Title:
Djumantan vs. Domingo, 310 Phil. 848 (1994)

Facts:
Bernard Banez, a Filipino contract worker in Indonesia, converted to Islam and married Djumantan, an Indonesian citizen, on May 17, 1974. Banez returned to the Philippines in January 1979. On January 13, 1979, Djumantan, along with her two children, arrived in Manila as Banez's "guests." Banez executed an "Affidavit of Guaranty and Support," indicating that Djumantan and her children were visiting temporarily. They were admitted as temporary visitors under Section 9(a) of the Immigration Act of 1940.

In 1981, Banez's first wife, Marina Cabael, discovered his marriage to Djumantan and filed a concubinage complaint, which was dismissed. On March 25, 1982, Djumantan's status was changed from temporary visitor to permanent resident under Section 13(a) of the Immigration Act, and she was issued an alien certificate of registration on April 14, 1982.

Banez's eldest son, Leonardo, filed a complaint with the Ombudsman, leading to deportation proceedings against Djumantan. She was detained but later released after posting a bond. Djumantan initially requested to depart voluntarily but then sought dismissal of the deportation case, citing her marriage to a Filipino citizen. The Commission on Immigration and Deportation (CID) revoked her Section 13(a) visa on September 27, 1990. Her motion for reconsideration was denied on January 29, 1991.

Djumantan petitioned the Supreme Court, which issued a temporary restraining order against the CID's decision. During the proceedings, Banez died, and his family withdrew their objections to granting Djumantan a permanent resident visa.

Issues:
1. Whether the CID could deport Djumantan as an "undesirable alien" regardless of her marriage to a Filipino citizen.
2. Whether the CID's power to deport Djumantan had prescribed under Section 37(b) of the Immigration Act of 1940.

Court's Decision:
1. Deportation as an "undesirable alien":
– The Court found that Djumantan's temporary visitor visa and subsequent permanent residency were obtained through misrepresentation as she did not disclose her marriage to Banez. The CID had valid grounds to revoke her 13(a) visa.

– The Supreme Court ruled that the marriage of an alien to a Filipino citizen does not guarantee admission or permanent residency under immigration laws.

2. Prescription of the power to deport:
– The Court held that the right to deport Djumantan had prescribed. Section 37(b) provides a five-year prescriptive period for certain deportation cases. Since Leonardo Banez's complaint was lodged on November 19, 1980, and the deportation order was issued on September 27, 1990, the five-year period had lapsed.
– The Court ruled that the CID's actions constituted an effective order of arrest and deportation which should have been executed within the five-year prescriptive period.

Doctrine:
– The right to deport an alien for misrepresentation under Section 37(a)(1) of the Immigration Act of 1940 prescribes within five years after the cause for deportation arises.
– Marriage to a Filipino citizen does not automatically grant an alien the right to admission or permanent residency in the Philippines.

Class Notes:
– **Immigration Law:** Section 9(a) and 13(a) of the Immigration Act of 1940, and Section 37(a) and 37(b) regarding grounds and prescriptive periods for deportation.
– **Prescription Periods:** Five-year prescriptive period under Section 37(b) for deportations based on certain grounds.
– **Marriage and Immigration:** Alien spouses of Filipino citizens still subject to immigration control and deportation laws.

Historical Background:
The case took place in the context of strict Philippine immigration enforcement and evolving family law principles, emphasizing the balance between immigration integrity and individual circumstances like marriage. The decision highlighted the stringent nature of immigration control despite personal relationships and underscored the legal scrutiny of procedural compliance in residency applications.