

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF JACK J. BERMONT ; JACK J. BERMONT, PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-3323. July 18, 1951

Ponente: REYES, J.

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REYES, J.:

This is an appeal from a decision of the Court of First Instance of Manila, granting Jack J. Bermontfs petition for Philippine citizenship.

The trial court found and the finding is amply supported by evidence that petitioner was born in Nikolavesk, Amur, Siberia, on March 1, 1912; that during the Russian revolution, when he was barely 6 years old, his parents, who were both White Russians, fled from Russia, taking him along with them, and settled in Japan where they resided for more than 10 years; that in 1930 they moved to Shanghai and there he studied at St. Joseph's College of the Christian Brothers and at the Shanghai American School; that his father died in Shanghai in July, 1948, but his mother was still living and was in Japan; that petitioner came to the Philippines in January, 1935, with the intention of proceeding to Australia, but finding this country to his liking he obtained permission to remain and had since then resided here continuously; that he never took oath of allegiance to the Soviet Government and considered himself stateless; that he mingled with the Filipinos and married a Filipina and had a child by her (now two according to counsel's brief) ; that he had worked for Bobcock & Co. and Heacock & Co. and in the lumber concession of Jose Cauwenbergh, and was at the time of the hearing a stockholder and director of the United States—Philippine Reconstruction Corporation with an emolument of P1,600 a month; that he could speak and write English and possessed a working knowledge of Tagalog, Spanish, and Cuyonon, a dialect spoken in Palawan; that he believed in the principles underlying the Philippine constitution and was opposed to communistic government; that he was of good repute and morally irreproachable, as certified to by Attys. Jesus T. Paredes and Arsenio S. Lacson; that he was not opposed to organized government nor was he affiliated to any subversive organization; that during the last war he was an active member of the guerrilla forces in Palawan under Major Pablo Muyco and was later attached to the Allied Intelligence Bureau (U. S. A. Task Force, Team No. 017) in Palawan, and that as a result of his activities in the underground movement he became entitled to two medals of honor and two unit citations, as certified to by General Macario Peralta; that he had not been convicted of any crime and was not suffering from any contagious disease. It does not appear that he has those shortcomings which would make a person unfit for Philippine citizenship, and he states under oath that if he is made a citizen of this country, he will uphold and defend its Constitution arid laws and take up arms, if necessary, in its defense, like he did in the last war.

The Solicitor General contends that the lower court erred in finding petitioner to be a stateless person and not a Russian citizen and in not finding that he has failed to establish that in his country Filipinos are permitted to acquire Russian citizenship. The same contention was made in the case of Kremes Kookooritchken vs. Republic of the Philippines[*] (46 Off. Gaz., Supp. No. 1, 217, 225-227), in which the petitioner was also a White Russian,

being one of the 1,200 Russian Refugees who, under the command of one Admiral Stark, fled from the Bolshevik regime and entered the Philippines in 1923. Overruling the contention of the Solicitor General, this Court said in that case:

"It is contended that petitioner failed to show that under the laws of Russia, appellee has lost his Russian citizenship and failed to show that Russia grants to Filipinos the right to become naturalized citizens or subjects thereof. The controversy centers on the question as to whether petitioner is a Russian citizen or is stateless.

"Petitioner testified categorically that he is not a Russian citizen and that he has no citizenship. His testimony supports the lower court's pronouncement that petitioner is a stateless refugee in this country.

"Appellant points out that petitioner stated in his petition for naturalization that he is citizen or subject of the Empire of Russia, but the Empire of Russia has ceased to exist since the Czars were overthrown in 1917 by the Bolsheviks, and petitioner disclaims allegiance or connection with the Soviet Government established after the overthrow of the Czarist Government.

"We do not believe that the lower court, erred in pronouncing appellee stateless. Appellee's testimony, besides being uncontradicted, is supported by the well-known fact that the ruthlessness of modern dictatorships has scattered throughout the world a large number of stateless refugees or displaced persons, without country and without flag. The tyrannical intolerance of said dictatorships toward all opposition induced them to resort to beastly oppression, concentration camps and blood purges, and it is only natural that the not-so-fortunate ones who were able to escape to foreign countries should feel the loss of all bonds of attachment to the hells which were formerly their fatherland's. Petitioner belongs to that group of stateless refugees.

"Knowing, as all cultured persons all over the world ought to know, the history, nature and character of the Soviet dictatorship, presently the greatest menace to humanity and civilization, it would be technically fastidious to require further evidence of petitioner's claim that he is stateless than his testimony that he owes no allegiance to the Russian Communist government and, because he has been at war with it, he fled from Russia to permanently reside in the Philippines. After finding in this country economic security in a remunerative job, establishing a family by marrying a Filipina with whom he has a son, and enjoying for 25 years the freedoms and blessings of our democratic way of life, and after showing his resolution to retain the happiness he found in our political system to the extent of refusing to claim Russian citizenship even to secure his release from the Japanese and of casting his lot with that of our people by joining the fortunes and misfortunes of our guerrillas, it would be beyond comprehension to support that the petitioner could feel any bond of attachment to the Soviet dictatorship."

The Solicitor General insists that in the present case the record does not support the claim that the petitioner is a stateless person. But there is no denying the fact that, like Kremes Kookooritchken, herein petitioner is a White Russian refugee, who has permanently abandoned the land of his birth and adopted the Philippines as his home and identified himself with its people. His alien certificate of registration describes him as a stateless Russian. If Kookooritchken was held entitled to Philippine citizenship, it does not seem fair that the same consideration should not be extended to the present petitioner, who has presented an even stronger case because he has by deeds shown his loyalty to this country and its ideals and his fitness to become one of its citizens.

In view of the foregoing, the decision appealed from is affirmed, without special pronouncement as to costs.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor and Jugo JJ., concur.

[*] 81 Phil., 435.

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