

Title:

Florentina Villahermosa vs. Commissioner of Immigration

Facts:

On March 24, 1947, sixty-nine Chinese individuals clandestinely landed on the shores of Sto. Domingo, Ilocos Sur, led by Delfin Co, aiming to evade Philippine immigration laws. Delfin Co, an 18-year-old born in Paniqui, Tarlac to a Chinese father and Florentina Villahermosa, a Filipino, left the Philippines as a Chinese repatriate in February 1946 but attempted to return in 1947, aiding the illegal entry of his compatriots due to monetary hardships in China. Detected upon arrival, Delfin was examined by the immigration authorities on March 27 and a deportation order was issued on April 10, 1947, recommending his deportation to China as a Chinese citizen.

Florentina Villahermosa filed an oath of allegiance under Commonwealth Act No. 63 on April 29, 1947, aiming to resume her Philippine citizenship, arguing that her minor son, Delfin, should also be considered a Filipino citizen. Both the immigration authorities and the Manila Court of First Instance, under Honorable Sotero Rodas, rejected these contentions, leading to the case's escalation to the Supreme Court.

Issues:

1. Whether Delfin Co is a Philippine citizen.
2. If deemed a Philippine citizen, can his unlawful entry be negated by changes in citizenship status subsequent to his entry?
3. Does Commonwealth Act No. 63 enable the children of a repatriated Filipino mother to also acquire Philippine citizenship?

Court's Decision:

The Supreme Court affirmed the lower court's decision, emphasizing that Delfin Co is not a Philippine citizen. It rationalized that since Delfin, being a minor, could not yet elect Philippine citizenship, and his status upon entry was that of a Chinese citizen. The Court also reiterated that changes in citizenship status after unlawful entry do not negate the violation of immigration laws.

Doctrine:

The Supreme Court clarified that mere birth in the Philippines to a Filipino mother and Chinese father does not automatically confer Filipino citizenship, highlighting the principle of **jus sanguinis** over **jus soli**. The decision also reinforced that changes in citizenship

status post unlawful entry cannot legalize said entry.

Class Notes:

- Philippine citizenship is determined by the principle of *jus sanguinis*.
- Minor children cannot elect Philippine citizenship; such election must occur upon reaching the age of majority.
- Changes in citizenship status after the fact do not negate the illegality of an unlawful entry.
- Relevant Legal Provisions:
 - Constitution, Article IV, Section 1: Defines who are Filipino citizens.
 - Commonwealth Act No. 63: Pertains to the loss and reacquisition of Philippine citizenship.

Historical Background:

This case highlights the post-World War II era's complexities regarding nationality, citizenship status, and immigration enforcement in the Philippines. It underscores the transition period where the Philippines grappled with issues of national identity and legal status amid changing political and social landscapes. The case reflects the broader context of Chinese immigration to the Philippines, a recurrent theme in the country's history influenced by socio-economic relationships and geopolitical shifts.