Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

REVELINA LIMSON,
Petitioner,

-*versus*-

EUGENIO JUAN GONZALEZ,
Respondent.

G.R. No. 162205

Present:

SERENO, *C.J.*,
LEONARDO-DE CASTRO,
BERSAMIN,
*DEL CASTILLO, and
VILLARAMA, JR, *JJ.*

Promulgated:

MAR 31 2014

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DECISION

BERSAMIN, *J.*:

Under review is the decision promulgated on July 31, 2003,[1] whereby the Court of Appeals dismissed petitioner Revelina Limson's petition for *certiorari* assailing the denial by the Secretary of Justice of her petition for review vis-à-vis the adverse resolutions of the Office of the City Prosecutor of Mandaluyong City (OCP) of her charges for falsification and illegal use of aliases against respondent Eugenio Juan Gonzalez.

Antecedents

The antecedents as found by the CA are as follows:

> On or about December 1, 1997, Limson filed a criminal charge against Gonzalez for falsification, before the Prosecutor's Office of Mandaluyong City.

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* Vice Associate Justice Bienvenido L. Reyes, who penned the decision under review, pursuant to the raffle of May 8, 2013.

[1] *Rollo*, pp. 74-91; penned by Associate Justice Reyes (now a Member of this Court), with the concurrence of Associate Justice Salvador J. Valdez, Jr. (retired/deceased) and Associate Justice Danilo B. Pine (retired).

The charge for [sic] falsification of [sic] Limson is based on Limson's assertion that in the records of the Professional Regulatory Commission (PRC), a certain 'EUGENIO GONZALEZ' is registered as an architect and that Gonzalez, who uses, among others, the name 'EUGENIO JUAN GONZALEZ', and who pretends to be said architect. Registered [sic] with the PRC, is an impostor and therefore, guilty [sic] of falsification x x x."

Gonzalez filed his Counter-Affidavit, wherein he explained in detail that his full name is EUGENIO (first given name) JUAN (second given name) GONZALEZ (father's family name) y REGALADO (mother's family name). He alleges that in his youth, while he was still in grade school and high school, he used the name EUGENIO GONZALEZ y REGALADO and/or EUGENIO GONZALEZ and that thereafter, he transferred to the University of Santo Tomas and therein took up architecture and that upon commencement of his professional practice in 1943, he made use of his second name, JUAN. Consequently, in his professional practice, he has identified himself as much as possible as Arch. Eugenio Juan Gonzalez, because the surname GONZALEZ was and is still, a very common surname throughout the Philippines and he wanted to distinguish himself with his second given name, JUAN, after his first given name, EUGENIO. Gonzalez supposed [sic] his allegations with various supporting documents x x x.

After receiving pertinent Affidavits and evidentiary documents from Limson and Gonzalez, respectively, the Prosecutor dismissed the criminal charge against Gonzalez, finding that indeed EUGENIO JUAN R. GONZALES [sic] is the architect registered in the PRC. Said Resolution was issued on March 30, 1998 x x x.

Limson elevated the Resolution of the Prosecutor x x x to the Secretary of Justice. Before the Secretary of Justice, she utilized the basic arguments she had raised before the Prosecutor's Office, with slight variations, in assailing said adverse Resolution of the Prosecutor.

After Opposition by Gonzalez, the Secretary of Justice dismissed the appeal of Limson. The Secretary of Justice affirmed and even expanded the findings of the Prosecutor x x x.

Not content with said Resolution of the Secretary of Justice, Limson filed a motion for reconsideration therefrom; which, after Opposition by Gonzalez, was dismissed by the Secretary of Justice, on September 15, 2000 x x x. Said dismissal was with finality.

Notwithstanding the foregoing, on or about September 25, 2000, Limson filed a new letter complaint against Gonzalez, with the Secretary of Justice. She alleged the same basic facts, evidence, and charges, as already resolved by the Prosecutor and affirmed with finality, by the Secretary of Justice; but adding the accusation that because Gonzalez used various combinations of his name, in different signature, on the [sic] different occasions, Gonzalez had also violated Republic Act No. 6085 (the Anti-Alias Law). Limson, in said letter complaint of September 25, 2000, suppressed from the Secretary of Justice, the extant before-mentioned Resolutions, already decreed and adverse to her.

The Secretary of Justice referred this letter complaint of Limson x x

x to the Prosecutor's Office of Mandaluyong City for investigation.

This new investigation was docketed as I.S. No. 01-44001-B and assigned to Honorable Susante J. Tobias x x x.

After submission of Affidavits, Counter-Affidavits and other pertinent pleadings, and evidences [sic], by the respective parties, before the Prosecutor, the Prosecutor rendered a Resolution, dismissing the new complaint x x x which Resolution reads as follows:

> 'After a careful evaluation of the letter complaint of Revelina Limson dated September 25, 2000 addressed to the Secretary of Justice and endorsed to this Office x x x and the evidence adduced by the contending parties, we find the issues raised in the aforesaid letter to be a rehashed (sic) of a previous complaint filed by the same complainant which has already been long resolved with finality by this Office and the Department of Justice more particularly under I.S. No. 97-11929.
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> WHEREFORE, it is most respectfully recommended that the instant case be considered closed and dismissed.'

Not content with said Resolution x x x, Limson filed a motion for reconsideration; [sic]which was again opposed by Gonzalez and which was denied by the Prosecutor x x x.

Not agreeable to said Resolution x x x, Limson filed a Petition for Review with the Secretary of Justice x x x, to which x x x Gonzalez filed an Answer/Opposition x x x.

The Secretary of Justice denied said Petition for Review of Limson, on April 3, 2002 x x x as follows:

> 'Section 12, in relation to Section 7, of Department Circular No. 70 dated July 3, 2000, provides that the Secretary of Justice may, motu propio, dismiss outright the petition if there is no showing of any reversible error in the assailed resolution or when issued [sic] raised therein are too unsubstantial to require consideration. We carefully examined the petition and its attachments and we found no such error committed by the prosecutor that would justify the reversal of the assailed resolution which is in accord with the evidence and law on the matter.
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> Moreover, there was no showing that a copy of the petition was furnished the Prosecution Office concerned pursuant to Section 5 of said Department Circular.[2]

Although Limson sought the reconsideration of the adverse resolution of April 3, 2002, the Secretary of Justice denied her motion for reconsideration on October 15, 2002.

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[2] Id. at 75-78.

Decision of the CA

Limson assailed on *certiorari* the adverse resolutions of the Secretary of Justice in the CA, claiming that the Secretary of Justice had thereby committed grave abuse of discretion amounting to lack or excess of jurisdiction for misappreciating her evidence establishing her charges of falsification and violation of the Anti-Alias Law against respondent.

On July 31, 2003, the CA promulgated its assailed decision dismissing the petition for *certiorari*, disposing as follows:

> WHEREFORE, in light of the foregoing discussions, the instant Petition is perforce ***DENIED***. Accordingly, the Resolutions subject of this petition are ***AFFIRMED***.
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> SO ORDERED.[3]

On January 30, 2004, the CA denied Limson's motion for reconsideration.

Issues

In her petition for review, Limson avers the following errors, namely:

> I
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> THE FINDINGS OF FACT OF THE HONORABLE COURT OF APPEALS DO NOT CONFORM TO THE EVIDENCE ON RECORD. MOREOVER, THERE WAS A MISAPPRECIATION AND/OR MISAPPREHENSION OF FACTS AND THE HONORABLE COURT FAILED TO NOTICE CERTAIN RELEVANT POINTS WHICH IF CONSIDERED WOULD JUSTIFY A DIFFERENT CONCLUSION
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> II
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> THE CONCLUSION OF THE COURT OF APPEALS IS A FINDING BASED ON SPECULATION AND/OR SURMISE AND THE INFERENCES MADE WERE MANIFESTLY MISTAKEN.[4]

Limson insists that the names "Eugenio Gonzalez" and "Eugenio Juan Gonzalez y Regalado" did not refer to one and the same individual; and that respondent was not a registered architect contrary to his claim. According to her, there were material discrepancies between the graduation photograph of respondent taken in 1941 when he earned his degree in Architecture from the University of Sto. Tomas, Manila,[5] and another photograph of him taken

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3 Id. at 91.
4 Id. at 50.
5 Id. at 123 (Annex "O" of the Petition).

for his driver's license in 1996,[6] arguing that the person in the latter photograph was not the same individual depicted in the 1941 photograph. She submits documents showing that respondent used aliases from birth, and passed himself off as such persons when in fact he was not. She prays that the decision of the CA be set aside, and that the proper criminal cases for falsification of public document and illegal use of alias be filed against respondent

In his comment,[7] respondent counters that the petition for review should be denied due course for presenting only factual issues; that the factual findings of the OCP, the Secretary of Justice, and the CA should remain undisturbed; that he did not commit any falsification; that he did not use any aliases; that his use of conflicting names was the product of erroneous entry, inadvertence, and innocent mistake on the part of other people; that Limson was motivated by malice and ill will, and her charges were the product of prevarication; and that he was a distinguished architect and a respected member of the community and society.

Ruling of the Court

The appeal has no merit.

To start with, the petition for review of Limson projects issues of fact. It urges the Court to undo the findings of fact of the OCP, the Secretary of Justice and the CA on the basis of the documents submitted with her petition. But the Court is not a trier of facts, and cannot analyze and weigh evidence. Indeed, Section 1 of Rule 45, *Rules of Court* explicitly requires the petition for review on *certiorari* to raise only questions of law, which must be distinctly set forth. Accordingly, the petition for review of Limson is outrightly rejected for this reason.

Secondly, Limson appears to stress that the CA erred in concluding that the Secretary of Justice did not commit grave abuse of discretion in the appreciation of the evidence submitted to the OCP. She would now have us reverse the CA.

We cannot reverse the CA. We find that the conclusion of the CA about the Secretary of Justice not committing grave abuse of discretion was fully warranted. Based on the antecedents earlier rendered here, Limson did not persuasively demonstrate to the CA how the Secretary of Justice had been gravely wrong in upholding the dismissal by the OCP of her charges against respondent. In contrast, the assailed resolutions of the Secretary of Justice were quite exhaustive in their exposition of the reasons for the

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6 Id (Annex "P" of the Petition).
7 Id. at 158-208.

dismissal of the charges. And, even assuming that the Secretary of Justice thereby erred, she should have shown to the CA that either arbitrariness or capriciousness or whimsicality had tainted the error. Yet, she tendered no such showing. She should be reminded, indeed, that grave abuse of discretion meant either that the judicial or quasi-judicial power was exercised by the Secretary of Justice in an arbitrary or despotic manner by reason of passion or personal hostility, or that the Secretary of Justice evaded a positive duty, or virtually refused to perform the duty enjoined or to act in contemplation of law, such as when the Secretary of Justice, while exercising judicial or quasi-judicial powers, acted in a capricious or whimsical manner as to be equivalent to lack of jurisdiction.[8]

Thirdly, the discrepancy between photographs supposedly taken in 1941 and in 1996 of respondent did not support Limson's allegation of grave abuse of discretion on the part of the Secretary of Justice. It is really absurd to expect respondent, the individual depicted on the photographs, to look the same after 55 long years.

And, fourthly, on the issue of the alleged use of illegal aliases, the Court observes that respondent's aliases involved the names "Eugenio Gonzalez", "Eugenio Gonzales", "Eugenio Juan Gonzalez", "Eugenio Juan Gonzalez y Regalado", "Eugenio C.R. Gonzalez", "Eugenio J. Gonzalez", and – per Limson – "Eugenio Juan Robles Gonzalez." But these names contained his true names, albeit at times joined with an erroneous middle or second name, or a misspelled family name in one instance. The records disclose that the erroneous middle or second names, or the misspelling of the family name resulted from error or inadvertence left unchecked and unrectified over time. What is significant, however, is that such names were not fictitious names within the purview of the Anti-Alias Law; and that such names were not different from each other. Considering that he was not also shown to have used the names for unscrupulous purposes, or to deceive or confuse the public, the dismissal of the charge against him was justified in fact and in law.

An alias is a name or names used by a person or intended to be used by him publicly and habitually, usually in business transactions, in addition to the real name by which he was registered at birth or baptized the first time, or to the substitute name authorized by a competent authority; a man's name is simply the sound or sounds by which he is commonly designated by his fellows and by which they distinguish him, but sometimes a man is known by several different names and these are known as aliases.[9] An alias is thus a name that is different from the individual's true name, and does not refer to a name that is not different from his true name.

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[8] *De los Santos v. Metropolitan Bank and Trust Company*, G.R. No. 153852, October 24, 2012, 684 SCRA 410, 422-423,

[9] *Ursua v. Court of Appeals*, G.R. No. 112170, April 10, 1996, 256 SCRA 147, 155.

In *Ursua v. Court of Appeals*,[10] the Court tendered an enlightening discourse on the history and objective of our law on aliases that is worth including here, *viz*:

> Time and again we have decreed that statutes are to be construed in the light of the purposes to be achieved and the evils sought to be remedied. Thus in construing a statute the reason for its enactment should be kept in mind and the statute should be construed with reference to the intended scope and purpose. The court may consider the spirit and reason of the statute, where a literal meaning would lead to absurdity, contradiction, injustice, or would defeat the clear purpose of the lawmakers.
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> For a clear understanding of the purpose of C.A. No. 142 as amended, which was allegedly violated by petitioner, and the surrounding circumstances under which the law was enacted, the pertinent provisions thereof, its amendments and related statutes are herein cited. C.A. No.142, which was approved on 7 November 1936, and before its amendment by R. A. No. 6085, is entitled An Act to Regulate the Use of Aliases. It provides as follows:
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> > Section 1. Except as a pseudonym for literary purposes, no person shall use any name different from the one with which he was christened or by which he has been known since his childhood, or such substitute name as may have been authorized by a competent court. The name shall comprise the patronymic name and one or two surnames.
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> > Section 2. Any person desiring to use an alias or aliases shall apply for authority therefor in proceedings like those legally provided to obtain judicial authority for a change of name. Separate proceedings shall be had for each alias, and each new petition shall set forth the original name and the alias or aliases for the use of which judicial authority has been obtained, specifying the proceedings and the date on which such authority was granted. Judicial authorities for the use of aliases shall be recorded in the proper civil register x x x.
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> The above law was subsequently amended by R. A. No. 6085, approved on 4 August 1969. As amended, C.A. No. 142 now reads:
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> > Section 1. Except as a pseudonym solely for literary, cinema, television, radio or other entertainment purposes and in athletic events where the use of pseudonym is a normally accepted practice, no person shall use any name different from the one with which he was registered at birth in the office of the local civil registry or with which he was baptized for the first time, or in case of an alien, with which he was registered in the bureau of immigration upon entry; or such substitute name as may have been authorized by a competent court: Provided, That persons whose births have not been registered in any local civil registry

[10] Id. at 163-166.

> and who have not been baptized, have one year from the approval of this act within which to register their names in the civil registry of their residence. The name shall comprise the patronymic name and one or two surnames.
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> Sec. 2. Any person desiring to use an alias shall apply for authority therefor in proceedings like those legally provided to obtain judicial authority for a change of name and no person shall be allowed to secure such judicial authority for more than one alias. The petition for an alias shall set forth the person's baptismal and family name and the name recorded in the civil registry, if different, his immigrant's name, if an alien, and his pseudonym, if he has such names other than his original or real name, specifying the reason or reasons for the desired alias. The judicial authority for the use of alias, the Christian name and the alien immigrant's name shall be recorded in the proper local civil registry, and no person shall use any name or names other than his original or real name unless the same is or are duly recorded in the proper local civil registry.

The objective and purpose of C. A. No. 142 have their origin and basis in Act No. 3883, An Act to Regulate the Use in Business Transactions of Names other than True Names, Prescribing the Duties of the Director of the Bureau of Commerce And Industry in its Enforcement, Providing Penalties for Violations thereof, and for other purposes, which was approved on 14 November 1931 and amended by Act No. 4147, approved on 28 November 1934. The pertinent provisions of Act No. 3883 as amended follow – Section 1. It shall be unlawful for any person to use or sign, on any written or printed receipt including receipt for tax or business or any written or printed contract not verified by a notary public or on any written or printed evidence of any agreement or business transactions, any name used in connection with his business other than his true name, or keep conspicuously exhibited in plain view in or at the place where his business is conducted, if he is engaged in a business, any sign announcing a firm name or business name or style without first registering such other name, or such firm name, or business name or style in the Bureau of Commerce together with his true name and that of any other person having a joint or common interest with him in such contract agreement, business transaction, or business x x x.

For a bit of history, the enactment of C.A. No. 142 as amended was made primarily to curb the common practice among the Chinese of adopting scores of <u>different</u> names and aliases which created tremendous confusion in the field of trade. Such a practice almost bordered on the crime of using <u>fictitious</u> names which for obvious reasons could not be successfully maintained against the Chinese who, rightly or wrongly, claimed they possessed a thousand and one names. CA. No. 142 thus penalized the act of using an alias name, unless such alias was duly authorized by proper judicial proceedings and recorded in the civil register.

In Yu Kheng Chiau v. Republic the Court had occasion to explain the meaning, concept and ill effects of the use of an alias within the purview of C.A. No. 142 when we ruled –

> There can hardly be any doubt that petitioner's use of alias

> 'Kheng Chiau Young' in addition to his real name 'Yu Cheng Chiau' would add to more confusion. That he is known in his business, as manager of the Robert Reid, Inc., by the former name, is not sufficient reason to allow him its use. After all, petitioner admitted that he is known to his associates by both names. In fact, the Anselmo Trinidad, Inc., of which he is a customer, knows him by his real name. Neither would the fact that he had encountered certain difficulties in his transactions with government offices which required him to explain why he bore two names, justify the grant of his petition, for petitioner could easily avoid said difficulties by simply using and sticking only to his real name 'Yu Cheng Chiau.'
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> The fact that petitioner intends to reside permanently in the Philippines, as shown by his having filed a petition for naturalization in Branch V of the abovementioned court, argues the more against the grant of his petition, because if naturalized as a Filipino citizen, there would then be no necessity for his further using said alias, as it would be contrary to the usual Filipino way and practice of using only one name in ordinary as well as business transactions. And, as the lower court correctly observed, if he believes (after he is naturalized) that it would be better for him to write his name following the Occidental method, 'he can easily file a petition for change of name, so that in lieu of the name 'Yu Kheng Chian,' he can, abandoning the same, ask for authority to adopt the name 'Kheng Chiau Young.' (Emphasis and underscoring supplied)

WHEREFORE, the Court **DENIES** the petition for review on *certiorari*; **AFFIRMS** the decision promulgated on July 31, 2003; and **ORDERS** petitioner to pay the costs of suit.

SO ORDERED.

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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

MARIA LOURDES P. A. SERENO
Chief Justice