323 Phil. 606

SECOND DIVISION

[G.R. No. 117209, February 09, 1996]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. JOSE R. HERNANDEZ, IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 158, PASIG CITY AND SPOUSES VAN MUNSON Y NAVARRO AND REGINA MUNSON Y ANDRADE, RESPONDENTS.

D E C I S I O N

REGALADO, J.:

Indeed, what's in a name, as the Bard of Avon has written, *since a rose by any other name would smell as sweet?*

This could well be the theme of the present appeal by certiorari which challenges, on pure questions of law, the order of the Regional Trial Court, Branch 158, Pasig City, dated September 13, 1994[1] in JDRC Case No. 2964. Said court is faulted for having approved the petition for adoption of Kevin Earl Bartolome Moran and simultaneously granted the prayer therein for the change of the first name of said adoptee to *Aaron Joseph,* to complement the surname *Munson y Andrade* which he acquired consequent to his adoption.

The facts are undisputed. On March 10, 1994, herein private respondent spouses, Van Munson y Navarro and Regina Munson y Andrade, filed a petition[2] to adopt the minor Kevin Earl Bartolome Moran, duly alleging therein the jurisdictional facts required by Rule 99 of the Rules of Court for adoption, their qualifications as and fitness to be adoptive parents, as well as the circumstances under and by reason of which the adoption of the aforenamed minor was sought. In the very same petition, private respondents prayed for the change of the first name of said minor adoptee to Aaron Joseph, the same being the name with which he was baptized in keeping with religious tradition, and by which he has been called by his adoptive family, relatives and friends since May 6, 1993 when he arrived at private respondents' residence.[3]

At the hearing on April 18, 1994, petitioner opposed the inclusion of the relief for change of name in the same petition for adoption. In its formal opposition dated May 3, 1995,[4] petitioner reiterated its objection to the joinder of the petition for adoption and the petitions for change of name in a single proceeding, arguing that these petitions should be conducted and pursued as two separate proceedings.

After considering the evidence and arguments of the contending parties, the trial court ruled in favor of herein private respondents in this wise:

"WHEREFORE, minor child Kevin Earl Bartolome Moran is freed from all legal obligations of obedience and maintenance with respect to his natural parents, and for all legal intents and purposes shall be known as Aaron Joseph Munson y Andrade, the legally adopted child of Van Munson and Regina Munson effective upon the filing of the petition on March 10, 1994. As soon as the decree of adoption becomes final and executory, it shall be recorded in the Office of the Local Civil Registrar of Pasig, Metro Manila pursuant to Section 8, Rule 99 and Section 6, Rule 103, respectively, of the Rules of Court, and shall be annotated in the record of birth of the adopted child, which in this case is in Valenzuela, Metro Manila, where the child was born. Likewise, send a copy of this Order to the National Census and Statistics Office, Manila, for its appropriate action consisten(t) herewith."[5]

At this juncture, it should be noted that no challenge has been raised by petitioner regarding the fitness of herein private respondents to be adopting parents nor the validity of the decree of adoption rendered in their favor. The records show that the latter have commendably established their qualifications under the law to be adopters,[6] and have amply complied with the procedural requirements for the petition for adoption,[7] with the findings of the trial court being recited thus:

"To comply with the jurisdictional requirements, the Order of this Court dated March 16, 1994 setting this petition for hearing (Exh. 'A') was published in the March 31, April 6 and 13, 1994 issues of the Manila Chronicle, a newspaper of general circulation (Exhs. 'B' to 'E' and submarkings). x x x

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"Petitioners apart from being financially able, have no criminal nor derogatory record (Exhs. 'K' to 'V'); and are physically fit to be the adoptive parents of the minor child Kevin (Exh. 'W'). Their qualification to become the adoptive parents of Kevin Earl finds support also in the Social Case Study Report prepared by the DSWD through Social Worker Luz Angela Sonido, the pertinent portion of which reads:

'Mr. and Mrs. Munson are very religious, responsible, mature and friendly individuals. They are found physically healthy, mentally fit, spiritually and financially capable to adopt Kevin Earl Moran a.k.a Aaron Joseph.

'Mr. and Mrs. Munson have provided AJ with all his needs. They unselfishly share their time, love and attention to him. They are ready and willing to continuously provide him a happy and secure home life.

'Aaron Joseph, on the other hand, is growing normally under the care of the Munsons. He had comfortably settled in his new environment. His stay with the Munsons during the six months trial custody period has resulted to a close bond with Mr. and Mrs. Munson and vice-versa.

'We highly recommend to the Honorable Court that the adoption of Kevin Earl Moran aka Aaron Joseph by Mr. and Mrs. Van Munson be legalized.'" [8]

It has been said all too often enough that the factual findings of the lower court, when sufficiently buttressed by legal and evidential support, are accorded high respect and are binding and conclusive upon this Court.[9] Accordingly, we fully uphold the propriety of that portion of the order of the court below granting the petition for adoption.

The only legal issues that need to be resolved may then be synthesized mainly as follows: (1) whether or not the court a quo erred in granting the prayer for the change of the registered proper or given name of the minor adoptee embodied in the petition for adoption; and (2) whether or not there was lawful ground for the change of name.

I. It is the position of petitioner that respondent judge exceeded his jurisdiction when he additionally granted the prayer for the change of the given or proper name of the adoptee in a petition for adoption.

Petitioner argues that a petition for adoption and a petition for change of name are two special proceedings which, in substance and purpose, are different from and are not related to each other, being respectively governed by distinct sets of law and rules. In order to be entitled to both reliefs, namely, a decree of adoption and an authority to change the given or proper name of the adoptee, the respective proceedings for each must be instituted separately, and the substantive and procedural requirements therefor under Articles 183 to 193 of the Family Code in relation to Rule 99 of the Rules of Court for adoption, and Articles 364 to 380 of the Civil Code in relation to Rule 103 of the Rules of Court for change of name, must correspondingly be complied with.[10]

A perusal of the records, according to petitioner, shows that only the laws and rules on adoption have been observed, but not those for a petition for change of name. [11] Petitioner further contends that what the law allows is the change of the surname of the adoptee, as a matter of right, to conform with that of the adopter and as a natural consequence of the adoption thus granted. If what is sought is the change of the registered given or proper name, and since this would involve a substantial change of one's legal name, a petition for change of name under Rule 103 should accordingly be instituted, with the substantive and adjective requisites therefor being conformably satisfied.[12]

Private respondents, on the contrary, admittedly filed the petition for adoption with a prayer for change of name predicated upon Section 5, Rule 2 which allows permissive joinder of causes of action in order to avoid multiplicity of suits and in line with the policy of discouraging protracted and vexatious litigations. It is argued that there is no prohibition in the Rules against the joinder of adoption and change of name being pleaded as two separate but related causes of action in a single petition. Further, the conditions for permissive joinder of causes of action, i.e.,

jurisdiction of the court, proper venue and joinder of parties, have been met.[13]

Corollarily, petitioner insists on strict adherence to the rule regarding change of name in view of the natural interest of the State in maintaining a system of identification of its citizens and in the orderly administration of justice.[14] Private respondents argue otherwise and invoke a liberal construction and application of the Rules, the welfare and interest of the adoptee being the primordial concern that should be addressed in the instant proceeding.[15]

On this score, the trial court adopted a liberal stance in holding that "

> "Furthermore, the change of name of the child from Kevin Earl Bartolome to Aaron Joseph should not be treated strictly, it appearing that no rights have been prejudiced by said change of name. The strict and meticulous observation of the requisites set forth by Rule 103 of the Rules of Court is indubitably for the purpose of preventing fraud, ensuring that neither State nor any third person should be prejudiced by the grant of the petition for change of name under said rule, to a petitioner of discernment.
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> "The first name sought to be changed belongs to an infant barely over a year old. Kevin Earl has not exercised full civil rights nor engaged in any contractual obligations. Neither can he nor petitioners on his behalf, be deemed to have any immoral, criminal or illicit purpose for seeking said cha(n)ge of name. It stands to reason that there is no way that the state or any person may be so prejudiced by the action for change of Kevin Earl's first name. In fact, to obviate any possible doubts on the intent of petitioners, the prayer for change of name was caused to be published together with the petition for adoption.[16]

Art. 189 of the Family Code enumerates in no uncertain terms the legal effects of adoption:

> "(1) For civil purposes, the adopted shall be deemed to be a legitimate child of the adopters and both shall acquire the reciprocal rights and obligations arising from the relationship of parent and child, including the right of the adopted to use the surname of the adopters;
>
> (2) The parental authority of the parents by nature over the adopted shall terminate and be vested in the adopters, except that if the adopter is the spouse of the parent by nature of the adopted, parental authority over the adopted shall be exercised jointly by both spouses; and
>
> (3) The adopted shall remain an intestate heir of his parents and other blood relatives."

Clearly, the law allows the adoptee, as a matter of right and obligation, to bear the surname of the adopter, upon issuance of the decree of adoption. It is the change of the adoptee's *surname* to follow that of the adopter which is the natural and necessary consequence of a grant of adoption and must specifically be contained in the order of the court, in fact, even if not prayed for by petitioner.

However, the *given* or *proper* name, also known as the *first* or *Christian* name, of the adoptee must remain as it was originally registered in the civil register. The creation of an adoptive relationship does not confer upon the adopter a license to change the adoptee's registered Christian or first name. The automatic change thereof, premised solely upon the adoption thus granted, is beyond the purview of a decree of adoption. Neither is it a mere incident in nor an adjunct of an adoption proceeding, such that a prayer therefor furtively inserted in a petition for adoption, as in this case, cannot properly be granted.

The name of the adoptee as recorded in the civil register should be used in the adoption proceedings in order to vest the court with jurisdiction to hear and determine the same,[17] and shall continue to be so used until the court orders otherwise. Changing the given or proper name of a person as recorded in the civil register is a substantial change in one's official or legal name and cannot be authorized without a judicial order. The purpose of the statutory procedure authorizing a change of name is simply to have, wherever possible, a record of the change, and in keeping with the object of the statute, a court to which the application is made should normally make its decree recording such change)[18]

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 his 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.

A petition for change of name being a proceeding in rem, strict compliance with all the requirements therefor is indispensable in order to vest the court with jurisdiction for its adjudication.[19] It is an independent and discrete special proceeding, in and by itself, governed by its own set of rules. A *fortiori,* it cannot be granted by means of any other proceeding. To consider it as a mere incident or an offshoot of another