trial court. The peculiar circumstances obtaining in this case and the requirements of fair dealing demand that we accord validity to the proceedings a quo.

On the issue as to propriety of the desired change of name, we are guided by decisional law on the matter. As we have held, the State has an interest in the names borne by individuals for purposes of identification, and that changing one's name is a privilege and not a right. Accordingly, a person can be authorized to change his name appearing in either his certificate of birth or civil registry upon showing not only of reasonable cause, or any compelling reason which may justify such change, but also that he will be prejudiced by the use of his true and official name. [12] Jurisprudence has recognized certain justifying grounds to warrant a change of name. Among these are: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change will avoid confusion; (c) when one has been continuously used and been known since childhood by a Filipino name, and was unaware of alien parentage; (d) 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 will prejudice public interest.[13]

The matter of granting or denying petitions for change of name and the corollary issue of what is a proper and reasonable cause therefor rests on the sound discretion of the court. The evidence presented need only be

satisfactory to the court; it need not be the best evidence available.[14] What is involved in special proceedings for change of name is, to borrow from Republic v. Court of Appeals, [15] "not a mere matter of allowance or disallowance of the petition, 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."

With the view we take of the case, respondent's submission for a change of name is with proper and reasonable reason. As it were, she has, since she started schooling, used the given name and has been known as Maria Eloisa, albeit the name Roselie Eloisa is written on her birth record. Her scholastic records, as well as records in government offices, including that of her driver's license, professional license as a certified public accountant issued by the Professional Regulation Commission, and the "Quick Count" document of the COMELEC, all attest to her having used practically all her life the name Maria Eloisa Bringas Bolante.

The imperatives of avoiding confusion dictate that the instant petition is granted. But beyond practicalities, simple justice dictates that every person shall be allowed to avail himself of any opportunity to improve his social standing, provided he does so without causing prejudice or injury to the interests of the State or of other people.[16]

The OSG's argument that respondent's bare testimony is insufficient to show that the requested name is not sought for any illegal purpose and/or in avoidance of any entanglement with the law deserves scant consideration. Surely, the issuance of a police and NBI clearance or like certification, while perhaps apropos, cannot, as the OSG suggests, be a convincing norm of one's good moral character or compelling evidence to prove that the change of name is not sought for any evil motive or fraudulent intent. Respondent's open court testimony, given under pain of perjury and for which she was cross-examined, that she had not been accused of any crime under her registered name or under her present name (name that she is using) had convinced the trial court of the bona fides of her request for change of name. As the CA correctly ratiocinated:

> In the case at bar, petitioner [now respondent] seeks to change her registered name in order to avoid confusion having used a different name all her life. This is a valid ground under the afore-mentioned enumeration not to mention that the instant remedy presents the less cumbersome and most convenient way to set her records straight.
>
> Anent the contention of oppositor-appellant that petitioner failed to prove that the petition is not resorted to for an illegal purpose due to her inability to present NBI as well as police clearance to the effect that she has no derogatory records, due perusal of the requirements of Rule 103 reveals that it does not so provide such a quantum of proof to establish the fact that a petitioner has no derogatory records. This purpose, we think, is served upon the declaration and affirmation of the petitioner in open court that the petition is not to further fraud but for a legitimate purpose, coupled by the absence of any oppositor to the petition. There is yet no jurisprudence requiring a petitioner in a petition for a change of name to present NBI and police clearances to prove that the said petition is not resorted to for purpose of fraud. Until such time, we see no urgency to impose the requirements espoused by oppositor-appellant. (Word in bracket added).

At bottom, petitioner Republic has not demonstrated that the allowance of the basic petition is whimsical or based on a consideration other than to avoid confusion. The trial court appears to have exercised its discretion judiciously when it granted the petition. Like the CA, the Court loathes to disturb the action thus taken.

WHEREFORE, the petition is DENIED and the assailed Decision of the Court of Appeals dated October 21, 2003 is AFFIRMED.

No pronouncement as to costs.

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SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

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[1]Penned by Associate Justice Rodrigo V. Cosico and concurred in by Associate Justices Mariano C. del Castillo and Rosalinda Asuncion-Vicente; Rollo, pp. 37-42.

[2] Rollo, pp. 18-19.

[3] Lifted from pp. 1 & 2 of the CA Decision; Rollo, pp. 37-38.

[4] See Note #1, supra.

[5] 217 Phil. 442 (1984).

[6] In the Matter of the Change of Name of Hermogenes Diangkina. Republic v. Reyes, 150-A Phil. 962 (1972); Republic v. Tañada, 149 Phil. 506 (1971); Ng Yao Siong v. Republic, L-20306, March 31, 1966, 16 SCRA 483.

[7] Page 2 of CA Decision; Rollo, p. 38.

[8] Republic v. Court of Appeals, G.R. No. 97906, May 21, 1992, 209 SCRA 189.

[9] Barco v. Court of Appeals, G.R. No. 120587, January 20, 2004, 420 SCRA 162.

[10] Rule 103, Sec. 4.

[11] Anti-Chinese League v. Felix, 77 Phil. 1012 (1947), cited in Republic v. Tan Keh, G.R. No. 144742, November 11, 2004, 442 SCRA 203.

[12] In Re: Petition for Change of Name and/or Correction/Cancellation of Entry in Civil Registry of Julian Lin Carulasan Wang, G.R. No. 159966, March 30, 2005, 454 SCRA 155.

[13] Republic v. Jose R. Hernadez, 323 Phil. 66 (1996).

[14] Ching v. Republic, 98 Phil. 1012 (1956); Oshita v. Republic, G.R. No. L-21180, March 31, 1967, 19 SCRA 700.

[15] Republic v. Court of Appeals, G.R. No. 97906, May 21, 1992, 209 SCRA 189.

[16] Supra note 9.

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