

IN RE: APPLICATION FOR PHILIPPINE CITIZENSHIP OF CHAN TECK LAO. CHAN TECK LAO, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.*G.R. No. L-25300. January 04, 1974*

Ponente: FERNANDO, J.

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The 1967 leading case of *Gan Tsitung vs. Republic*[1] with former Chief Justice Concepcion as spokesman for the Court, indicates clearly the merit of this appeal by petitioner Chan Teck Lao from a lower court decision promulgated in 1965 ordering the cancellation of his certificate of naturalization that dates back to 1952 as a result of a 1950 decision of this Tribunal sustaining his plea to become a Filipino. *Gan Tsitung*, in language plain and unequivocal, makes manifest that no retroactive effect is to be given a judicial pronouncement that would impose on a party proceeded against in a denaturalization proceeding a requirement not in existence at a time that his application was heard and favorably acted on. There would be manifest unfairness in setting aside a decision that had subsequently become final and did lead to the grant of the coveted boon of citizenship. Unfortunately, the lower court decision came out in 1965, a full two years earlier. The Republic thus emerged victorious in its suit to declare null and void the original judgment in favor of petitioner in view of *Tan Ten Koc vs. Republic*,[2] which the year before held for the first time that an applicant must present positive evidence that the newspaper where his petition was published was indeed of general circulation in the province where the proceeding was had. With the principle of nonretroactivity now firmly adhered to, there is no more justification for what the lower court did. The status of petitioner as a national of this country for well-nigh thirteen years ought to have remained undisturbed. What is more, a 1970 resolution of this Court penned by the present Chief Justice in *Republic vs. Co Keng*,[3] warning against undue receptivity to claims by the State in denaturalization proceedings, further strengthens the position of petitioner-appellant in seeking a reversal. Such an approach can likewise be discerned in our resolution, with Justice Antonio as ponente, in *Burca vs. Republic*. [4] We therefore cannot affirm.

The facts are undisputed. As set forth in the decision now on appeal: "This case was filed on March 28, 1949. The application for naturalization of Chan Teck Lao was denied on October 31, 1949. Upon appeal the Supreme Court, * * *, [on] June 15, 1950, reversed this Court's decision." [5] It was then noted that more than ten years later, on July 16, 1962, the Office of the Solicitor General filed the petition for the cancellation of the certificate of naturalization, raising the alleged jurisdictional question based on the subsequent *Tan Ten Koc* ruling that there was no showing or proof that the *Nueva Era* was a newspaper of general circulation in the province of Tarlac, where the petitioner then resided. Such an objection was considered insuperable by the lower court in view of the tacit admission by counsel for petitioner of such failure on his part. It did, however, note in its decision: "The Court is not unaware that the trial court denied the application for naturalization of Chan Teck Lao; that it was reversed by the Supreme Court in its Resolution of June 15, 1950." [6] In its dispositive portion, it held "that it did not acquire jurisdiction to hear the application of Chan Teck Lao when it heard the same on September 6, 1949, and therefore [ordered] the cancellation of the certificate of naturalization of Chan Teck Lao as a Filipino

citizen."[7]

The decision now on appeal lends itself to the interpretation that by virtue of Tan Ten Koc, the outcome could not have been otherwise, notwithstanding the admittedly strong, equitable and legal considerations in favor of petitioner-appellant, who had in his favor a decision no less from this Tribunal granting him citizenship, dating back to 1950. Nor is this to find fault with the lower court. Rightly, it could have felt it had no other choice. With the categorical pronouncement however, in *Gan Tsitung*,^[8] a reversal, as noted at the outset, is indicated.

1. In a manifestation and addendum to petitioner-appellant's brief filed with this Court on January 24, 1969,^[9] our attention was invited to the *Gan Tsitung* ruling in further support of his stand that the lower court's decision cannot be upheld. As already made clear, such a plea is of the utmost persuasiveness. As was clearly set forth in the opinion of the Chief Justice: "After mature deliberation, and in the light of the reasons adduced in appellant's motion for reconsideration and in the reply thereto of the Government, as well as of the data contained in the latter, the Court holds that the doctrine laid down in the *Ong Son Cui* case shall apply and affect the validity of certificates of naturalization issued after, not on or before, May 29, 1957. Although there are divergent views on the precise time at which the decision of a court of last resort, declaring a given statute, process or proceeding null and void as unconstitutional or illegal, shall affect the validity of acts performed under such law or of similar processes or proceedings in analogous cases, the precedents appear overwhelmingly to favor such a solution as is just, fair and reasonable, having in mind public interest, as well as that of the parties directly concerned. As Professor Freund has put it, the issue 'involves considerations, not only of principle, but, also, of practical administration.'" ^[10] Here in this case, the very same consideration presents itself with equal validity. To rely on the 1964 Tan Ten Koc ruling which, after all these years, would require that positive proof as to the paper wherein the application was published in the place where the proceeding was had being of general application to petitioner-appellant who, as far back as June 15, 1950, had already been granted his citizenship by this Court, his certificate being issued two years thereafter, would, in the language of *Gan Tsitung*, be far from "just, fair and reasonable."^[11]

2. The conclusion reached by us receives additional reinforcement that stems from the fundamental law itself. Chief Justice Concepcion, in *Gan Tsitung*, appeared to be of the same mind. Thus: "It should be noted, furthermore, that a similar view was, in principle, taken in *Rutter vs. Esteban* (93 Phil. 68) in which this Court declared the Moratorium Law unconstitutional, and, hence, null and void, but only from the date of the promulgation of the decision therein (May 18, 1953), said moratorium being deemed effective prior thereto, despite the fundamental infirmity of the legislation that established it."^[12] If it were otherwise, the decision would not, in his language, be "just, fair and reasonable."^[13] It would be infected with the virus of arbitrariness and thus offend against the due process guarantee.

In the 1970 resolution in *Republic vs. Co Keng*^[14] that finally put an end to what was a long-drawn-out litigation, the present Chief Justice was equally alert to a possible disregard of this basic safeguard. What is more, earlier, in the 1968 resolution denying the motion for reconsideration, he displayed sensitivity to the equal protection angle.^[15] For it was in *Co Keng* that for the first time the attention of this Court was invited by counsel to *Schneiderman vs. United States*,^[16] *Baumgartner vs. United States*,^[17] and *Knauer vs. United States*.^[18] All of these three leading American Supreme Court cases stand for the proposition that a naturalized citizen is entitled to similar treatment as a native-born citizen except where the Charter itself provides otherwise. If it were not so, there would be an infringement of the equal protection guarantee.^[19] In *Schneiderman*, it was merely hinted at. Justice Murphy called attention to the fact that this was not a naturalization proceeding, in which the government was asked to confer a privilege; instead the government "seeks to turn the clock back twelve years after full citizenship was conferred" and to deprive petitioner of the "priceless benefits that stem from

citizenship." [20] Once conferred then, it "should not be taken away without the clearest sort of justification." [21] In *Baumgartner*, Justice Frankfurter was quite explicit to the effect that under the American Constitution, a naturalized citizen stands on equal footing with a native citizen in all respects, save that of eligibility to the Presidency. [22] So was Justice Douglas in *Knauer*. Thus: "Citizenship obtained through naturalization is not a second-class citizenship." [23] From such a perspective then, to impose an additional burden for the first time to warrant the denaturalization of a citizen whose naturalization was obtained after the most exacting scrutiny not only by the lower courts but by this Tribunal, and especially so after a long lapse of time, would be clearly to subject him to a risk that certainly the Constitution, with its pledge of equal protection, cannot countenance.

3. Then, there is our resolution in *Burca vs. Republic*, [24] promulgated only last June. While this is a naturalization and not a denaturalization proceeding, the juridical philosophy that informs it is of some relevance. As was made clear in the opinion of Justice Antonio: "Certainly if the decision of the administrative agency on the matter of citizenship, as an important issue involved in the case, is affirmed by this Court, We find no cogent reason why such decision on the matter can not be given preclusive effect. We have conceded the authority of certain administrative agencies to ascertain the citizenship of the parties involved in the cases therein, as a matter inherent in or essential to the efficient exercise of their powers. Recognizing the basic premise, that there must be an end to litigations, some authorities recognize that administrative rulings or decisions should have *res judicata* or preclusive effect. * * * The same observation holds true with respect to a decision of a court on the matter of citizenship as a material matter in issue in the case before it, which is affirmed by this Court. For the 'effective operation of courts in the social and economic scheme requires that their decision have the respect of and be observed by the parties, the general public and the courts themselves. According insufficient weight to prior decisions encourages disrespect and disregard of courts and their decisions and invites litigation' (Cleary, *Res Judicata Reexamined*, 57 *Yale Law Journal*, 345)." [25] This Court spoke in no uncertain terms as far back as 1950 that petitioner-appellant met all the qualifications for citizenship.

WHEREFORE, the decision of the lower court of January 20, 1965 ordering the cancellation of the certificate of naturalization of Chan Teck Lao as a Filipino citizen is set aside and reversed.

Zaldivar, (Chairman), Antonio, Fernandez, and Aquino, JJ., concur.

Barredo, J., took no part.

[1] L-20819, February 21, 1967, 19 SCRA 401.

[2] L-18344, February 28, 1964, 10 SCRA 286.

[3] L-19829, August 31, 1970, 34 SCRA 668.

[4] L-24252, June 15, 1973, 51 SCRA 248.

[5] Record on Appeal, 14-15.

[6] *Ibid*, 24.

[7] *Ibid*.

[8] *Gan Tsitung vs. Republic*, L-20819, Feb. 21, 1967, 19 SCRA 401.

[9] Counsel of record are Leocadio D. Santiago, Manuel O. Chan and Gerardo P. Cabo Chan.

[10] *Gan Tsitung vs. Republic*, L-20819, February 21, 1967, 19 SCRA 401, 403-404.

[11] Ibid, 404.

[12] Ibid, 405.

[13] Ibid, 404.

[14] L-19829, August 31, 1970, 34 SCRA 668.

[15] Thus he joined Justice Castro in his separate opinion that stressed this aspect of the matter.

[16] 320 US 118 (1943).

[17] 322 US 665 (1944).

[18] 328 US 654 (1946).

[19] Both in the 1935 Constitution, Article III, Section 1, par. 1, and in the Revised Constitution, Article IV, Section 1, it is explicitly provided that no "person be denied the equal protection of the laws."

[20] *Schneiderman vs. United States*, 320 US 118, 121-122 (1943).

[21] Ibid.

[22] *Baumgartner vs. United States*, 322 US 665, 673 (1944). Here, Frankfurter cited *Luria vs. United States*, 231 US 9 (1913).

[23] *Knauer vs. United States*, 328 US 654, 658 (1946).

[24] L-24252, June 15, 1973, 51 SCRA 248.

[25] Ibid, 259.

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