Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ANACLETO BALLAHO ALANIS III,	**G.R. No. 216425**
Petitioner,	Present:
-versus-	LEONEN, *J., Chairperson,* HERNANDO, INTING*, DELOS SANTOS, and ROSARIO, *JJ.*
COURT OF APPEALS, Cagayan de Oro City, and HON. GREGORIO Y. DE LA PEÑA III, Presiding Judge, Br. 12, Regional Trial Court of Zamboanga City,	**Promulgated:** November 11, 2020
Respondents.	MisDCBatt

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DECISION

LEONEN, *J.*:

Reading Article 364 of the Civil Code together with the State's declared policy to ensure the fundamental equality of women and men before the law,[1] a legitimate child is entitled to use the surname of either parent as a last name.

This Court resolves the Petition for Certiorari[2] assailing the Decision[3] and Resolution[4] of the Court of Appeals, which affirmed the Regional Trial

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* On official leave.

1 Section 2, Republic Act No. 7192 (1992). Women in Development and Nation Building Act.

2 *Rollo*, pp. 11–20.

Court Orders[5] denying Anacleto Ballaho Alanis III's appeal to change his name to Abdulhamid Ballaho.

Petitioner filed a Petition before the Regional Trial Court of Zamboanga City, Branch 12, to change his name.[6] He alleged that he was born to Mario Alanis y Cimafranca and Jarmila Imelda Ballaho y Al-Raschid,[7] and that the name on his birth certificate was "Anacleto Ballaho Alanis III."[8] However, he wished to remove his father's surname "Alanis III," and instead use his mother's maiden name "Ballaho," as it was what he has been using since childhood and indicated in his school records.[9] He likewise wished to change his first name from "Anacleto" to "Abdulhamid" for the same reasons.[10]

During trial, petitioner testified that his parents separated when he was five years old. His father was based in Maguindanao while his mother was based in Basilan. His mother testified that she single-handedly raised him and his siblings.[11]

As summarized by the Regional Trial Court, petitioner presented the following in evidence to support his claim that the requested change would avoid confusion:

> . . . a.) petitioner's photograph in what appears to be a page of a yearbook; b.) another photograph of the petitioner appearing in the editorial staff of ND Beacon where he appears to be the assistant editor-in-chief; c.) the high school diploma of the petitioner certifying that he finished his high school education at Notre Dame of Parang in Parang, Maguindanao; d.) another copy of the editorial of the ND Beacon where petitioner's name appears as one of its editorial staff; e.) another copy of the editorial of ND Beacon where the name of the petitioner appears as the editor-in-chief; f.) a certificate of participation issued to the petitioner by the Department of [E]ducation, Culture and Sports; g.) a CAP College Foundation, Inc., diploma issued in the name of petitioner; h.) another CAP College Foundation, Inc., diploma issued in the name of petitioner; i.) a [W]estern Mindanao State University student identification card in the name of

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3 Id. at 22–30. The May 26, 2014 Decision in CA-G.R. SP No. 02619-MIN was penned by Associate Justice Romulo V. Borja and concurred in by Associate Justices Oscar V. Badelles and Edward B. Contreras of the Special Twenty-First Division of the Court of Appeals, Cagayan de Oro City.

4 Id. at 32–33. The December 15, 2014 Resolution in CA-G.R. SP No. 02619-MIN was penned by Associate Justice Romulo V. Borja and concurred in by Associate Justices Oscar V. Badelles and Edward B. Contreras of the Former Special Twenty-First Division of the Court of Appeals, Cagayan de Oro City.

5 Id. at 34–41. The April 9, 2008 Order in Special Proceeding No. 5528 was penned by Presiding Judge Gregorio V. Dela Peña, III of the Regional Trial Court of Zamboanga City, Branch 12. The Regional Trial Court also issued a June 2, 2008 Order.

6 Id. at 12.

7 Id. at 43.

8 Id. at 35.

9 Id. at 12.

10 Id. at 35.

11 Id. at 36.

> petitioner; j.) a non-professional driver[']s license issued in the name of petitioner; k.) the Community Tax Certificate of petitioner[.][12]

In its April 9, 2008 Order,[13] the Regional Trial Court denied the Petition, holding that petitioner failed to prove any of the grounds to warrant a change of name.[14] It noted that the mere fact that petitioner has been using a different name and has become known by it is not a valid ground for change of name. It also held that to allow him to drop his last name was to disregard the surname of his natural and legitimate father,[15] in violation of the Family Code and Civil Code, which provide that legitimate children shall principally use their fathers' surnames.[16]

The Regional Trial Court acknowledged that confusion could exist here, but found that granting his petition would create more confusion:

> Although it may appear that confusion may indeed arise as to the identity of the petitioner herein who has accordingly used the name Abdulhamid Ballaho in all his records and is known to the community as such person and not Anacleto Ballaho Alanis III, his registered full name is his Certificate of Live Birth, this Court believes that the very change of name sought by the petitioner in this petition would even create more confusion since if so granted by this Court, such change sought after could trigger much deeper inquiries regarding her parentage and/or paternity, bearing in mind that he is the legitimate eldest child of the spouses Mario Alanis y Cimafranca and Jarmila Imelda Ballaho y Al-Raschid[.][17]

Thus, the trial court concluded that, instead of seeking to change his name in his birth certificate, petitioner should have had the other private and public records corrected to conform to his true and correct name:

> Time and again, this Court has consistently ruled that, in similar circumstances, the proper remedy for the petitioner is to instead cause the proper correction of his private and public records to conform to his true and correct first name and surname, which in this case is Anacleto Ballaho Alanis, III and not to change his said official, true and correct name as appearing in his Certificate of Live Birth simply because either he erroneously and inadvertently or even purposely or deliberately used an incorrect first name and surname in his private and public records.[18]

The dispositive portion of the Order reads:

> WHEREFORE, in view of the foregoing, and finding no legal, proper, justified and reasonable grounds to allow the change of name of

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12 Id.
13 Id. at 34–41.
14 Id. at 40.
15 Id. at 39.
16 Id.
17 Id. at 39–40.
18 Id. at 40.

> the herein petitioner from Anacleto Ballaho Alanis III as appearing in his Certificate of Live Birth to Abdulhamid Ballaho as prayed for by the petitioner in his petition dated February 1, 2007 the above-entitled petition is hereby DENIED and ordered DISMISSED for lack of merit. No cost.
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> SO ORDERED.[19]

Petitioner moved for reconsideration, but the Regional Trial Court denied this in a June 2, 2008 Order.[20]

It appears that on May 2, 2008, a month before the trial court rendered this Order, petitioner's counsel, Atty. Johny Boy Dialo (Atty. Dialo), had figured in a shooting incident and failed to report for work. Thus, petitioner was only able to file a notice of appeal on September 2, 2008—months after Atty. Dialo's law office had received the Order, beyond the filing period. He invoked his counsel's excusable neglect for a belated appeal, alleging the shooting incident.[21]

Thereafter, with a new counsel, petitioner filed a Record on Appeal and Notice of Appeal on September 3, 2008,[22] reiterating his counsel's excusable negligence.[23] He added that he was set to take the Bar Examinations and had to come home from his review, only to find out after checking with Atty. Dialo's law office that he had lost the case and the appeal period had lapsed.[24] However, the Record and Notice of Appeal were denied in the Regional Trial Court's September 16, 2008 Order for having been filed out of time.[25]

Thus, petitioner filed a Petition for Certiorari[26] before the Court of Appeals, providing the same reason to explain his failure to timely appeal.

In its May 26, 2014 Decision,[27] the Court of Appeals denied the Petition, holding that petitioner failed to show any reason to relax or disregard the technical rules of procedure.[28] It noted that the trial court did not gravely err in denying petitioner's Record on Appeal for having been filed out of time.[29]

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19 Id.
20 Id. at 13.
21 Id. at 61.
22 Id. at 63.
23 Id. at 64.
24 Id. at 59.
25 Id. at 63–64.
26 Id. at 68–75.
27 Id. at 22–30.
28 Id. at 26.
29 Id. at 29.

Petitioner moved for reconsideration, which was also denied in the Court of Appeals' December 15, 2014 Resolution.[30] Thus, he filed this Petition for Certiorari.[31]

Petitioner insists that the serious indisposition of his counsel after being shot and receiving death threats is excusable negligence for a belated appeal, it not being attended by any carelessness or inattention.[32] Delving on the substantive issue, petitioner maintains that he has the right to use his mother's surname despite his legitimate status, as recognized in *Alfon v. Republic*.[33]

In its Comment,[34] the Office of the Solicitor General argued that this Petition should be dismissed outright for being the wrong remedy, and that the proper course was to file a petition for review on certiorari.[35] Further, it argues that the Court of Appeals did not gravely abuse its discretion in upholding the trial court's ruling.[36] It points out that since Atty. Dialo's law office has more than one lawyer, and it had admittedly received the Order,[37] the belated appeal was unjustified. Further, petitioner was already a law graduate when he filed the first Petition, and was expected to be more vigilant of his case's progress.[38] Thus, the Office of the Solicitor General finds no "exceptionally meritorious" reason to warrant a liberal interpretation of technical rules. In any case, petitioner's reason is not among the grounds to warrant a change in name.[39]

In his Reply,[40] petitioner failed to address the argument that a petition for certiorari is the wrong remedy to assail the Court of Appeals' dismissal of his Petition for Certiorari. He only reiterated the Court of Appeals should have discarded technicalities, because jurisprudence on Article 364 of the Civil Code is settled in his favor.[41]

After this Court had given due course to the Petition, the parties filed their respective memoranda.[42]

The issues for this Court's resolution are:

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30 Id. at 14.
31 Id. at 11. Filed under Rule 65 of the Rules of Court.
32 Id. at 15–16.
33 Id. at 17 citing 186 Phil. 600 (1980) [Per J. Abad Santos, Second Division].
34 Id. at 99–117.
35 Id. at 102–105.
36 Id. at 105–109.
37 Id. at 107.
38 Id. at 108.
39 Id. at 109.
40 Id. at 119–121.
41 Id. at 120.
42 Id. at 133–141 and 143–166.

First, whether or not the Petition should be dismissed for petitioner's failure to show grave abuse of discretion on the part of the Court of Appeals;

Second, whether or not legitimate children have the right to use their mothers' surnames as their surnames; and

Finally, whether or not petitioner has established a recognized ground for changing his name.

This Court grants the Petition.

I

The Petition was filed under Rule 65 of the Rules of Court, but petitioner did not even attempt to show any grave abuse of discretion on the part of the Court of Appeals. On this ground alone, the Petition may be dismissed.

It is not disputed that the Record on Appeal was filed out of time. The Court of Appeals could have relaxed the rules for perfecting an appeal, but was not required, by law, to review it.

The Court of Appeals found no reason to warrant any relaxation of the rules, after appreciating the following circumstances: (1) petitioner did not adduce evidence to prove the alleged shooting of his former counsel;[43] (2) petitioner was represented by counsel belonging to a law office which had more than one associate;[44] and (3) petitioner was a law graduate and should have been more vigilant.[45]

This Court cannot sidestep the rule on reglementary periods for appealing decisions, except in the most meritorious cases.[46]

Petitioner claims that the circumstances surrounding the failure to file the appeal are bereft of carelessness or inattention on the part of counsel, and thus, constitute excusable negligence.

This is unconvincing. In *Sublay v. National Labor Relations Commission*,[47] the petitioner filed an appeal out of time because the counsel on record did not inform her or her other counsel that a decision had been

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43 Id. at 27.
44 Id. at 28.
45 Id. at 27.
46 *Sublay v. National Labor Relations Commission*, 381 Phil. 198, 204 (2000) [Per J. Bellosillo, Second Division].
47 381 Phil. 198 (2000) [Per J. Bellosillo, Second Division].

rendered in her case. This Court affirmed the denial of her appeal for having been filed out of time, explaining that:

> The unbroken stream of judicial *dicta* is that clients are bound by the action of their counsel in the conduct of their case. Otherwise, if the lawyer's mistake or negligence was admitted as a reason for the opening of a case, there would be no end to litigation so long as counsel had not been sufficiently diligent or experienced or learned.[48] (Citation omitted)

This Court noted in *Sublay* that the petitioner was represented by more than one lawyer. The decision she wished to appeal had been duly served on one of her lawyers on record, who failed to inform the more active counsel. This Court ruled that the petitioner was bound by the negligence of her counsel:

> Lastly, petitioner's claim for judicial relief in view of her counsel's alleged negligence is incongruous, to say the least, considering that she was represented by more than one (1) lawyer. Although working merely as a collaborating counsel who entered his appearance for petitioner as early as May 1996, *i.e.*, more or less six (6) months before the termination of the proceedings *a quo*, Atty. Alikpala had the bounden duty to monitor the progress of the case. A lawyer has the responsibility of monitoring and keeping track of the period of time left to file an appeal. He cannot rely on the courts to appraise him of the developments in his case and warn him against any possible procedural blunder. Knowing that the lead counsel was no longer participating actively in the trial of the case several months before its resolution, Atty. Alikpala who alone was left to defend petitioner should have put himself on guard and thus anticipated the release of the Labor Arbiter's decision. Petitioner's lead counsel might have been negligent but she was never really deprived of proper representation. This fact alone militates against the grant of this petition.[49]

Here, petitioner failed to respond to the assertion that Atty. Dialo's law office, Dialo Darunday & Associates Law Office, is a law firm with more than one lawyer, as well as legal staff, who must have been aware that Atty. Dialo was not reporting to office or receiving his mail sent there. Moreover, Atty. Dialo stopped reporting to office on May 2, 2008, whereas the law firm received the June 2, 2008 Order more than a month later, on June 12, 2008. Without any response to this point, this Court cannot automatically excuse the law office and assume that it could not adjust to Atty. Dialo's absence.

The law firm was certainly negligent in how it dealt with the Order. Given the other circumstances of this case, petitioner would ordinarily be bound by this negligence. Consequently, petitioner had the burden to sufficiently establish, by alleging and arguing, that this case is so meritorious

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48 Id. at 205.
49 Id. at 206.

that it warrants the relaxation of the procedural rules. This, petitioner did not bother to do.

Nonetheless, in the exercise of its equity jurisdiction,[50] this Court may choose to apply procedural rules more liberally to promote substantial justice. Thus, we delve into the substantial issues raised by petitioner.

II

The fundamental equality of women and men before the law shall be ensured by the State. This is guaranteed by no less than the Constitution,[51] a statute,[52] and an international convention to which the Philippines is a party.

In 1980, the Philippines became a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women, and is thus now part of the Philippine legal system. As a state party to the Convention, the Philippines bound itself to the following:

> *Article 2*
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> . . . .
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> (f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
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> . . . .
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> *Article 5*
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> . . . .
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> (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women[.][53]

Non-discrimination against women is also an emerging customary norm. Thus, the State has the duty to actively modify what is in its power to modify, to ensure that women are not discriminated.

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50 *See Durban Apartments Corp. v. Catacutan*, 514 Phil. 187 (2005) [Per J. Ynares-Santiago, First Division].

51 CONST., art. I, sec. 14 states:
SECTION 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

52 Republic Act No. 7192 (1992). Women in Development and Nation Building Act.

53 Convention on the Elimination of All Forms of Discrimination against Women (1979), secs. 2 and 5.

Accordingly, Article II, Section 14 of the 1987 Constitution reiterated the State's commitment to ensure gender equality:

> SECTION 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

In keeping with the Convention, Article II, Section 14 of the Constitution requires that the State be active in ensuring gender equality. This provision is even more noticeably proactive than the more widely-invoked equal protection and due process clauses under the Bill of Rights. In *Racho v. Tanaka*,[54] this Court observed:

> This constitutional provision provides a more active application than the passive orientation of Article III, Section 1 of the Constitution does, which simply states that no person shall "be denied the equal protection of the laws." Equal protection, within the context of Article III, Section 1 only provides that any legal burden or benefit that is given to men must also be given to women. It does not require the State to actively pursue "affirmative ways and means to battle the patriarchy — that complex of political, cultural, and economic factors that ensure women's disempowerment."[55] (Citation omitted)

Article II, Section 14 implies the State's positive duty to actively dismantle the existing patriarchy by addressing the culture that supports it.

With the Philippines as a state party to the Convention, the emerging customary norm, and not least of all in accordance with its constitutional duty, Congress enacted Republic Act No. 7192, or the Women in Development and Nation Building Act. Reiterating Article II, Section 14, the law lays down the steps the government would take to attain this policy:

> SECTION 2. *Declaration of Policy.* — The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men. The State shall provide women rights and opportunities equal to that of men.
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> To attain the foregoing policy:
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> (1) A substantial portion of official development assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women;
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> (2) All government departments shall ensure that women benefit equally and participate directly in the development programs and projects of said department, specifically those funded

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54 G.R. No. 199515, June 25, 2018, 868 SCRA 25 [Per J. Leonen, Third Division].
55 Id. at 44.

> under official foreign development assistance, to ensure the full participation and involvement of women in the development process; and
>
> (3) All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein.[56]

Courts, like all other government departments and agencies, must ensure the fundamental equality of women and men before the law. Accordingly, where the text of a law allows for an interpretation that treats women and men more equally, that is the correct interpretation.

Thus, the Regional Trial Court gravely erred when it held that legitimate children cannot use their mothers' surnames. Contrary to the State policy, the trial court treated the surnames of petitioner's mother and father unequally when it said:

> In the case at bar, what the petitioner wishes is for this Court to allow him to legally change is [sic] his given and registered first name from Anacleto III to Abdulhamid and to altogether disregard or drop his registered surname, Alanis, the surname of his natural and legitimate father, and for him to use as his family name the maiden surname of his mother Ballaho, which is his registered middle name, which petitioner claims and in fact presented evidence to be the name that he has been using and is known to be in all his records.
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> In denying the herein petition, this Court brings to the attention of the petitioner that, our laws on the use of surnames state that legitimate and legitimated children shall principally use the surname of the father. The Family Code gives legitimate children the right to bear the surnames of the father and the mother, while illegitimate children shall use the surname of their mother, unless their father recognizes their filiation, in which case they may bear the father's surname. Legitimate children, such as the petitioner in this case, has [sic] the right to bear the surnames of the father and the mother, in conformity with the provisions of the Civil Code on Surnames, and it is so provided by law that legitimate and legitimated children shall principally use the surname of the father.[57] (Citations omitted)

This treatment by the Regional Trial Court was based on Article 174 of the Family Code, which provides:

> ARTICLE 174. Legitimate children shall have the right:
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> (1) To bear the surnames of the father and the mother, in conformity with the provisions of the Civil Code on Surnames[.]

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[56] Republic Act No. 7192 (1992), sec. 2.
[57] *Rollo*, pp. 39-40.

In turn, Article 364 of the Civil Code provides:

> ARTICLE 364. Legitimate and legitimated children shall principally use the surname of the father.

The Regional Trial Court's application of Article 364 of the Civil Code is incorrect. Indeed, the provision states that legitimate children shall "principally" use the surname of the father, but "principally" does not mean "exclusively." This gives ample room to incorporate into Article 364 the State policy of ensuring the fundamental equality of women and men before the law, and no discernible reason to ignore it. This Court has explicitly recognized such interpretation in *Alfon v. Republic*:[58]

> The only reason why the lower court denied the petitioner's prayer to change her surname is that as legitimate child of Filomeno Duterte and Estrella Alfon she should principally use the surname of her father invoking Art. 364 of the Civil Code. But the word "principally" as used in the codal-provision is not equivalent to "exclusively" so that there is no legal obstacle if a legitimate or legitimated child should choose to use the surname of its mother to which it is equally entitled. Moreover, this Court in *Haw Liong vs. Republic*, G.R. No. L-21194, April 29, 1966, 16 SCRA 677, 679, said:
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> > "The following may be considered, among others, as proper or reasonable causes that may warrant the grant of a petitioner for change of name; (1) when the name is ridiculous, tainted with dishonor, or is extremely difficult to write or pronounce; (2) when the request for change is a consequence of a change of status, such as when a natural child is acknowledged or legitimated; and (3) when the change is necessary to avoid confusion (Tolentino, Civil Code of the Philippines, 1953 ed., Vol. 1, p. 660)."[59]

Given these irrefutable premises, the Regional Trial Court patently erred in denying petitioner's prayer to use his mother's surname, based solely on the word "principally" in Article 364 of the Civil Code.

III

Having resolved the question of whether a legitimate child is entitled to use their mother's surname as their own, this Court proceeds to the question of changing petitioner's first name from "Anacleto" to "Abdulhamid."

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58 186 Phil. 600 [Per J. Abad Santos, Second Division].

59 Id. at 603.

Whether grounds exist to change one's name is a matter generally left to the trial court's discretion.[60] Notably, the Petition is devoid of any legal arguments to persuade this Court that the Regional Trial Court erred in denying him this change. Nonetheless, we revisit the ruling, and petitioner's arguments as stated in his appeal.

The Regional Trial Court correctly cited the instances recognized under jurisprudence as sufficient to warrant a change of name, namely:

> . . . (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.[61] (Citation omitted)

As summarized in the Record on Appeal, the petition to change name was filed to avoid confusion:

> Petitioner has been using the name Abdulhamid Ballaho in all his records and transactions. He is also known to and called by his family and friends by such name. He has never used the name Anacleto Ballaho Alanis III even once in his life. To have the petitioner suddenly use the name Anacleto Ballaho Alanis III would cause undue embarrassment to the petitioner since he has never been known by such name. Petitioner has shown not only some proper or compelling reason but also that he will be prejudiced by the use of his true and official name. A mere correction of his private and public records to conform to the name stated in his Certificate of Live Birth would create more confusion because petitioner has been using the name Abdulhamid Ballaho since enrollment in grade school until finishing his law degree. The purpose of the law in allowing change of name as contemplated by the provisions of Rule 103 of the Rules of Court is to give a person an opportunity to improve his personality and to provide his best interest[.] There is therefore ample justification to grant fully his petition, which is not whimsical but on the contrary is based on a solid and reasonable ground, i.e. to avoid confusion[.][62] (Citations omitted)

These arguments are well taken. That confusion could arise is evident. In *Republic v. Bolante*,[63] where the respondent had been known as "Maria Eloisa" her whole life, as evidenced by scholastic records,

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60 *Republic v. Bolante*, 528 Phil. 328 (2006) [Per J. Garcia, Second Division].
61 *Republic v. Hernandez*, 323 Phil. 606, 637–638 (1996) [Per J. Regalado, Second Division].
62 *Rollo*, p. 54.
63 528 Phil. 328 (2006) [Per J. Garcia, Second Division].

employment records, and licenses, this Court found it obvious that changing the name written on her birth certificate would avoid confusion:

> The matter of granting or denying petitions for change of name and the corollary issue of what is a proper and reasonable cause therefor rests on the sound discretion of the court. The evidence presented need only be satisfactory to the court; it need not be the best evidence available. What is involved in special proceedings for change of name is, to borrow from *Republic v. Court of Appeals, . . . "not a mere matter of allowance or disallowance of the petition, but a judicious evaluation of the sufficiency and propriety of the justifications advanced in support thereof, mindful of the consequent results in the event of its grant and with the sole prerogative for making such determination being lodged in the courts."*
>
> With the view we take of the case, respondent's submission for a change of name is with proper and reasonable reason. As it were, she has, since she started schooling, used the given name and has been known as *Maria Eloisa*, albeit the name *Roselie Eloisa* is written on her birth record. Her scholastic records, as well as records in government offices, including that of her driver's license, professional license as a certified public accountant issued by the Professional Regulation Commission, and the "Quick Count" document of the COMELEC, all attest to her having used practically all her life the name *Maria Eloisa Bringas Bolante*.
>
> The imperatives of avoiding confusion dictate that the instant petition is granted. But beyond practicalities, simple justice dictates that every person shall be allowed to avail himself of any opportunity to improve his social standing, provided he does so without causing prejudice or injury to the interests of the State or of other people.[64] (Emphasis in the original, citations omitted)

This Court made a similar conclusion in *Chua v. Republic*:[65]

> The same circumstances are attendant in the case at bar. As Eric has established, he is known in his community as "Eric Chua," rather than "Eric Kiat." Moreover, all of his credentials exhibited before the Court, other than his Certificate of Live Birth, bear the name "Eric Chua." Guilty of reiteration, Eric's Certificate of Baptism, Voter Certification, Police Clearance, National Bureau of Investigation Clearance, Passport, and High School Diploma all reflect his surname to be "Chua." Thus, to compel him to use the name "Eric Kiat" at this point would inevitably lead to confusion. It would result in an alteration of all of his official documents, save for his Certificate of Live Birth. His children, too, will correspondingly be compelled to have their records changed. For even their own Certificates of Live Birth state that their father's surname is "Chua." To deny this petition would then have ramifications not only to Eric's identity in his community, but also to that of his children.[66]

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64 Id. at 339–340.
65 820 Phil. 1257 (2017) [Per J. Velasco, Third Division].
66 Id. at 1263.

Similarly, in this case, this Court sees fit to grant the requested change to avoid confusion.

The Regional Trial Court itself also recognized the confusion that may arise here. Despite this, it did not delve into the issue of changing "Anacleto" to "Abdulhamid," but instead concluded that granting the petition would create even more confusion, because it "could trigger much deeper inquiries regarding [his] parentage and/or paternity[.]"[67]

This Court fails to see how the change of name would create more confusion. Whether people inquire deeper into petitioner's parentage or paternity because of a name is inconsequential here, and seems to be more a matter of intrigue and gossip than an issue for courts to consider. Regardless of which name petitioner uses, his father's identity still appears in his birth certificate, where it will always be written, and which can be referred to in cases where paternity is relevant.

Aside from being unduly restrictive and highly speculative, the trial court's reasoning is also contrary to the spirit and mandate of the Convention, the Constitution, and Republic Act No. 7192, which all require that the State take the appropriate measures to ensure the fundamental equality of women and men before the law.

Patriarchy becomes encoded in our culture when it is normalized. The more it pervades our culture, the more its chances to infect this and future generations.[68]

The trial court's reasoning further encoded patriarchy into our system. If a surname is significant for identifying a person's ancestry, interpreting the laws to mean that a marital child's surname must identify only the paternal line renders the mother and her family invisible. This, in turn, entrenches the patriarchy and with it, antiquated gender roles: the father, as dominant, in public; and the mother, as a supporter, in private.[69]

WHEREFORE, the Petition is **GRANTED**. The May 26, 2014 Decision and December 15, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 02619-MIN, as well as the April 9, 2008 and June 2, 2008 Orders of the Regional Trial Court of Zamboanga City, Branch 12 in Special Proceeding No. 5528, are **REVERSED and SET ASIDE**.

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67 *Rollo*, p. 40.

68 J. Leonen, Concurring Opinion in *Re: Untian, Jr*, A.C. No. 5900 (Resolution), April 10, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65162> [Per J. A. Reyes, Jr, En Banc].

69 *Garcia v. Drilon*, 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, En Banc].

As prayed for in his Petition for Change of Name, petitioner's name is declared to be **ABDULHAMID BALLAHO**. Accordingly, the Civil Registrar of Cebu City is **DIRECTED** to make the corresponding corrections to petitioner's name, from ANACLETO BALLAHO ALANIS III to ABDULHAMID BALLAHO.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

RAMON PAUL L. HERNANDO
Associate Justice

On official leave
HENRI JEAN PAUL B. INTING
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

RICARDO R. ROSARIO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY

MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division
FEB 18 2021