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Wherefore, modified only with respect to the qualifying circumstance which attended the commission of the crime and with respect to the indemnity, which should be, as it is hereby, increased from P6,000.00 to P12,000.00[5] the judgment appealed from is affirmed in all respects, with costs against the appellants.

*Concepcion, C.J., Zaldivar, Castro, Fernando, Teehankee, Barredo, Antonio* and *Esguerra, JJ.*, concur.

*Reyes, J.B.L.* and *Makasiar, JJ.*, took no part.

*Judgment affirmed with modifications.*

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[No. L-29574. August 18, 1972]

IN THE MATTER OF THE PETITION FOR CHANGE OF NAME, GO CHIU BENG, petitioner and appellee, vs. REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

SPECIAL PROCEEDINGS; PETITION FOR CHANGE OF NAME; ALL NAMES BY WHICH APPLICANT IS KNOWN SHOULD BE INCLUDED IN TITLE OF NOTICE OF THE ORDER OF THE FILING OF THE PETITION; NON-INCLUSION IS JURISDICTIONAL DEFECT.– Where the *only* name given in the title of the notice of the order of the filing of appellee's amended petition for change of name was that of Go Chiu Beng and no other name was given in said title, despite the fact that, in both his original and amended petitions, appellee alleged that he had "always" been known, "since his arrival in the Philippines," as "Reynaldo"; and that his own certificate of naturalization, Exhibit "B", shows that he is likewise known as "Jimmy Go", the decision of the court of first instance granting the petition of appellee Go Chiu Beng for change of name to that of "Reynaldo Bingo" as prayed for in his amended petition instead of "Reynaldo Gosibeng," as prayed for in his original petition, must be set aside as null and void for want of jurisdiction to entertain appellee's petition.

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[5] People *vs.* Pantoja, L-18793, October 11, 1968, 25 SCRA 759.

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APPEAL from a judgment of the Court of First Instance of Leyte. Garlitos, *J.*

The facts are stated in the opinion of the Court.

*Estanislao L. Granados* for petitioner and appellee.

*Solicitor General Felix V. Makasiar, Assistant Solicitor General Felicisimo R. Rosete* and *Solicitor Teodulo R. Diño* for oppositor and appellant.

CONCEPCION, *C.J.:*

This is an appeal, taken by the Government, from a decision of the Court of First Instance of Leyte granting the petition of appellee Go Chiu Beng for change of name to that of "Reynaldo Bingo," as prayed for in his amended petition, instead of "Reynaldo Gosibeng", as prayed for in his original petition.

Upon a review of the records, it is manifest therefrom that the decision appealed from must be set aside as null and void for want of jurisdiction to entertain appellee's petition for change of name, it being undisputed, as it appears from petitioner's Exhibit "A", that the *only* name given in the title of the notice of the order about the filing of appellee's amended petitions was that of Go Chiu Beng; that no other name was given in said title, despite the fact that, in both his original and amended petition, appellee alleged that he had "always" been known, "since his arrival in the Philippines," as "Reynaldo"; and that his own certificate of naturalization, Exhibit "B", shows that he is likewise known as "Jimmy Go."

Indeed, in Ng Yao Siong *vs.* Republic, [1] it was held:

> "1. Change of name is a judicial proceeding *in rem.* Jurisdiction to hear and determine a petition therefor, by law, is acquired after publication of the 'order reciting the purpose of the petition' and

[1] L-20306, March 31, 1966.

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> the 'date and place for the hearing thereof' – for three (3) successive weeks in a newspaper of general circulation. Publication is notice to the whole world that the proceeding has for its object 'to bar indifferently all who might be minded to make an objection of any sort against the right sought to be established.'
>
> "But, for that publication to be effective, it must give a correct information. To inform, the publication should recite, amongst others, the following facts: (1) the name or names of the applicant, (2) the cause for which the change of name is sought, and (3) the new name asked for.
>
> "Change of name is a matter of public interest. Petitioner might be in the gallery of wanted criminals; he could be in hiding to avoid service of sentence or compliance with a judgment in a criminal case; he could have escaped a penal institution into which he had been confined. If an alien, he might have given cause for deportation or might be one against whom an order of deportation had actually been issued. And again the new name petitioner desires to adopt may be similar to that of a respectable person. The latter may have evidence that petitioner is with unsavory reputation. Naturally, it is to the interest of the person actually enjoying the good name to protect it against possible mistaken reference to him as the petitioner.
>
> "Change of name is not a right. It is a privilege. The court may give or withhold its consent."

In said case of Ng Yao Siong, his other names, although not mentioned in the *title* of his petition and in the notice published in connection therewith, *were set forth in the body of the petition.* Yet it was ruled that all *aliases* should be included in the *title* of the petition, not only in the body thereof, because " * * * (t)he reason for this is obvious.

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Notices in the newspapers, like the one under consideration, usually appear in the back pages. The reader, as is to be expected, merely glances at the *title* of the petition. It is only after he has satisfied himself that the title interests him, that he proceeds to read down further. The probability is that the portions in the publication heretofore quoted will escape the reader's notice. The purpose for which the publication is made, that is, to inform, may thus be unserved." The Court then ruled that "for a publication of a petition for a change of name to be valid, the title thereof should include, *first*, his real name, and *second*, his aliases, if any." [2]

Indeed, in a subsequent case, [3] this Court explained –

> "Notices published in the newspapers often appear in the back pages thereof or in pages least read or paid attention to. The reader, as usually happens, merely scans these pages and glances fleetingly at the captions of the published orders or the titles of the petitions. Only if the caption or the title strikes him does the reader proceed to read on. And the probability is great that the reader does not at all notice the other names and/or *aliases* of the applicant if these are mentioned only in the body of the order or petition. The non-inclusion of all the names and/or *aliases* of the applicant in the caption of the order or the title of the petition defeats the very purpose of the required publication."

Wherefore, the decision appealed from should be as it is hereby annulled and set aside and this case dismissed, with costs against petitioner-appellee Go Chiu Beng. It is so ordered.

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[2] *See*, also, Republic *vs.* Lee Wai Lam, L-22607, July 30, 1969; Chan Chin *vs.* The Local Civil Registrar of Manila, L-27159, Sept. 17, 1969.

[3] Republic *vs.* Tañada, L-31563, Nov. 29, 1971.

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*Makalintal, Zaldivar, Castro, Teehankee, Barredo, Antonio* and *Esguerra, JJ.*, concur.

*Reyes, J.B.L., Fernando* and *Makasiar, JJ.*, took no part.

*Decision set aside and case dismissed.*

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[No. L-28946. August 18, 1972]

TAGUMPAY MINERALS AND MINING ASSOCIATION, petitioner and appellant, *vs.* JESUS C. MASANGKAY AND THE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, respondents and appellees.

1. REMEDIAL LAW; PETITION FOR REVIEW UNDER SEC. 61 OF MINING ACT CONSIDERED APPEAL BY CERTIORARI; SEC. 61 CONSTRUED IN RELATION TO SEC. 17 AND 29 OF THE JUDICIARY ACT.– A petition for review of a decision of the Secretary of Agriculture and Natural Resources brought to the Supreme Court under the provisions of Section 61 of the Mining Act (C.A. 137 as amended by R.A. 746 and by R.A. 4388) should be considered as an appeal by certiorari. Section 61 of the Mining Act as amended by R.A. No. 4388 providing that in case "anyone of the parties should disagree from the decision or order of the Secretary of Agriculture and Natural Resources, the matter may be taken to the Court of Appeals or to the Supreme Court as the case may be * * *" must be read in relation to Section 17 and 29 of the Judiciary Act as amended by R.A. 2613, which was the law then at the time of the filing of the present action.

2. ID.; ID.; SUPREME COURT BOUND BY FINDINGS OF FACT IN DECISIONS APPEALED FROM; INSTANT CASE.– The Supreme Court said in the Basaysay case that it is "well settled that in appeals by certiorari * * * the findings of fact made in the decision appealed from will not be reviewed by this Court, unless there has been a grave abuse of discretion in making said findings by reason of the total absence of competent evidence in support thereof." In the case at bar, such competent evidence undoubtedly exist in the admissions at the hearing of Luis Selda