

SECOND DIVISION

[G.R. No. 243288, August 28, 2019]

DR. RUBEN C. BARTOLOME, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

DECISION

CAGUIOA, J:

This is a petition for review on *certiorari* (Petition) under Rule 45 of the Rules of Court (Rules) assailing the April 26, 2018 Decision^[1] and November 26, 2018 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CV. No. 106384. The CA Decision denied the appeal and affirmed the October 21, 2015 Decision of Branch 258, Regional Trial Court of Parañaque City (RTC) in S.P. Proc. Case No. 14-0100, which denied petitioner's petition for change of name under Rule 103 of the Rules of Court for failure to exhaust administrative remedies, insufficiency of evidence, and improper venue.

The Facts and Antecedent Proceedings

In 2014, petitioner, a resident of Parañaque City,^[3] filed a petition for change of name under Rule 103 of the Rules of Court before the RTC, seeking "to correct the name '*Feliciano Bartholome*' as appearing in his birth certificate x x x. He stated that he has been using the name '*Ruben [Cruz] Bartolome*' since his childhood."^[4]

After posting and publication,^[5] petitioner was allowed to present the following documents to support his claim: 1) Doctor of Medicine Diploma dated May 18, 1965; 2) CSC Certificate for Medical Examiners Physician dated December 6, 1965; 3) PRC ID No. 0030981 dated December 6, 1968; 4) Marriage Contract No. 894-2-68 dated May 18, 1968; 5) Philippine Passport No. EB 1611302 dated December 23, 2010; 6) Senior Citizens ID Card No. 2006661 dated December 11, 2002; and 7) NBI Clearance No. 15050159 dated November 25, 2011,^[6] which all bore the name, "Ruben C. Bartolome."

It appears from the records that although the Office of the Solicitor General (OSG) was notified and the Office of the City Prosecutor of Parañaque City was deputized to appear on behalf of the State,^[7] no motion to dismiss was filed questioning the jurisdiction of the court or the venue of the petition.^[8] In fact, the State did not present any controverting evidence nor file any comment or opposition to the petition.^[9] It likewise appears from the records that petitioner's father and siblings were never impleaded.^[10]

The Ruling of the RTC

After trial, the RTC denied the petition for failure to exhaust administrative remedies, insufficiency of evidence, and improper venue.^[11]

As regards petitioner's *first name*, the RTC held that petitioner availed of the wrong procedure. The RTC explained that a petition for change of first name should have been filed in accordance with Republic Act (R.A.) 9048,^[12] which vested the power and authority to entertain petitions for change of first name with the city or municipal registrar or consul general concerned.^[13]

As regards the prayer for correction of petitioner's *surname*, the RTC denied the petition for improper venue.^[14] The RTC held that the Regional Trial Court of Manila where the corresponding civil registry is located was the proper venue, pursuant to Section 1, Rule 108 of the Rules of Court.^[15]

In either case, the RTC found that the evidence adduced was not sufficient to support petitioner's claim that he had been habitually and continuously using the name '*Ruben C. Bartolome*' since childhood.^[16]

Petitioner thus appealed to the CA, claiming that Rule 103 was the applicable remedy.^[17]

The Ruling of the CA

The CA denied the appeal. The CA noted that petitioner was seeking to change his first name and to correct his surname as indicated in his birth certificate.^[18] Thus, the CA held that petitioner should have filed a petition for the correction of entries in his birth certificate under R.A. 9048,^[19] instead of a Rule 103 petition for change of name. The CA likewise held that petitioner failed to adduce sufficient evidence to show that his father and his siblings' last name was actually spelled "*Bartolome*."^[20]

Petitioner filed a motion for reconsideration, which the CA denied.

Hence, petitioner filed the instant Petition insisting that Rule 103 is the proper remedy.^[21] Petitioner argues that, contrary to the ruling of the CA, R.A. 9048 covers changes in the "first name or nickname [only]"^[22] and does not cover petitions to "correct [his] surname."^[23] Thus, petitioner claims that it would be "splitting [his] cause of action" if he were compelled to file separate petitions for change of name and correction of entries.

In its Comment, the OSG argued that the CA correctly denied the appeal.^[24] The OSG claims that petitioner should have first filed a petition before the local civil registrar pursuant to R.A. 9048 in order to change his first name and to correct the spelling of his last name.^[25] The OSG claims that there was no splitting of cause of action as both reliefs are covered by R.A. 9048.^[26]

Issue

Whether the change/correction sought in petitioner's first name, middle name, and

surname, as appearing in his birth certificate, from "Feliciano Bartholome" to "Ruben Cruz Bartolome" should be filed under R.A. 9048, Rule 103, or Rule 108 of the Rules.

The Court's Ruling

The Petition lacks merit. The CA and the OSG correctly found that the administrative proceeding under R.A. 9048 applies to all corrections sought in the instant case.

Application of Rules 103 and 108 in relation to R.A. 9048, as amended by R.A. 10172

In *Republic v. Gallo*,^[27] the Court outlined the difference between Rule 103 and Rule 108 of the Rules and the effects brought about by the enactment of R.A. 9048 as amended by R.A. 10172,^[28] on the aforementioned rules. The Court explained:

Names are labels for one's identity. They facilitate social interaction, including the allocation of rights and determination of liabilities. It is for this reason that the State has an interest in one's name.

The name through which one is known is generally, however, not chosen by the individual who bears it. Rather, it is chosen by one's parents. In this sense, the choice of one's name is not a product of the exercise of autonomy of the individual to whom it refers.

In view of the State's interest in names as markers of one's identity, the law requires that these labels be registered. Understandably, in some cases, the names so registered or other aspects of one's identity that pertain to one's name are not reflected with accuracy in the Certificate of Live Birth filed with the civil registrar.

Changes to one's name, therefore, can be the result of either one of two (2) motives. The first, as an exercise of one's autonomy, is to change the appellation that one was given for various reasons. The other is not an exercise to change the label that was given to a person; it is simply to correct the data as it was recorded in the Civil Registry.

x x x x

Under Article 407 of the Civil Code, the books in the Civil Register include "acts, events and judicial decrees concerning the civil status of persons," which are *prima facie* evidence of the facts stated there.

Entries in the register include births, marriages, deaths, legal separations, annulments of marriage, judgments declaring marriages void from the beginning, legitimations, adoptions, acknowledgments of natural children, naturalization, loss or recovery of citizenship, civil interdiction, judicial determination of filiation, voluntary emancipation of a minor, and *changes of name*.

As stated, the governing law on changes of first name [and correction of clerical and typographical errors in the civil register] is currently Republic Act No. 10172, which amended Republic Act No. 9048. Prior to these laws, the controlling provisions on changes or corrections of name were Articles 376 and 412 of the Civil Code.

Article 376 states the need for judicial authority before any person can change his or her name. On the other hand, Article 412 provides that judicial authority is also necessary before any entry in the civil register may be changed or corrected.

Under the old rules, a person would have to file an action in court under Rule 103 for substantial changes in the given name or surname provided they fall under any of the valid reasons recognized by law, or Rule 108 for corrections of clerical errors.

x x x x

Applying Article 412 of the Civil Code, a person desiring to change his or her name altogether must file a petition under Rule 103 with the Regional Trial Court, which will then issue an order setting a hearing date and directing the order's publication in a newspaper of general circulation. After finding that there is proper and reasonable cause to change his or her name, the Regional Trial Court may grant the petition and order its entry in the civil register.

On the other hand, Rule 108 applies when the person is seeking to correct clerical and innocuous mistakes in his or her documents with the civil register. It also governs the correction of substantial errors in the entry of the information enumerated in Section 2 of this Rule and those affecting the civil status, citizenship, and nationality of a person. The proceedings under this rule may either be summary, if the correction pertains to clerical mistakes, or adversary, if it pertains to substantial errors.

x x x x

Following the procedure in Rule 103, Rule 108 also requires a petition to be filed before the Regional Trial Court. The trial court then sets a hearing and directs the publication of its order in a newspaper of general circulation in the province. After the hearing, the trial court may grant or dismiss the petition and serve a copy of its judgment to the Civil Registrar.

Mercadera clarified the applications of Article 376 and Rule 103, and of Article 412 and Rule 108, thus:

The "change of name" contemplated under Article 376 and Rule 103 must not be confused with Article 412 and Rule 108. A change of one's name under Rule 103 can be granted, only on grounds provided by law. In order to justify a request for

change of name, there must be a proper and compelling reason for the change and proof that the person requesting will be prejudiced by the use of his official name. To assess the sufficiency of the grounds invoked therefor, there must be adversarial proceedings.

In petitions for correction, only clerical, spelling, typographical and other innocuous errors in the civil registry may be raised. Considering that the enumeration in Section 2, Rule 108 also includes "changes of name," the correction of a patently misspelled name is covered by Rule 108. Suffice it to say, not all alterations allowed in one's name are confined under Rule 103. Corrections for clerical errors may be set right under Rule 108.

This rule in "names." however, does not operate to entirely limit Rule 108 to the correction of clerical errors in civil registry entries by way of a summary proceeding. As explained above. Republic v. Valencia is the authority for allowing substantial errors in other entries like citizenship, civil status, and paternity, to be corrected using Rule 108 provided there is an adversary proceeding. "After all, the role of the Court under Rule 108 is to ascertain the truths about the facts recorded therein." x x x

However, Republic Act No. 9048 amended Articles 376 and 412 of the Civil Code, effectively removing clerical errors and changes of the name outside the ambit of Rule 108 and putting them under the jurisdiction of the civil registrar.

In *Silverio v. Republic*:

The State has an interest in the names borne by individuals and entities for purposes of identification. A change of name is a privilege, not a right. Petitions for change of name are controlled by statutes. In this connection, Article 376 of the Civil Code provides:

ART. 376. No person can change his name or surname without judicial authority.

This Civil Code provision was amended by RA 9048 (Clerical Error Law) x x x

x x x x

RA 9048 now governs the **change of first name**. It vests the power and authority to entertain petitions for change of first name to the city or municipal civil registrar or consul general concerned. Under the law, therefore, jurisdiction over applications for change of first name is now primarily lodged