



Republic of the Philippines
SUPREME COURT
Manila

CERTIFIED TRUE COPY

WILFEDO V. LAPITAN
Division Clerk of Court
Third Division

DEC 19 2017

THIRD DIVISION

ERIC SIBAYAN CHUA,
Petitioner,

G.R. No. 231998

Present:

- versus -

**REPUBLIC OF THE
PHILIPPINES,**
Respondent.

VELASCO, JR., J., Chairperson,
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, JJ.

Promulgated:

November 20, 2017

Wilfredo V. Lapitan

x-----x

DECISION

VELASCO, JR., J.:

Nature of the Case

For consideration of the Court is the Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the November 7, 2016 Decision¹ and May 19, 2017 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 102624. The assailed rulings disallowed petitioner from changing the name registered in his birth certificate from "Eric Sibayan Kiat" (Eric) to "Eric Sibayan Chua."

The Facts

On January 7, 2013, Eric filed a petition for change of surname from "Kiat" to "Chua." In his petition,³ Eric alleged that he was born on November 8, 1973 to a Chinese father named "Cheong Kiat" (Cheong) and a Filipino mother named "Melania Sibayan" (Melania). However, after his birth, his father Cheong allegedly secured a favorable judgment allowing him (Cheong) to change his surname from "Kiat" to "Chua." Thus, Eric

¹ *Rollo*, pp. 39-47. Penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Sesinando E. Villon and Rodil V. Zalameda.

² Id. at 49-50.

³ Id. at 51-53.

adopted the new surname of his father, "Chua," and had been using the name "Eric Sibayan Chua" in all of his credentials. Eric likewise averred in his petition that he is known in their community as "Eric Chua" instead of "Eric Kiat." The petition was docketed as Special Proceeding Case No. 907 before the Regional Trial Court (RTC), Branch 34, in Balaoan, La Union.

After the RTC found that the petition is sufficient in form and substance, and upon establishing the requisite jurisdictional facts, trial ensued on May 21, 2013. Eric testified that he was not able to secure a copy of his father's birth certificate since the latter was born in China; that his mother Melania told him that his father Cheong changed his surname from "Kiat" to "Chua,"⁴ and that his Certificate of Live Birth is the only document where his surname appears as "Kiat." Offered in evidence were his Certificate of Baptism, Voter Certification, Police Clearance, National Bureau of Investigation Clearance, Passport, High School Diploma, and the Certificates of Live Birth of his children, which all state Eric's name to be "Eric Sibayan Chua."⁵

Melania also testified in support of the petition, claiming that Cheong used the surname "Kiat" in China, but used "Chua" in the Philippines; that "Chua" is the surname Cheong used when they married; that it was her uncle who erroneously caused the registration of Eric's name as "Eric Kiat;" and that when Eric was 16, Cheong, who was already weak, returned to China and contacted them no longer.⁶

The asseveration that Eric is known in their community as "Eric Chua" was corroborated by his neighbor, Avelino Fernandez.⁷

Ruling of the Regional Trial Court

Finding the change of name as nothing more than a straightening of the records, the RTC rendered its January 22, 2014 Decision⁸ granting the petition in the following wise:

WHEREFORE PREMISES CONSIDERED, the Court hereby orders the Local Civil Registrar of Balaoan, La Union to change the name of the petitioner from ERIC S. KIAT to ERIC S. CHUA in his Certificate of Live Birth under Registry No. 422-K-73 of the Local Civil Registrar of Balaoan, La Union.

Let a copy of the judgment be furnished the Office of the Local Civil Registrar, Balaoan, La Union and the National Statistics Office (NSO), Quezon City, Metro Manila for guidance, information and execution of the necessary corrections and the subsequent issuance of the updated/corrected Certificate of Live Birth.

⁴ Id. at 41.

⁵ Id. at 90.

⁶ Id. at 41.

⁷ Id.

⁸ Id. at 89-91. Penned by Judge Manuel R. Aquino.

SO ORDERED.⁹

The Republic, represented by the Office of the Solicitor General, interposed an appeal from the foregoing ruling.

Ruling of the Court of Appeals

On November 7, 2016, the CA rendered the assailed Decision reversing the RTC, thusly:

WHEREFORE, the instant appeal is hereby GRANTED. The January 22, 2014 Decision of the Regional Trial Court, Branch 34, Balaaoan, La Union in Special Proceedings Case No. 907 is REVERSED and SET ASIDE. The petition for change of name filed by petitioner-appellee Eric Sibayan Kiat is DISMISSED for lack of factual and legal basis.

SO ORDERED.¹⁰

According to the CA, Eric failed to establish a compelling ground for changing his name. The CA deemed that there was no proof offered tending to establish that Eric's father, Cheong, was able to secure a court judgment allowing him to officially change his surname from "Kiat" to "Chua." Eric and Melania's testimonies were seen as mere allegations that do not satisfy the requisite quantum of evidence to establish such fact. There was then no basis for Eric's adoption of the surname "Chua."¹¹ The appellate court likewise held that no proof was offered to show that Eric will be prejudiced by his use of his registered name.¹² Thus, since Eric's evidence fell short of preponderant, his petition for change of name must necessarily be dismissed, so the CA ruled.

Through its May 19, 2017 Resolution, the CA denied Eric's motion for reconsideration from the above-ruling. Hence, the instant recourse.

The Issue

The issue to be resolved herein is simply whether or not the appellate court erred in disallowing petitioner from officially changing his name.

The Court's Ruling

The petition is meritorious.

Contrary to the ruling of the CA, there is legal and factual basis for granting Eric's petition for change of name. To recall, his petition is not only

⁹ Id. at 90-91.

¹⁰ Id. at 47.

¹¹ Id. at 45.

¹² Id. at 46-47.

anchored on his father's alleged change of surname from "Kiat" to "Chua," but also on the fact that he (Eric) had been using the surname "Chua" in all of his credentials. Thus, it may be that Eric and Melania's testimonies are not preponderant proof of Cheong's change of surname, but this should not foreclose the possibility of granting the petition on a different ground.

In *Republic v. Coseteng-Magpayo*,¹³ the Court enumerated several recognized grounds that can be invoked by a person desirous of changing his name, *viz*:

- (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce;
- (b) when the change results as a legal consequence such as legitimation;
- (c) when the change will avoid confusion;**
- (d) when one has continuously used and been known since childhood by a Filipino name, and was unaware of alien parentage;
- (e) a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and without prejudicing anybody; and
- (f) 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 would prejudice public interest.¹⁴ (emphasis added)

Avoidance of confusion was invoked in *Alfon v. Republic*,¹⁵ wherein the Court granted the petition for change of name of Maria Estrella Veronica Primitiva Duterte to Estrella S. Alfon. In allowing the change of name, the Court held that:

In the case at bar, it has been shown that petitioner has, since childhood, borne the name Estrella S. Alfon although her birth records and baptismal certificate show otherwise; she was enrolled in the schools from the grades up to college under the name Estrella S. Alfon; all her friends call her by this name; she finished her course in Nursing in college and was graduated and given a diploma under this name; and she exercised the right of suffrage likewise under this name. There is therefore ample justification to grant fully her petition which is not whimsical but on the contrary is based on a solid and reasonable ground, i.e. to avoid confusion.¹⁶

The same circumstances are attendant in the case at bar. As Eric has established, he is known in his community as "Eric Chua," rather than "Eric Kiat." Moreover, all of his credentials exhibited before the Court, other than his Certificate of Live Birth, bear the name "Eric Chua." Guilty of reiteration, Eric's Certificate of Baptism, Voter Certification, Police Clearance, National Bureau of Investigation Clearance, Passport, and High School Diploma all reflect his surname to be "Chua." Thus, to compel him to use the name "Eric Kiat" at this point would inevitably lead to confusion. It would result in an alteration of all of his official documents, save for his Certificate of Live Birth. His children, too, will correspondingly be

¹³ G.R. No. 189476, February 2, 2011, 641 SCRA 533.

¹⁴ Id. at 538.

¹⁵ 186 Phil. 600 (1980).

¹⁶ Id. at 603-604.

compelled to have their records changed. For even their own Certificates of Live Birth state that their father's surname is "Chua." To deny this petition would then have ramifications not only to Eric's identity in his community, but also to that of his children.

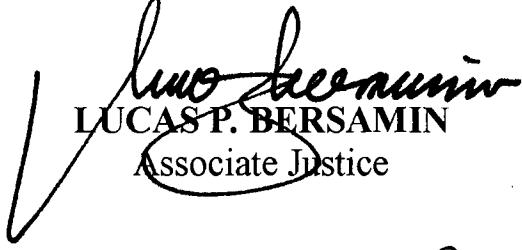
The imperatives of avoiding confusion dictate that the instant petition be granted. Additionally, public respondent failed to demonstrate that allowing petitioner to change his surname will prejudice the State, strengthening Our resolve to grant the sought-after relief.

WHEREFORE, premises considered, the petition is hereby **GRANTED**. The November 7, 2016 Decision and May 19, 2017 Resolution of the Court of Appeals (CA) in CA-G.R. CV No. 102624 are hereby **REVERSED** and **SET ASIDE**. The January 22, 2014 Decision of the Regional Trial Court (RTC) - Branch 34, Balaoan, La Union, in Special Proceeding Case No. 907 is hereby **REINSTATED**.

SO ORDERED.


PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:



LUCAS P. BERSAMIN
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



SAMUEL R. MARTIRES
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

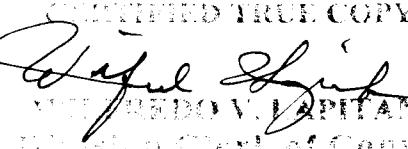
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

CERTIFIED TRUE COPY

REDONDO V. LAPITAN
Administrator of Clerks of Court
DEC 10 2017



MARIA LOURDES P. A. SERENO
Chief Justice

DEC 10 2017