

[CV No. 84552, December 12, 2007]

**MARIA LYDIA ARENAS-GONZALES, PETITIONER-APPELLEE, VS.
THE LOCAL CIVIL OF CALASIAO, PANGASINAN, NT-APPELLEE;
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.***

This is an appeal under Rule 41 of the Rules of Civil Procedure from the Decision of the Regional Trial Court, First Judicial Region, Branch 44, Dagupan City, dated 10 November 2004 in SP. PROC. NO. 2004-0118-D, a petition for change of name. The dispositive portion of the assailed Decision reads:^[1]

"WHEREFORE, the Local Civil Registrar of Calasiao, Pangasinan is ordered and directed to change the name Myrna Lydia to Maria Lydia in the birth certificate of Myrna Lydia D. Arenas.

Furnish copies of this decision to the Office of the Provincial Prosecutor, Dagupan City, Atty. Napoleon Arenas, Jr., Solicitor General and the Local Civil Registrar, Calasiao, Pangasinan.

SO ORDERED."

The antecedent facts are as follows:

On 03 June 2004, Maria Lydia Arenas-Gonzales (hereafter petitioner-appellee) filed in the court *a quo* a petition for change of name. In her petition, petitioner-appellee alleged, *inter alia*, the following:^[2]

" * * *

2. Petitioner's birth certificate, as evidenced by Annex "A" hereof, specifically her first name appears therein as "Myrna Lydia", however, she has been using since her childhood up to the present time the name "MARIA LYDIA" as evidence by her baptismal certificate and other documents marked as *Annexes "B" and series*.

3. Evidently, the entry in her birth certificate mentioned above is inimical to her rights and interest that they must be changed to conform to the truth and to prevent the perpetration of wrong. (*sic*)

Wherefore, premises considered, it is more respectfully prayed to the Honorable Court that the first name of petitioner be changed from "Myrna Lydia" to "Maria Lydia" in the manner as pleaded above to conform to the truth and in the interest of justice.

* * *"

On 06 October 2004,^[3] the Office of the Solicitor General (hereafter oppositor-appellant) filed its Comment/Opposition to the petition claiming that the court *a quo* did not acquire jurisdiction over said petition in view of the failure of petitioner-