

FIRST DIVISION

[G.R. No. 88202, December 14, 1998]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. COURT OF APPEALS AND CYNTHIA VICENCIO, RESPONDENTS.

DECISION

QUISUMBING, J.:

This is an appeal interposed by the Republic of the Philippines as represented by the Office of the Solicitor General (OSG), assailing the decision^[1] of the Court of Appeals promulgated on April 28, 1989, which affirmed the decision^[2] of the Regional Trial Court of Manila, Branch 52, dated, August 31, 1987. The appealed decision granted private respondent Cynthia Vicencio's petition for change of surname, from "Vicencio" to "Yu".

As found by the trial court, hereunder are the facts and circumstances of the case:

"Petitioner's evidence is to the effect that she was born on 19 January 1971 at the Capitol Medical Center, Quezon City, to the spouses Pablo Castro Vicencio and Fe Esperanza de Vega Leabres (Exh. C, also marked Annex A of Petition); that on 10 January 1972, after a marital spat, Pablo Vicencio left their conjugal abode then situated at Meycauayan, Bulacan; that since then Pablo Vicencio never reappeared nor sent support to his family and it was Ernesto Yu who had come to the aid of Fe Esperanza Labres (sic) and her children; that on 29 June 1976, Fe Esperanza Leabres filed a petition in the then Juvenile and Domestic Relations Court of Manila for dissolution of their conjugal partnership, Civil Case No. E-02009, which was granted in a decision rendered by the Hon. Regina C. Ordoñez Benitez on 11 July 1977 (Exhs. D, D-1 to D-3); that sometime in 1983, petitioner's mother filed another petition for change of name, Sp. Proc. No. 83-16346, that is to drop the surname of her husband therefrom, and after hearing a decision was rendered on 5 July 1983 by the Hon. Emeterio C. Cui of Branch XXV of this Court approving the petition (Exh. E); that in 1984, petitioner's mother again filed another petition with this Court, Sp. Proc. No. 84-22605, for the declaration of Pablo Vicencio as an absentee, and which petition was granted on 26 April 1984 in a decision rendered by the Hon. Corona Ibay-Somera (Exh. F & F-1); that on 15 April 1986, petitioner's mother and Ernesto Yu were joined in matrimony in a ceremony solemnized by Mayor Benjamin S. Abalos of Mandaluyong, Metro Manila (Exh. G).

It was also established that evern (sic) since her childhood, petitioner had not known much less remembered her real father Pablo Vicencio, and her known father had been and still is Ernesto Yu; that despite of which she had been using the family name "Vicencio" in her school and other

related activities therein; that in view of such situation, confusion arose as to her parentage and she had been subjected to inquiries why she is using Vicencio as her family name, both by her classmates and their neighbors, causing her extreme embarrassment; that on two (2) occasions when she ran as a beauty contestant in a Lions Club affair and in a Manila Red Cross pageant, her name was entered as Cynthia L. Yu; that her step-father had been priorly consulted about this petition and had given his consent thereto; that in fact Ernesto Yu testified for petitioner and confirmed his consent to the petition as he had always treated petitioner as his own daughter ever since."^[3]

At the hearing of the petition for change of name by the trial court, the OSG manifested that it was opposing the petition. It participated in the proceedings by cross-examining the private respondent Cynthia Vicencio, (petitioner *a quo*) and her witnesses.

Disregarding the OSG's contention, the trial court ruled that there is no valid cause for denying the petition. Further, the trial court stated that it could not compel private respondent's step-father to adopt her, as adoption is a voluntary act; but failure to resort to adoption should not be a cause for disallowing private respondent to legally change her name.^[4] Hence, it granted the change of surname of private respondent from Vicencio to Yu.

The decision of the trial court was affirmed by the appellate court, which held that it is for the best interest of petitioner that her surname be changed. The appellate court took into account the testimonies of private respondent and her witnesses that allowing the change of surname would "give her an opportunity to improve her personality and welfare."^[5] It likewise noted that the discrepancy between her original surname, taken from her biological father; and the surname of her step-father, who has been socially recognized as her father, caused her embarrassment and inferiority complex.^[6]

The main issue before us is whether the appellate court erred in affirming the trial court's decision allowing the change of private respondent's surname to that of her step-father's surname.

In *Republic vs. Hernandez*^[7], we have recognized *inter alia*, the following as sufficient grounds to warrant a change of name: (a) when the name is ridiculous, dishonorable or extremely difficult to write or pronounce; (b) when the change is 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.

Private respondent asserts that her case falls under one of the justifiable grounds aforesaid. She says that confusion has arisen as to her parentage because ever since childhood, Ernesto Yu has acted as her father, assuming duties of rearing, caring and supporting her. Since she is known in society as the daughter of Ernesto