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[G.R. No. L-22607. July 30, 1969]

IN THE MATTER OF THE PETITION FOR CHANGE OF NAME, REPUBLIC OF THE PHILIPPINES, petitioner, *vs.* LEE WAI LAM, respondent.

SYLLABUS

1. REMEDIAL LAW; SPECIAL PROCEEDINGS; PETITION FOR CHANGE OF NAME; MINOR MAY FILE THE PETITION.— A minor, although not yet of age, may file a petition for change of name.

2. ID.; ID.; ID.; ID.; VERIFICATION MADE BY MINOR HAS NO LEGAL EFFECT ON PETITION.— Verification made by a minor in his petition for change of name is of no legal effect. This Court has said that the requirement regarding verification of a pleading is a formal, not jurisdictional, requisite. Verification is simply intended to secure an assurance that what are alleged in the pleading are true and correct and not the product of the imagination or a matter of speculation, and that the pleading is filed in good faith. The requirement regarding verification of a pleading is simply a condition affecting the form of pleading, the non-compliance of which does not necessarily render the pleading fatally defective. The court may order the correction of the pleading if verification is lacking, or act on the pleading although it is not verified if the attending circumstances are such that strict compliance with the rule may be dispensed with in order that the ends of justice or the law may thereby be served.

3. ID.; ID.; ID.; REASONABLE CAUSES FOR GRANTING THE PETITION.— The following may be considered, among others, as proper and reasonable causes that may warrant the grant of a petition for change of name: (1) when the name is ridiculous, tainted with dishonor or is extremely difficult to write or pronounce; (2) when the request for change is a consequence of a change of status, such as when a natural child is acknowledged or legitimated; and (3) when the change is necessary to avoid confusion.

4. ID.; ID.; ID.; ID.; CAUSES PRESENTED BY RESPONDENT IN CASE AT BAR NOT PROPER AND REASONABLE.— Where respondent Lee Wai Lam does not claim any of the reasonable causes that may warrant the grant of a petition for change of name and it simply appears that he wants to correct an alleged error because his actual name in China was "William Lee" not "Lee Wai Lam"; that out of filial attachment he wants to adopt his grandfather's (and his father's) surname "Lee" and his ancestral family name "Wong"; that

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he has been known in school, among his friends and the society in general, as "William Lee Wong"; and that his other names registered in the Bureau of Immigration are "William Lee Wong," "William Lee" and "William W. Lee," all of which he wants to reconcile and harmonize by simply adopting one name, "William Lee Wong," the reasons thus presented by the respondent are not proper and reasonable to authorize the change of his name as prayed for by him.

5. ID.; ID.; ID.; ID.; ID.; NAME APPEARING IN LANDING CERTIFICATE OF RESIDENCE AND IN ALIEN CERTIFICATE OF REGISTRATION SHOULD NOT BE CHANGED FOR TRIVIAL, CAPRICIOUS REASONS.— The alleged error in placing the name of the respondent as Lee Wai Lam and not "William Lee" in his Landing Certificate of Residence is not a convincing ground to warrant change of his name. The name "Lee Wai Lam" appears not only in respondent's Landing Certificate of Residence (LCR) but also in his Alien Certificate of Registration (ACR). He should retain, rather than change that name. As We have stated, the State has an interest in the name borne by an individual, and this is more so in the case of an alien whose identity, as a rule, is established by the name appearing in his alien certificate of registration (ACR). The alien's name in the ACR should not be changed for trivial or capricious reasons.

6. ID.; ID.; PRIVILEGE OF CHANGING NAMES SHOULD NOT BE GIVEN TO PERSONS WHO FIND DIFFICULTY IN HAVING USED DIFFERENT NAMES.— Since change of name is not a right but a privilege, this privilege should not be granted to an applicant who asks to change his name because he finds himself in difficulty due to his having used a name, or names, other than his official or real name.

7. ID,; ID.; ID.; USE OF ALIASES, GROUND FOR DENIAL OF PETITION.— The use of alias or aliases, as in the instant case where respondent used names other than "Lee Wai Lam" without judicial authority, is a ground for the denial of a petition for change of name.

8. ID.; ID.; ID.; REAL NAME, NAME SOUGHT TO BE ADOPTED AND ALL ALIASES AND OTHER NAMES SHOULD BE INCLUDED IN THE BODY AND TITLE OF PETITION.— This Court has ruled that an applicant for change of name should include in his petition—in the title and body thereof—not only his real name and name sought to be adopted, but also his aliases or other names used. In other words, the title of the petition for change of name should

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include the real name and all the aliases—not only in the body thereof. Thus in the case at bar, where the names "William Wong," "William L. Wong," "William Lee," and "William W. Lee," which petitioner has been using are not mentioned or included in his petition, nor are they included in the order of publication, there is such an omission which is a fatal defect that warrants the dismissal of the petition.

APPEARANCES OF COUNSEL

Solicitor General Antonio P. Barredo, Assistant Solicitor General Frine C. Zaballero and *Solicitor Bernardo P. Pardo* for petitioner.

Manuel P. Calanog and *Antonio E. Pesigan* for respondent.

DECISION

ZALDIVAR, *J.*:

An appeal by the Republic of the Philippines from the decision of the Court of Appeals which affirmed the decision of the Court of First Instance of Manila granting the petition of respondent Lee Wai Lam to change his name to "William Lee Wong."

On October 6, 1954, respondent Lee Wai Lam filed a petition in the Court of First Instance of Manila, docketed as Special Proceedings No. 24254, entitled "Petition For Change of Name of Lee Wai Lam to 'William Lee Wong,' " alleging, substantially, (1) that petitioner is of age, single, a Chinese national, and a resident of 22 Elizondo St., Quiapo, Manila; (2) that petitioner has been a bona fide resident of Manila since 1935; (3) that the reason why petitioner asks for a change of name is "because his usual name before he entered the Philippines was 'William Lee' but when his Landing Certificate of Residence was issued, when he landed here, it was merely mispronounced and misspelled to 'Lee Wai Lam.' The word 'Lee' stands for the adopted family of his grandfather, whereas 'Wai Lam' stands for the given name which should have been placed as 'William,' whereas his family and other blood relationship have been known by the family name 'Wong'[1]; (4) that petitioner had been known by the name

[1] As quoted from paragraph 3 of petition, on page 2 of the printed Record on Appeal in the Court of Appeals.

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William Lee Wong" in the different schools that he attended, namely: Philippine Sun Yat Sen where he studied the elementary course, in the Far Eastern University where he studied the high school course, and in the Mapua Institute of Technology where he studied civil engineering; and so the name "William Lee Wong" appears in his school records.

The Court of First Instance of Manila issued an order setting the petition for hearing and directing that a copy thereof be published as required by law. Said order reads in part:

"A verified petition having been filed by petitioner, thru counsel, praying for the reasons alleged therein that his name *Lee Wai Lam* be changed to *William Lee Wong*;

"It appearing that said petition is sufficient in form and substance, this Court hereby sets the foregoing petition for hearing on March 16, 1955, at 8:30 a.m. and directs that a copy of this order be published . . . in the DAILY MIRROR . . . once a week for three (3) consecutive weeks, so that all persons who are opposed to the petition may file their opposition . . ."

The Republic of the Philippines, thru the Solicitor General, opposed the petition upon the grounds, substantially, that the necessity for the change had not been established; and that if the petitioner had been using the name "William Lee Wong" since his arrival in the Philippines up to the present, as claimed by him, that fact constitutes a violation of Commonwealth Act No. 142 which prohibits the use of *aliases* without judicial authority.

After hearing, the lower court granted the petition, holding that the grounds for the opposition of the Solicitor General are not obstacles to the grant of the petition. The Republic appealed to the Court of Appeals, on both questions of fact and of law. The Court of Appeals affirmed the decision of the trial court.

In the present appeal, the Solicitor General contends that the Court of Appeals committed the following errors:

1. "The Court of Appeals erred in ruling that the petition for change of name was sufficient as to form and substance and that applicant although not yet of age at the time of its filing had sufficient capacity to verify the

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same; and further erred in ruling that the insufficiency of the petition cannot be raised for the first time on appeal."[2]

2. "The Court of Appeals erred in ruling that the evidence on record was sufficient proof of the truth of the allegations of the petition for the change of name sought."

3. "The Court of Appeals erred in ruling that the grounds for the opposition to the change of name are no obstacle to the grant of the petition."

4. "The Court of Appeals erred in affirming the decision of the trial court granting the change of name sought."

1. We find no merit in the first assigned error. In Tse *vs.* Republic,[3] this Court held that "no rule provides that a person desiring to change his name should be of age and that if he is a minor the verification made by him is of no legal effect. . . . (t)he jurisdiction of courts over the subject matter depends upon the nature of the action or proceeding and not upon the capacity or incapacity to sue of the parties. It is not an absolute prerequisite to jurisdiction over an action by a minor that he should sue through a guardian *ad litem*." In the earlier case of Oshita *vs.* Republic,[4] this Court said that the requirement regarding verification of a pleading is a formal, not a jurisdictional, requisite. Verification is simply intended to secure an assurance that what are alleged in the pleading are true and correct and not the product of the imagination or a matter of speculation, and that the pleading is filed in good faith. The requirement regarding verification of a pleading is simply a condition affecting the form of pleading, the non-compliance of which does not necessarily render the pleading fatally defective. The court may order the correction of the pleading if verification is lacking, or act on the pleading although it is not verified if the attending circumstances are such that strict compliance with the rule may be dispensed

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[2] The record shows that respondent was only 20 years and 10 months old when he filed the petition.

[3] G.R. No. L-20708, August 31, 1967.

[4] G.R. No. L-21180, March 31, 1967.

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with in order that the ends of justice or the law may thereby be served.

2. The second, third and fourth assigned errors may be discussed jointly, all of them having reference to the question of whether or not there is a "proper and reasonable cause" or any compelling reason, which may justify the change of name.

In this connection, it may be well to first define what constitutes "proper and reasonable cause" for a change of name. This Court, in Yu Chi Han *vs.* Republic,[5] had expressed what is a "proper and reasonable cause" which would warrant a change of name, thus: "This Court has already had the 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 matter of 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 (Ong Peng Oan *vs.* Republic, L-8035, November 29, 1957). The following may be considered, among others, as proper and reasonable causes that may warrant the grant of a petition for change of name: (1) when the name is ridiculous, tainted with dishonor, or is extremely difficult to write or pronounce; (2) when the request for change is a consequence of a change of status, such as when a natural child is acknowledged or legitimated; and (3) when the change is necessary to avoid confusion (Tolentino, Civil Code of the Philippines, 1953 ed., Vol. I, p. 660)."

In the case now before Us, the reasons of respondent Lee Wai Lam in asking for a change of name, as found by the Court of Appeals, are: "(a) that he desires to adopt officially the given name 'William' which was his real name in China, and not Wai Lam which was placed by mistake in his landing certificate; (b)

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[5] G.R. No. L-22040, Nov. 29, 1965; See also Yap Ek Siu *vs.* Republic, G.R. No. L-25437, April 28, 1969.

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that 'William' stands for the Chinese name 'Wai Lam'; (c) that the family name 'Lee' which he now bears is the adopted family name of his grandfather which is also carried by his father; (d) that the family name 'Wong' which he wants to adopt is the family name of his ancestors in China; (e) that he was officially registered in different schools and universities, such as Philippine Sun Yat Sen, Far Eastern University, National University and Mapua Institute of Technology, as 'William L. Wong' and was graduated and given certificates and diplomas from said educational institutions under the name 'William L. Wong'; (f) that he has been known to his friends and in society in general as 'William L. Wong'; (g) that he has been officially registered in the Bureau of Immigration under other names as 'William Lee Wong,' 'William Lee,' and 'William W. Lee'; and (h) that he wants to reconcile and harmonize his school records and his immigration papers, especially because his application for post graduate studies in the University of Michigan, U.S.A., has been accepted on the basis of his school records in the Philippines wherein he was registered, as above stated under the name 'William L. Wong.' "[6]

We note, from the reasons above stated, that respondent does not claim that his name "Lee Wai Lam" is ridiculous, or tainted with dishonor, or is difficult to write or pronounce. Neither is it claimed that the change of name is asked because of a change in his status. Nor has it been shown that the use of the name, Lee Wai Lam, has produced confusion. It simply appears that respondent wants to correct an alleged error because his actual name in China was "William Lee" not "Lee Wai Lam"; that out of filial attachment he wants to adopt his grandfather's (and his father's) surname "Lee" and his ancestral family name "Wong"; that he has been known in school, among his friends and the society in general, as "William Lee Wong"; and that his other names registered in the Bureau of Immigration are "William

[6] Decision of the Court of Appeals, reproduced on pp. 23-24 of Petitioner's brief.

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Lee Wong," "William Lee" and "William W. Lee," all of which he wants to reconcile and harmonize by simply adopting one name, "William Lee Wong."

In Yap Ek Siu *vs.* Republic,[7] petitioner Yap Ek Siu's plea to change his name to "William Tanchon" because "Tanchon" is the authorized surname of his father, a naturalized Filipino citizen, out of a sense of filial respect, was not considered sufficient cause to change his name; nor his claim that his Filipino playmates have called him from childhood by the name "William." In Jesus Ng Yao Siong *vs.* Republic,[8] the petitioner's claim that his various names caused much confusion in the school records and unnecessary delay and embarrassment to him in his dealing with the public was not considered a proper and reasonable justification to legally authorize a change of name. In Grant *vs.* Republic,[9] it was held that the fact that the petitioner has been using a different name and has become known by it, does not constitute a proper and reasonable cause to legally authorize a change of name. In Chiu Hap Chiu *vs.* Republic,[10] although the petitioner had presented a photostatic copy of a certification issued in his favor as Doctor of Medicine by the University of Sto. Tomas wherein it appears that his name is Lo Hap Chiu, such proof was not considered sufficient to justify a request for change of his name to Lo Hap Chiu. And in Yu Chi Han *vs.* Republic, *supra,* where the petitioner had shown his desire to continue using the name, Alejandro Go Yu, given after his birth or after his baptism, in his dealing in the community or in the schools he attended, this Court declared that the petitioner has not shown any proper and compelling reason that may justify the request for change of name. Based on the rulings We have cited, We do not consider the reasons presented by the respondent as proper and reasonable to authorize the change of his name as prayed for by him.

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[7] G.R. No. L-25437, April 28, 1969.

[8] G.R. No. L-20306, March 31, 1966.

[9] G.R. No. L-23609, March 31, 1966.

[10] G.R. No. L-20018, April 30, 1966.

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The alleged error in placing the name of the respondent as Lee Wai Lam and not "William Lee" in his Landing Certificate of Residence is not a convincing ground to warrant change of his name. He has been using officially the name "Lee Wai Lam" all along, and he has not been heard to complain that he has been prejudiced by the use of that name. The name "Lee Wai Lam" appears not only in respondent's Landing Certificate of Residence (LCR) but also in his Alien Certificate of Registration (ACR).[11] He should retain, rather than change that name. As We have stated, the State has an interest in the name borne by an individual, and this is more so in the case of an alien whose identity, as a rule, is established by the name appearing in his Alien Certificate of Registration (ACR).[12] The alien's name in the ACR should not be changed for trivial or capricious reasons. Furthermore, since change of name is not a right but a privilege, this privilege should not be granted to an applicant who asks to change his name because he finds himself in difficulty due to his having used a name, or names, other than his official or real name.

In the case of Ty Bio Giao *vs.* Republic,[13] this Court said:

"In cases of this nature, the possible consequences of a change of name must be carefully taken into account, and the policy of the courts should be to deny the application in the absence of clear proof that the change is really necessary and will not in anyway serve any unlawful purpose. The State has an interest in the name borne by each individual for purposes of identification, and the same should not be changed for trivial reasons."

3. Regarding the use of *alias* or *aliases*, in the instant case it is not denied that respondent used names other than "Lee Wai Lam" without judicial authority. In Jesus Ng Yao Siong *vs.* Republic, *supra,* this Court warns applicants for change of name against the unauthorized use of alias or aliases, thus:

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[11] On page 4 of petitioner's brief, it is stated that respondent secured his Alien Certificate of Registration in the name of "Wai Lam Lee" which was corrected at the back thereof in August 1951, or sixteen years after the landing to read "Lee Wai Lam" so as to conform to the Landing Certificate of Residence. This is not denied by respondent.

[12] Chiu Hap Chiu *vs.* Republic, *supra.*

[13] G.R. No. L-18669, Nov. 29, 1965.

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"The admitted fact that petitioner had been using aliases ushers us to another problem: Can a court of justice lawfully grant an application for a change of name where he has violated a law regarding the use of aliases? This poser comes to the fore, because petitioner was never authorized to use an alias by a competent court pursuant to the provisions of Commonwealth Act 142 entitled 'An Act to regulate the use of aliases.' With reference to the name Uy Keng Jesus or Jesus Uy Keng Lee which he has used in school, or Keng Lee Uy by which he is known to his friends and the general public, or Uy Keng Lee which he uses in his income tax returns, or Jesus Ng Yao Siong which appears in his alien certificate of registration, none of these names is a 'pseudonym for literary purposes,' or a name 'by which he had been known since his childhood' or 'authorized by a competent court.' This use is prohibited by that law. While we are loathe to attach a felonious label to the use of these different names, we say that such use appears to be a violation of Section 1 of said Commonwealth Act 142, punishable with imprisonment ranging from 1 month to 6 months pursuant to Section 4 of said statute. Neither did he use those other names as 'pen names' or 'stage names'; and another statute prohibits him from using the same. To grant the petition here is to sanction an unlawful act which might reach the proportions of a crime. Tan *vs.* Republic, *supra,* warns that this cannot be done."

In the case of Ty Bio Giao *vs.* Republic, *supra,* the petition for change of name was denied it having been found that the petitioner had used and had been known under several names. Said this Court:

"But the most important reason justifying denial of petitioner's application is the fact, admitted by him, that during his residence in the Philippines he had used and had been known under several names, without legal authority to do so. The possibility therefore exists -- should he be allowed now to change his name—that confusion would arise in the minds of those who had previously known him under different names."

4. Finally, and in connection also with the use of aliases, this Court has ruled that an applicant for change of name should include in his petition -- in the title and body thereof -- not only his real name and the name sought to be adopted, but also his aliases or other names used. In other words, the *title* of the petition for change of name should include the real name and all the aliases -- not only in the body thereof. Again We quote from Jesus Ng Yao Siong *vs.* Republic, *supra:*

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"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 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.

. . . . . .

". . . Petitioner himself admits that he is known by all these names. This gives rise to the necessity of including aliases in the title of the petition -- not only in the body thereof. So that, the title of this petition should read 'In the matter of the change of name of *Jesus Ng*, otherwise known as Jesus Ng Yao Siong, Jesus Uy Keng Lee, Uy Keng Lee Jesus, Keng Lee Uy and Uy Keng Lee' (this last being the name he uses in his income tax returns). The reason for this is obvious. 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 of which the publication is made, that is, to inform, may thus be unserved.

"We accordingly hold 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."

In the case at bar, the record shows that the respondent has been using six (6) names, viz: (1) Lee Wai Lam, in his LCR and ACR; (2) William Lee Wong, in his school records at Philippine Sun Yat Sen and Mapua Institute of Technology; and in his record at the Bureau of Immigration; (3) William Wong, in his school record at the Far Eastern University;[14] (4) William L. Wong, school record, National University;[15] (5) William Lee, record,

[14] Exhibit "4"; See page 9 Record on Appeal in the Court of Appeals.

[15] Decision of Court of Appeals, Petitioner's Brief, p. 23.

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Bureau of Immigration;[16] and (6) William W. Lee, record, Bureau of Immigration.[17] The names "William Wong," "William L. Wong," "William Lee," and "William W. Lee" are not mentioned or included in his petition. Neither are they included in the order of publication. Under the ruling in Jesus Ng Yao Siong *vs.* Republic, *supra,* therefore, such omission is a fatal defect that warrants the dismissal of the petition.

IN VIEW OF THE FOREGOING, the decision of the Court of Appeals, appealed from, is reversed, and the petition of Lee Wai Lam for a change of name is denied. Costs against the respondent-appellee.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Fernando, Capistrano and *Barredo, JJ.,* concur.

Ruiz Castro and *Teehankee, JJ.,* concur in the result.

[G.R. No. L-23683. July 30, 1969]

JUAN APURILLO, petitioner, *vs.* THE HONORABLE JUDGE HONORATO GARCIANO, COURT OF FIRST INSTANCE OF LEYTE, BRANCH VI, THE CLERK OF COURT, ANASTACIO AZCARRAGA, and THE SHERIFF OF LEYTE, respondents.

SYLLABUS

1. REMEDIAL LAW; SPECIAL CIVIL ACTION; PROHIBITION, WHEN AVAILABLE.— Well settled is the rule that a writ of prohibition will not issue, unless it appears that the party against whom it is sought has acted without or in excess of jurisdiction or with grave abuse of discretion, and that there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law.

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16 *Ibid,* p. 24.

17 *Ibid,* p. 24.