

IN THE MATTER OF THE PETITION FOR CHANGE OF NAME. PEDRO F. NACIONALES, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. 18067. April 29, 1966

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

Registered at birth and baptized as Pedro Nacionales, the petitioner desires to change his name to Pedro F. Guarin, after having been known as Pedro Nacionales for twenty years.

The Pangasinan court of first instance granted his petition, upon finding that although in the registry of birth, Pedro "appears to be the son of Maximino Nacionales and Maria Guarin, the fact is that his true father was G. R. No. L-18067 Vicente Guarin and his true mother was Maria Ferrer. * * * it was made to appear that his father was Maximino Nacionales and his mother was Maria Guarin, * * * because four children of the spouses Vicente Guarin and Maria Ferrer all died in infancy, and their fifth child was already very sickly, so that when their sixth child, the petitioner, was born, the latter's father and mother were advised, pursuant to local belief, to register the child under a different family name, as if he were born of another couple, thereby breaking the unlucky chain of deaths in infancy. Accordingly, by agreement of the true father and mother of the petitioner, he was registered with the name of Pedro Nacionales, and with the consent of his aunt, Maria Guarin, sister of his father, and wife of Maximino Nacionales, the petitioner was registered in the official register of births, and he was even baptized, as if he were the son of said Maria Guarin and Maximino Nacionales. These facts were testified to not only by the petitioner but also by his own true mother, Maria Ferrer, who is still living."

The law provides that no person shall use any name different from the one with which he was christened or such substitute name as may have been authorized by a competent court. [1] Judicial authority for a change of name may be obtained through proceedings outlined in Rule 103 of the Rules of Court. And as the state has an interest in the names borne by individuals for purposes of identification, a change of name is not a matter of right, but a privilege[2] to be granted only after a showing of "proper and reasonable cause".

Asked thrice on the witness stand why he requested for this change of name, this petitioner said "because I want to use my real family name". (p. 6, 14 & 20, t.s.n.) In other words, he wishes by this proceeding to be declared a real son of Vicente Guarin, and not the true son of Maximino Nacionales, as the record of birth and the church books disclose. This proceeding, therefore, affects the relationship of the children not only of Vicente Guarin (deceased) and Maria Ferrer, but also of Maximino Nacionales and his wife Maria Guarin (both dead).

There are other surviving children of both families; two of Vicente Guarin,[3] and seven of Maximino Nacionales[4]; and yet none of them declared in favor of the petition. They are persons entitled to protect their surnames[5] not to say their family ties and/or property rights.

On the other hand, this proceeding is in effect, an action by Pedro to claim legitimacy (Art. 268, Civil Code) in the form of a petition to change his name. And considering that three of the four persons principally affected have

passed from this life, and that correction of public and church records [6] should not be permitted upon inconclusive proof, we believe, and so hold, that this petition has not been shown to be proper and reasonable.

Accordingly, the appealed decision is reversed and the petition denied. So ordered.

Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

[1] Commonwealth Act 142; Art. 376, New Civil Code.

[2] Ong Pen Oan vs. Republic, 54 Off. Gaz. 2527.

[3] p. 6 s.n.

[4] p. 33 s.n.

[5] Arts. 337, 378, New Civil Code.

[6] Even school records, perhaps.

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