

# FIRST DIVISION

[ G.R. No. 250520, May 05, 2021 ]

**FRANCIS LUIGI G. SANTOS, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, THE OFFICE OF THE LOCAL CIVIL REGISTRAR OF QUEZON CITY, THE CIVIL REGISTRAR GENERAL, AND ALL INTERESTED PERSONS, RESPONDENTS.**

## DECISION

### CAGUIOA, J:

This is a Petition for Review on *Certiorari*<sup>[1]</sup> (Petition) under Rule 45 of the Rules of Court assailing the August 28, 2019 Decision<sup>[2]</sup> (*Assailed Decision*) and the November 20, 2019 Resolution<sup>[3]</sup> (*Assailed Resolution*) of the Court of Appeals (CA), First Division, in CA-G.R. CV No. 111884. The CA affirmed the April 30, 2018 Decision<sup>[4]</sup> and July 20, 2018 Order<sup>[5]</sup> of the Regional Trial Court (RTC), Branch 225, Quezon City, in Spec. Proc. No. R QZN-17-04454,<sup>[6]</sup> which denied petitioner's Rule 103 petition for change of name from "Francis Luigi G. Santos" to "Francis Luigi G. Revilla."

### The Facts and Antecedent Proceedings

Petitioner Francis Luigi G. Santos (petitioner) filed a petition for change of name under Rule 103 of the Rules of Court seeking to change his surname from "Santos" to "Revilla" in his Certificate of Live Birth.<sup>[7]</sup> He alleged that sometime in 1991, his parents, Lovely Maria T. Guzman (Lovely Guzman) and Jose Marie Bautista, Jr. also known as Ramon Bong Revilla, Jr. (Bong Revilla), met and engaged in an intimate relationship.<sup>[9]</sup> He was later born in Quezon City on January 9, 1992 as "Francis Luigi Guzman."<sup>[10]</sup>

Lovely Guzman and Bong Revilla were never married as the latter was already married to Lani Mercado.<sup>[11]</sup> Thus, petitioner's Certificate of Live Birth did not bear the Revilla surname and his father was marked as unknown.<sup>[12]</sup> However, on April 24, 1996, Bong Revilla executed an Affidavit of Acknowledgment recognizing petitioner as his son.<sup>[13]</sup>

In 1999, Lovely Guzman married Patrick Joseph P. Santos (Patrick Santos), who, in turn, legally adopted petitioner. Thus, petitioner's name was changed from "Francis Luigi Guzman" to "Francis Luigi G. Santos."<sup>[14]</sup>

Although petitioner lived with his mother, he grew up close to Bong Revilla and the latter's wife and children and was treated by the family as a legitimate son.<sup>[15]</sup> He also claimed that he used the name "Luigi Revilla" when he entered show business.

[16] Thus, he filed the instant petition in order to "avoid confusion," "to show [his] sincere and genuine desire to associate himself to [Bong Revilla] and to the Revillas,"[17] and to ensure that his records show his true identity as Bong Revilla's son.[18]

On June 19, 2017, the RTC issued an Order finding the petition to be sufficient in form and substance and directed that the Order be (1) published in a newspaper of general circulation for three consecutive weeks, (2) sent to the Office of the Solicitor General (OSG), the Office of the City Prosecutor of Quezon City, the Local Civil Registrar of Quezon City, and the Philippine Statistics Office,[19] and (3) posted in three public places where petitioner resides.[20]

The Republic of the Philippines, through the OSG, filed its opposition and sought the dismissal of the petition claiming that there was no compelling reason to justify the change sought.[21]

### **The Ruling of the RTC**

In its April 30, 2018 Decision,[22] the RTC denied the petition and held that a change of name was not a matter of right and could be granted only for compelling reasons.[23] In the instant case, the RTC held that petitioner failed to show that there was any valid or justifiable ground for change of name. In fact, the RTC held that allowing petitioner to use the surname "Revilla" rather than "Santos" would create further confusion, given that he had already been legally adopted by Patrick Santos in 2001.[24] As an adopted child, the RTC held that petitioner was bound to use the surname "Santos" as adoption legally severs the legal tie between the adoptee and his or her biological parents.[25]

The RTC further noted that there was no reason to grant the change sought, given that petitioner has never legally used the name "Revilla" despite having been acknowledged in 1996, he has used the name "Santos" for all documentary purposes since his adoption,[26] and he only began using the surname "Revilla" when he entered show business. There could thus be no confusion as to his real identity as the name "Luigi Revilla" was a mere screen name, which may be different from his legal name.[27]

### **The Ruling of the CA**

In the *Assailed Decision*, the CA affirmed the decision of the RTC and held that allowing a change of name would create more confusion as to petitioner's status and filiation given that he had already been legally adopted by Patrick Santos. It was of no moment therefore that he is the biological son of Bong Revilla as the Family Code and Republic Act No. (R.A.) 8552[28] or the Domestic Adoption Act of 1998 provide that an adopted child shall bear the surname of the adopting parents.[29]

The CA further stated that the corrections sought involved substantial amendments to petitioner's birth certificate, as allowing a change in surname from "Santos" to

"Revilla" would constitute a change in his status from "legitimate" to "illegitimate." As such, the CA held that petitioner should have availed himself of the adversarial proceeding under Rule 108 for cancellation and/or correction of entries rather than the summary proceeding under Rule 103 for change of name.<sup>[30]</sup> Further, as petitioner failed to implead both his biological father and his adoptive father, the CA held that the proceedings were void under Section 3, Rule 108 for failure to implead indispensable parties.<sup>[31]</sup>

Petitioner thus filed the instant Petition claiming, among others, that (1) the CA erred in ruling that Rule 108 of the Rules of Court applies and that the proceedings were void for failure to implead indispensable parties,<sup>[32]</sup> and (2) that a change of name from "Santos" to "Revilla" may be allowed under the law by way of exception to the mandatory provisions on the use of surnames.<sup>[33]</sup>

In its Comment,<sup>[34]</sup> the OSG alleged that the CA did not err (1) in denying the appeal for petitioner's failure to comply with the requirements under Rule 108 of the Rules of Court<sup>[35]</sup> and (2) in ruling that petitioner has not shown any proper or reasonable cause which may justify the change of his surname.<sup>[36]</sup>

### **Issues**

Whether the CA erred (1) in holding that Rule 108 rather than Rule 103 applies and (2) in denying the petition to change petitioner's surname from "Santos" to "Revilla".

### **The Court's Ruling**

The Petition has partial merit. Contrary to the position of the CA, petitioner correctly availed of a Rule 103 proceeding to effect the desired change. However, the Court agrees with the CA, as well as the RTC, that petitioner failed to prove that there was any compelling reason to justify the change sought.

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*Republic v. Hernandez*<sup>[37]</sup> (*Hernandez*) discussed the nature of Rule 103 petitions for change of name in this wise:

The official name of a person whose birth is registered in the civil register is the name appearing therein. If a change in one's name is desired, this can only be done by filing and strictly complying with the substantive and procedural requirements for a special proceeding for change of name

under Rule 103 of the Rules of Court, wherein the sufficiency of the reasons or grounds therefor can be threshed out and accordingly determined.

Under Rule 103, a petition for change of name shall be filed in the regional trial court of the province where the person desiring to change his name resides. It shall be signed and verified by the person desiring the name to be changed or by some other person in his behalf and shall state that the petitioner has been a *bona fide* resident of the province where the petition is filed for at least three years prior to such filing, the cause for which the change of name is sought, and the name asked for. An order for the date and place of hearing shall be made and published, with the Solicitor General or the proper provincial or city prosecutor appearing for the Government at such hearing. It is only upon satisfactory proof of the veracity of the allegations in the petition and the reasonableness of the causes for the change of name that the court may adjudge that the name be changed as prayed for in the petition, and shall furnish a copy of said judgment to the civil registrar of the municipality concerned who shall forthwith enter the same in the civil register.

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It is necessary to reiterate in this discussion that a person's name is a word or combination of words by which he is known and identified, and distinguished from others, for the convenience of the world at large in addressing him, or in speaking of or dealing with him. It is both of personal as well as public interest that every person must have a name. The name of an individual has two parts: the given or proper name and the surname or family name. The given or proper name is that which is given to the individual at birth or at baptism, to distinguish him from other individuals. The surname or family name is that which identifies the family to which he belongs and is continued from parent to child. The given name may be freely selected by the parents for the child, but the surname to which the child is entitled is fixed by law.

By Article 408 of the Civil Code, a person's birth must be entered in the civil register. The official name of a person is that given him in the civil register. That is his name in the eyes of the law. And once the name of a person is officially entered in the civil register, Article 376 of the same Code seals that identity with its precise mandate: no person can change his name or surname without judicial authority. This statutory restriction is premised on the interest of the State in names borne by individuals and entities for purpose of identification.

By reason thereof, the only way that the name of person can be changed legally is through a petition for change of name under Rule 103 of the Rules of Court. For purposes of an application for change of name under Article 376 of the Civil Code and correlatively implemented by Rule 103, the only name that may be changed is the true or official name recorded in the civil register. As earlier mentioned, a petition for change of name being a proceeding *in rem*, impressed as it is with public interest, strict compliance with all the requisites therefor in order to vest the court with

jurisdiction is essential, and failure therein renders the proceedings a nullity.

It must likewise be stressed once again that a change of name is a privilege not a matter of right, addressed to the sound discretion of the court which has the duty to consider carefully the consequences of a change of name and to deny the same unless weighty reasons are shown. Before a person can be authorized to change his name, that is, his true or official name or that which appears in his birth certificate or is entered in the civil register, he must show proper and reasonable cause or any convincing reason which may justify such change.

Jurisprudence has recognized, *inter alia*, the following grounds as being sufficient to warrant a change of name: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change results as a legal consequence of legitimation or adoption; (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) when the change is based on a sincere desire to adopt a Filipino name to erase signs of former alienage, all in good faith and without prejudice to 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.<sup>[38]</sup> (Underscoring supplied)

Rule 103 petitions for change of name based on the foregoing jurisprudential grounds is a separate and distinct remedy from that provided under Rule 108, which involves cancellations and corrections of entries in the civil registry.<sup>[39]</sup> The Court explained the difference between Rule 103 and Rule 108 in *Republic v. Mercadera*,<sup>[40]</sup> as follows:

Rule 103 procedurally governs judicial petitions for change of given name or surname, or both, pursuant to Article 376 of the Civil Code. This rule provides the procedure for an independent special proceeding in court to establish the status of a person involving his relations with others, that is, his legal position in, or with regard to, the rest of the community. In petitions for change of name, a person avails of a remedy to alter the "designation by which he is known and called in the community in which he lives and is best known." When granted, a person's identity and interactions are affected as he bears a new "label or appellation for the convenience of the world at large in addressing him, or in speaking of, or dealing with him." Judicial permission for a change of name aims to prevent fraud and to ensure a record of the change by virtue of a court decree.

The proceeding under Rule 103 is also an action *in rem* which requires publication of the order issued by the court to afford the State and all other interested parties to oppose the petition. When complied with, the decision binds not only the parties impleaded but the whole world. As