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WHEREFORE, the award of backwages granted by the Court of Industrial Relations is herein modified to an award of backwages for three years without qualification and deduction at the respective rates of compensation the employees concerned were receiving at the time of dismissal. The execution of this award is entrusted to the National Labor Relations Commission. Costs against petitioner.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, and *Melencio Herrera, JJ.,* concur.

Fernandez, J., took no part.

FIRST DIVISION

[G.R. No. L-32779. May 25, 1979]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **HON. FLORENDO P. AQUINO, Judge of the Court of First Instance of Nueva Ecija and JOHN LI KAN WA,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL PROCEEDINGS; CHANGE OF NAME; OMISSION IN THE TITLE OF THE PETITION OF THE NAME ASKED FOR, A SUBSTANTIAL JURISDICTIONAL INFIRMITY. — The petition for change of name shall set forth *inter alia*, the name asked for. The requirement is mandatory and compliance therewith is essential, for it is by such means that the court acquires jurisdiction. The failure to include the name sought to be adopted in the title of the petition, and consequently in the notices published in the newspaper is a substantial jurisdictional infirmity. For publication to be effective,

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it must give a correct information. To inform, the publication should recite, among others, the following facts: (a) the name or names of applicant; (b) the cause for which the change of name is sought; and (c) the new name asked for.

DECISION

DE CASTRO, *J.*:

This is a petition for review of the decision dated September 9, 1970 of the Court of First Instance of Nueva Ecija, Cabanatuan City, granting the petition of John Li Kan Wa for change of name.

Records disclose that John Li Kan Wa filed a petition for change of his name to John Sotto, alleging (a) change of his status from Chinese to Filipino as a result of his election of Filipino Citizenship; and (b) the previous confusion resulting from being registered as John Li Kan Wa and using a different name since childhood which is John Sotto. Finding the petition sufficient in substance, the court issued an order giving notice to all interested parties to appear before the court and state their objections, and directed that the order be published in the Monday Post, a newspaper of general circulation in the province of Nueva Ecija and Cabanatuan City. The Republic filed an opposition to the petition.

After due hearing, the court granted the petition for change of name; hence, the instant petition for review, filed by the Republic, thru the Solicitor General, presenting the following for resolution:

(a) Whether or not respondent judge had acquired jurisdiction to hear the petition filed by John Li Kan Wa.

(b) Whether or not respondent Li Kan Wa has presented a proper and reasonable cause for the change of name.

We find merit in the petition. Under Section 2, Rule 103 of the New Rules of Court, the petition for change shall set forth

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[1] L-29850, June 30, 1972, 45 SCRA 570.

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inter alia, the name asked for. The requirement is mandatory and compliance therewith is essential, for it is by such means that the court acquires jurisdiction. It was held in *Republic vs. Reyes*,[1] that failure to include the name sought to be adopted in the title of the petition, and consequently in the notices published in newspapers is a substantial jurisdictional infirmity. As enunciated in *Go Chiu Beng vs. Republic*,[2] for publication to be effective, it must give a correct information. To inform, the publication should recite, among others, the following facts: (a) the name or names of applicant; (b) the cause for which the change of name is sought; and (c) the new name asked for.

In *Ng Yao Siong vs. Republic*,[3] the rationale of the requirement to include in the title of the petition the name sought to be adopted was expressly made clear, thus:

"x x x Notices in the newspaper, like the one under consideration, usually appears 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 that the portion heretofore quoted will escape the reader's notice. The purpose of which the publication is made, that is, to inform, may thus be served."

It appears from respondent's exhibits 3-A and 3-B that only the name Li Kan Wa was given in the title, and the name John Sotto was not mentioned. Omission in the title of the petition of the name asked for is fatal, and the court did not acquire jurisdiction over the case. Non-compliance with the rules did not vest the court with authority to act on the petition and therefore, the questioned decision is null and void.

In view of the conclusion reached, there is no further need to pass upon the other issue as to whether or not respondent presented a reasonable or compelling cause for change of name.

WHEREFORE, the decision dated September 9, 1970 is hereby annulled and set aside and without prejudice to the amendment of

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[2] L-29574, August 18, 1972, 46 SCRA 617.

[3] L-20306, March 31, 1966, 16 SCRA 483.

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the petition, and further proper proceedings thereafter as prescribed by law.

No costs.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, and *Melencio Herrera, JJ.*, concur.

Fernandez, J., took no part.

FIRST DIVISION

[G.R. No. L-34007. May 25, 1979]

MARCELINO BELAMIDE, ALFREDO BELAMIDE (deceased and herein substituted by his children Rodolfo, Reynaldo, Lilian and Alfredo, Jr., all surnamed Belamide), JOSE BELAMIDE, ANTONIO BELAMIDE, MARIA BELAMIDE, LEONISA BELAMIDE and SALUD BELAMIDE, *petitioners, vs.* **THE HONORABLE COURT OF APPEALS and BIENVENIDO MONTOYA, FRANCISCA MONTOYA and GREGORIO MONTOYA,** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; THERE CAN BE NO GRAVE ABUSE OF DISCRETION WHEN THE DECISION WAS MADE IN ACCORDANCE WITH LAW; CASE AT BAR.**— There can be no grave abuse of discretion by the Court of Appeals in denying petitioners' Motion for New Trial. The document alleged to be falsified was presented in the trial in the lower court. Petitioners should have attacked the same as falsified with competent evidence, which could have