

Title: **\*\*In re: Application of Vicente D. Ching for Admission to the Philippine Bar (Vicente D. Ching vs. The Republic of the Philippines)\*\***

Facts:

Vicente D. Ching, born on April 11, 1964, in La Union, Philippines, to a Chinese father and a Filipino mother, sought admission to the Philippine Bar. His citizenship was put into question due to his Chinese paternity under the 1935 Constitution. Ching filed his application to take the 1998 Bar Examinations, which he was allowed to do under the condition that he would later prove his Philippine citizenship. He submitted various documents, including certifications of being a CPA, a registered voter, and an elected local council member. Despite passing the Bar exam, the question of his citizenship prevented him from taking the oath.

The Office of the Solicitor General (OSG) commented that Ching, born under the 1935 Constitution to a Filipino mother and Chinese father, remained a Chinese citizen unless he elected Philippine citizenship upon reaching the age of majority, which Ching failed to do within a prescribed “reasonable time.” Ching presented an affidavit and oath of allegiance to elect Philippine citizenship only in 1999, significantly past the age of majority.

Issues:

The Supreme Court was to determine whether Ching’s election of Philippine citizenship was done within a reasonable period after reaching the age of majority and whether such election, made fourteen years after reaching the age of majority, could be recognized for the purpose of his application to the Philippine Bar.

Court’s Decision:

The Court denied Ching’s application, ruling that his election of Philippine citizenship was not made within a reasonable period after reaching the age of majority and, thus, was invalid. The Court clarified the requirements for the valid election of Philippine citizenship under the 1935 Constitution and Commonwealth Act No. 625, emphasizing the need for such election to be made within a reasonable time, traditionally interpreted as within three years after reaching the age of majority. Ching’s election, made over fourteen years after he reached the age of majority, was deemed beyond this “reasonable time.”

Doctrine:

1. The principle that the election of Philippine citizenship under the provisions of the 1935 Constitution and C.A. No. 625 must be made “upon reaching the age of majority,” which has

been interpreted by both jurisprudence and the Department of Justice to mean within a “reasonable time” after attaining the age of majority, traditionally within three years.

2. The ruling reiterates that special circumstances, such as continuous residence in the Philippines and active participation in public and professional activities reserved for Filipino citizens, do not substitute the formal and timely election of Philippine citizenship required by law.

#### Class Notes:

- Eligibility for Philippine citizenship by election under the 1935, 1973, and 1987 Constitutions for legitimate children born to Filipino mothers and alien fathers.
- Requirement under C.A. No. 625 for legitimate children of Filipino mothers and alien fathers to elect Philippine citizenship “upon reaching the age of majority.”
- “Reasonable time” for electing Philippine citizenship is within three years after reaching the age of majority, subject to certain exceptions.
- The failure to formally elect Philippine citizenship within a reasonable time after reaching the age of majority results in the retention of alien citizenship.
- Acts of identifying oneself as a Filipino, such as voting or serving in elected positions, while indicative of a preference for Philippine citizenship, do not constitute formal election of citizenship absent the execution and filing of the required affidavit of election and oath of allegiance.

#### Historical Background:

This case underscores the evolving legal standards and interpretations surrounding citizenship in the Philippines, particularly concerning individuals of mixed parentage under different constitutional frameworks. The 1935 Constitution, in force at the time of Ching’s birth, placed children of Filipino mothers and alien fathers in a unique position, requiring them to formally elect Philippine citizenship upon reaching the age of majority. The issue and outcome of this case highlight the challenges and implications of such legal provisions on the rights and identities of individuals, set against the backdrop of the Philippines’ complex colonial and post-colonial legal history.