

Title:

Ma v. Commissioner Fernandez, et al., G.R. No. 178491, 639 Phil. 577 (2010)

Facts:

Balgamelo Cabiling Ma, Felix Cabiling Ma, Jr., Valeriano Cabiling Ma, and others are children of a Taiwan-born father and a Filipina mother. Born in 1948, 1951, and 1957 respectively, under the 1935 Philippine Constitution, they resided in the Philippines their whole lives without knowing any language or culture other than Filipino. Upon reaching the age of majority, they claimed Filipino citizenship, executed their affidavits of election, and took their oaths of allegiance.

****Detailed Chronology:****

1. ****Youth and Residency:****

- The three brothers were raised in the Philippines and schooled there. They had never traveled abroad nor had connections with Taiwan.

2. ****Citizenship Claim:****

- Felix, Jr. executed his affidavit and took his oath in 1969; Balgamelo followed in 1972; Valeriano took his oath in 1978.

3. ****Procedural Shortcomings:****

- The brothers failed to register these documents at the nearest civil registry immediately.

4. ****Political Context:****

- They actively participated in local politics, registering as voters and engaging in civic duties. Balgamelo even served as a Barangay Kagawad.

5. ****Complaint Filed:****

- In 2004, Mat G. Catral filed a complaint against them alleging they were overstaying aliens and violating immigration laws.

6. ****Bureau of Immigration (BI) Charges:****

- The BI charged them in 2004 for failing to show valid documentation and for misrepresentation.

7. ****BI Ruling:****

- In 2005, the BI ordered their summary deportation due to violation of the Philippine Immigration Act and failing to comply with administrative memoranda.

8. **Court of Appeals (CA):**

- The Ma siblings filed for certiorari in the CA, which was denied in 2007 for failing to comply with the requirements for election of Philippine citizenship.

Issues:

1. **Primary Legal Issue:**

- Whether the failure to immediately register the documents of election with the civil registry nullifies the petitioners' claim to Filipino citizenship and subjects them to deportation as undocumented aliens.

2. **Secondary Issues:**

- Whether the lifelong and continuous residence, engagement in civic duties, and lack of ties to their father's foreign nationality can compensate for procedural lapses.

3. **Jurisdictional Consideration:**

- Whether the BI and CA correctly applied Commonwealth Act No. 625 and the 1935 Constitution in interpreting the requirements of election of Philippine citizenship.

Court's Decision:

1. **Non-inflexibility of the Rule:**

- The Supreme Court held that while the election documents were belatedly registered, the essential acts (affidavit and oath) immediately upon reaching the age of majority were timely completed.

2. **Positive Acts of Citizenship:**

- Emphasized that the siblings had continuously acted as Filipinos by voting, serving in public roles, and living their entire lives in the Philippines.

3. **Substantive Compliance:**

- The Court ruled that the actual timely election should be recognized, and the procedural requirement—registration—should not defeat the substantive right to citizenship.

4. **Reversal of CA Decision:**

- The CA's denial was set aside, and the petitioners were given 90 days to comply with necessary documentation at the BI.

Doctrine:

1. **Doctrine of Liberality in Citizenship:**

- The decision reinforces a liberal approach towards procedural lapses in citizenship election where substantive claims and lifelong adherence to Filipino norms are evident.

2. **Recognition of Actual Citizenship Practices:**

- Emphasized that registration functions as a notice and not as the act itself that confers citizenship. The actual exercise of citizenship rights had provided equivalent actual notice to the public.

Class Notes:

- **Elements of Citizenship by Election:**

1. Affidavit of election executed upon reaching the age of majority.
2. Oath of allegiance to the Constitution.
3. Filing of election documents with the nearest civil registry.

- **Relaxation of "Reasonable Time" for Election:**

- Period within three years from reaching majority unless continuous acts of Filipino citizenship can be shown.

- **Statutory Reference:**

- Section 1(4), Article IV of the 1935 Constitution.
- Commonwealth Act No. 625, detailing procedural requirements.

Historical Background:

This case reflects tensions in immigration law post-World War II and the evolving nature of Filipino citizenship norms, which were more patriarchal under the 1935 Constitution. Laws evolved in the 1973 and 1987 Constitutions to favor children of Filipino mothers, indicating a progression toward gender equality and inclusivity in constitutional citizenship provisions.