

## THIRD DIVISION

[ G.R. No. 231998, November 20, 2017 ]

**ERIC SIBAYAN CHUA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**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 Decision<sup>[1]</sup> and May 19, 2017 Resolution<sup>[2]</sup> 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,<sup>[3]</sup> 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 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;"<sup>[4]</sup> 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."<sup>[5]</sup>

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.<sup>[6]</sup>

The asseveration that Eric is known in their community as "Eric Chua" was corroborated by his neighbor, Avelino Fernandez.<sup>[7]</sup>

### **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 Decision<sup>[8]</sup> 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.

SO ORDERED.<sup>[9]</sup>

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, Balaoan, 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.<sup>[10]</sup>

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."<sup>[11]</sup> The appellate court likewise held that no proof was offered to show that Eric will be prejudiced by his use of his registered name.<sup>[12]</sup> 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