

**QUETO ALIAS TAN QUETO, (PERSHING TAN QUETO), ET AL.,  
PETITIONERS, VS. HON. ALFREDO CATOLICO, JUDGE OF THE COURT  
OF FIRST INSTANCE OF MISAMIS OCCIDENTAL, RESPONDENT,  
REPUBLIC OF ...**

*G.R. Nos. L-25204 & L-25219. January 23, 1970*

Ponente: MAKALINTAL, J.

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**MAKALINTAL, J.:**

In the annals of Philippine Jurisprudence there has been no case quite like the one now before us, where over fifty naturalized citizens were haled into court by officiousness on the part of a Judge, and one of them, as if by way of example, was unnecessarily subjected to overbearing and abusive verbal treatment from the bench. The time wasted in the proceedings below, and here as a result of the petition for prohibition which had to be filed in order to correct them, could have been employed more profitably in meritorious cases instead of aggravating the already clogged court dockets.

The instant petition for prohibition[1] was filed on October 26, 1965 in behalf of thirty-seven of those naturalized citizens, in whose favor the corresponding certificates of naturalization had been issued on different dates, the earliest of which was August 27, 1961, and the latest, June 6, 1964.

The proceedings complained of began when, under date of October 5, 1965, each one of those affected was served with a uniformly worded mimeographed notice from the Clerk of the Court of First Instance of Misamis Occidental, presided by herein respondent Judge Alfredo Catolico, as follows:

"Acting in accordance with the instructions received from the Executive Judge of the Court of First Instance of this district, and in accordance further with the records of the naturalization cases in this Court, you are hereby notified that you are one among those who have taken oath of allegiance to the Republic of "the Philippines where the proceedings in connection therewith were null and void, ab initio, in the light of the recent decisions of the Supreme Court on naturalization.

"By authority granted me by the Executive Judge, you are hereby ordered to appear before him on October 15, 1965, at 9:00 in the morning, at the Session Hall, Branch I, at Oroquieta, Misamis Occidental, with your counsel, for the purpose of discussing the ways and means of how to avoid further ill use of your pretended Philippine Citizenship either by acquiring real properties which is prohibited by the Constitution to aliens like you, or exercising the right of suffrage."

On October 15., 1965 respondent Judge called the cases for hearing, "to thresh out," in the language of the order he issued on the same date, "the best procedure to follow tending to stave off the imminent declaration of nullity of the oath taking and consequent issuance of the certificate of naturalization to the applicants in the above-named cases as a natural consequence of the nullity of the proceedings had in connection with the aforecited legally defective oath taking for lack of notification to the Solicitor General who is the only counsel of record of the State."

As thus spelled out, the Judge took it upon himself to summon herein petitioners, among many any others, for a discussion of what to do in connection with the nullity of their naturalization - a matter he had evidently already prejudged, on the ground, wording to him, that said petitioners were allowed to take their respective oaths of allegiance without previous notices of the Solicitor General, the notices to the provincial and/or city fiscals who actually appeared in the naturalization proceedings being ineffective.

At the hearing on October 15, 1965 the Judge revealed that The action he took the result of a letter of Chua Tuan, alias Tian Yu, through his counsel, asking the Clerk of Court to furnish him with copies of his certificate of naturalization and oath of allegiance, which were needed in connection with certain requirements of the Bureau of Lands. The Judge remarked that he did not know Chua Tuan at all but "could not ignore his activities." He then proceeded to deliver in open court a lengthy dissertation reflecting on the honesty and integrity of provincial and city fiscals appearing in naturalization cases, and venting his spleen particularly on Chua Tuan, referred to him as a Chinese who had become a multi-millionaire by making overshipments of copra, who was "untouchable because he could buy his way out in Malacañang, in the Army, in the Foreign Affairs, in the Immigration, in the Bureau of Internal Revenue and in the Courts of Justice." Of all these things, the Judge said, he would take judicial notice. Other epithets were used by him to castigate the object of his tirade: "balasubas"; ingrate; "humbug"; animalistic; a danger and a disgrace to the community; a dishonor to the Filipino people.

The letter-request of Chua Tuan elicited the following written reply from the Court:

"In view of the inherent nullity of the proceedings above pointed out leading to your acquisition of Philippine citizenship, you did not acquire a valid Filipino citizenship; and therefore you, for all legal purposes, are still an alien prohibited by the Constitution to acquire lands in the Philippines."

Thus, at one stroke, without any petition from the Solicitor General and without hearing, respondent Judge in effect nullified all the previous proceedings - petition, publication, trial, judgment, oath taking and issuance of the certificate of naturalization. And following the example of Chua Tuan, the other petitioners herein were called to hear the same fate, although with respect to them the Judge, after saying that he was going to declare all of them aliens, expressed Ms readiness to hear their arguments.

To the credit of the lawyers who appeared before him, the manner in which they argued their cases was a lesson in humility, decorum and forbearance. In respectful language they pointed out, among other things, that the proper procedure that should have been pursued against each of their clients was through cancellation of the naturalization certificate by the court "upon motion made in the proper proceedings by the Solicitor-General or his representatives, or by the proper provincial fiscal ... (a) if it is shown that said naturalization certificate was obtained fraudulently or illegally," as provided in Commonwealth Act No. 473, Section 18; that respondent Judge had no jurisdiction to act *motu proprio* and declare that herein petitioners had not acquired Filipino citizenship by virtue of their naturalization; and that such declaration was arbitrary and void.

Respondent Judge, however, made short shrift of the arguments by saying that since the petitioners had not become Filipino citizens because their oath taking was void for lack of notice to the Solicitor General, there were no naturalization certificates to be cancelled pursuant to the legal provision aforementioned. Nevertheless, acting on counsel's motion for continuance in order to await the advice already requested by them from the Solicitor General, respondent Judge granted the same and set the hearing anew for November 12, 1965. However, they filed the instant petition on October 26, 1965, to stop said respondent from taking further action in the proceedings initiated by him. As prayed for by the petitioners this Court issued a writ of preliminary injunction on November 3, 1965.

Since then thirty-five of the thirty-seven petitioners have withdrawn as such, alleging that they would file the

proper petitions in the Court below to remove whatever cloud there might be in their status as naturalized Filipino citizens; and the corresponding motions for withdrawal have been granted by this Court. Only two petitioners still remain, namely, Chua Tuan @ Lim Tian Su (CFI No. 75, G.R. No. L-25204); and Pepito Go (CFI No. 33, G.R. No. L-25219).

On December 8, 1965 the Solicitor General filed a motion to intervene in this proceeding, which motion was duly granted by resolution of this Court dated December 15, 1965. The case was set for hearing on April 18, 1966, on which date counsel for the remaining petitioners and a representative of the Solicitor General appeared and moved that they be allowed to file memoranda in lieu of oral argument. The memorandum for the petitioners was filed in due time, but none was submitted by the Solicitor General.

The issue is whether or not respondent Judge, *motu proprio*, had jurisdiction to reopen and review, or putting it more accurately in this case, to declare null and void the grant of citizenship to the petitioners pursuant to final judgments of competent courts and after the oaths of allegiance had been taken and the corresponding certificates of naturalization issued. It may be true, as alleged by said respondent, that the proceedings for naturalization were tainted with certain infirmities, fatal or otherwise, but that is beside the point in this case. The jurisdiction of the court to inquire into and rule upon such infirmities must be properly invoked in accordance with the procedure laid down by law. Such procedure is by cancellation of the naturalization certificate (Sec. 1 [5], Commonwealth Act No. 63), in the manner fixed in Section 18 of Commonwealth Act No. 473, herein before quoted, namely, "upon motion made in the proper proceedings by the Solicitor General or his representatives, or by the proper provincial fiscal." In other words, the initiative must come from these officers, presumably after previous investigation in each particular case.

As a general rule a court proceeding in our judicial set-up is accusatorial or adversary and not inquisitorial in nature. It contemplates two contending parties before the court, which hears them impartially and renders judgment only after trial. This basic philosophy would be violated if a judge were permitted to act as inquisitor, pursue his own independent investigation, arrive at a conclusion *ex-parte*, and then summon the party affected so as to enable him, if that were still possible, to show that the conclusion thus arrived at is without justification. The danger in all this is most forcefully demonstrated in the present case, where respondent Judge took "judicial notice," to use his own words, of "news" derogatory to one of the petitioners, thereby elevating rumors and gossips to the level of incontrovertible proof; and worse, where prejudgment, not to say prejudice, on the part of said respondent was so blatantly shown by the abusive epithets he used in referring to the same petitioner before he had any chance to be heard.

Judges, in their zeal to uphold the law, should not lose the proper judicial perspective, and should see to it that in the execution of their sworn duties they do not overstep the limitations of their power as laid down by statute and by the rules of procedure. If they arrogate unto themselves the authority allocated to other officials, there can be no consequence but confusion in the administration of justice and, in many instances, oppressive disregard of the basic requirements of due process.

Wherefore, the writ prayed for is granted, and the injunction heretofore issued by this Court is made permanent. The Solicitor General is, of course, not precluded from taking such steps as may be warranted in connection with the naturalization cases of the petitioners.

Let a copy of this decision be furnished to the Honorable the Secretary of Justice.

Reyes, J.B.L., Dizon, Zaldivar, Sanchez, Ruiz Castro, Fernando and Teehankee, JJ., concur.  
Concepcion, C.J. and Barredo, J., did not take part.

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[1] Although only one petition was filed, it was given thirty-seven docket numbers, from L-25183 to L-25219, inclusive, each number corresponding to one petitioner.

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