

To comply with [the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)] and other international commitments, **this bill no longer requires prior use of the mark as a requirement for filing a trademark application. It also abandons the rule that ownership of a mark is acquired through use by now requiring registration of the mark in the Intellectual Property Office.** Unlike the present law, it establishes one procedure for the registration of marks. This feature will facilitate the registration of marks.”

WHEREFORE the petition is **PARTLY GRANTED** and the Court hereby declares petitioners **ZUNECA PHARMACEUTICAL AND/OR AKRAM ARAIN AND/OR VENUS ARAIN, M.D., AND STYLE OF ZUNECA PHARMACEUTICAL** as the prior users in good faith of the "ZYNAPS" mark and accordingly protected under Section 159.1 of the Intellectual Property Code of the Philippines.

The assailed Decision and Resolution of the Court of Appeals are **AFFIRMED** insofar as they declared respondent **NATRAPHARM, INC.** as the lawful registrant of the "ZYNAPSE" mark and are **SET ASIDE** insofar as they hold petitioners liable for trademark infringement and damages, directed the destruction of petitioners' goods, and enjoined petitioners from using "ZYNAPS."

SO ORDERED.

**ANACLETO BALLAHO ALANIS HI, Petitioner, vs. COURT OF APPEALS,
CAGAYAN DE ORO CITY, et. al., Respondents**
[G.R. No. 216425. Nov. 11, 2020.]

LEONEN, J.:

FACTS

Petitioner filed a Petition before the RTC of Zamboanga to change his name on his birth certificate, using his mother's maiden name, "Ballaho," in place of his father's surname, "Alanis III." He also wished to change his first name from "Anacleto" to "Abdulhamid" arguing that he had been using this name since childhood. The RTC denied this holding that the petitioner failed to prove any of

the grounds to warrant a change of name and that to allow him to drop his last name was to disregard the surname of his natural and legitimate father, in violation of the Family Code and Civil Code, which provide that legitimate children shall principally use their fathers' surnames.

The Supreme Court held that as the Constitution and the Convention on the Elimination of All Forms of Discrimination Against Women, an international convention to which the Philippines is a party to, ensures and protects the fundamental equality and women and men before the law, petitioner should be allowed to use his mother's maiden name.

RULING

This Court grants the Petition.

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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, a statute, 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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- (f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women;

Article 5

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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[.]

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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In keeping with the Convention, Article II, Section 14 of the Constitution requires that the State be active in ensuring gender equality.

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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.

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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.

WHEREFORE, the Petition is **GRANTED**. As prayed for in his Petition for Change of Name, petitioner's name is declared to be **ABDULHAMID BALLAHO**.
SO ORDERED.