

IN RE: PETITION FOR REINSTATEMENT IN THE ROLL OF ATTORNEYS AND FOR RE-ADMISSION TO PRACTICE OF LAW IN ALL THE COURTS OF THE PHILIPPINES AS ATTORNEY AND COUNSELLOR AT LAW, OSCAR ...

B.M. SBC-591. December 01, 1977

Ponente: GUERRERO, J.

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GUERRERO, J.:

This is a petition for reinstatement in the Roll of Attorneys and for re-admission to the practice of law in the Philippines. Petitioner was first admitted to the practice of law in 1971 after passing the Bar Examinations in 1970. This Court, however, ordered the cancellation of his name in the Roll of Attorneys when the cancellation of his alien certificate of registration was disallowed by the Department of Justice in 1973.

It appears from the petition and the documentary evidence submitted that petitioner was born in Manila, Philippines on May 27, 1947, the legitimate son of the spouses Pelagio P. Quilala, an American citizen, and Julia Ramos, Filipino, as shown in the certified copy of the birth certificate of petitioner issued by the Civil Registrar of Manila.[1] His father is a native born Filipino who had gone to the United States where he was drafted into the United States Army and consequently acquired U.S. citizenship by naturalization. He was with the United States Liberation Forces that landed in Leyte and there met and married petitioner's mother.

Petitioner grew up and was raised in the Philippines, and upon reaching the age of 23 years, he elected Philippine citizenship[2] and took his oath of allegiance as a Filipino citizen on May 20, 1970,[3] which oath and affidavit of election were registered with the Office of the Local Civil Registrar of Quezon City on May 28, 1970.[4] Petitioner took up Law at San Beda College, Manila and was admitted to take the 1970 Bar Examinations on condition that he will submit proof of cancellation of his alien certificate of registration with the Bureau of Immigration. He passed the 1970 bar examinations successfully with a rating of 77%.

On March 5, 1971, the Commissioner of Immigration, Edmundo M. Reyes, issued an order granting the petitioner's petition to cancel his alien registry, ACR No. B-190085 and NBCR No. 167123, both issued in Manila on January 29, 1971 and March 4, 1971, respectively.[5] Accordingly, petitioner was allowed and he took his oath as member of the Philippine Bar on March 8, 1971 and signed his name in the Roll of Attorneys.[6]

On January 9, 1973, the Undersecretary of Justice ruled against the order of the Commissioner of Immigration on the ground that "the only evidence presented to prove that his mother was a Filipino citizen prior to her marriage is the petitioner's birth certificate. As regards the baptismal certificate and marriage contract of the petitioner's mother, said documents are inadmissible in evidence being merely xerox copies which have not been duly verified from the originals thereof." [7]

Thereupon, on October 17, 1975, the Clerk of Court of this Court informed the petitioner that his office was in receipt of a letter dated October 2, 1975 from the American Consul, United States Embassy, Manila, inquiring as

to whether or not the disallowance of petitioner's election of Philippine citizenship by the Undersecretary of Justice would affect the validity of his oath of office as member of the Philippine Bar.[8] In reply, petitioner wrote a letter[9] on January 8, 1976 to the Clerk of Court informing him that petitioner was not disturbing the denial by the Department of Justice of his election of Philippine citizenship in view of the ruling of the United States Department of State contained in the letter of the American consul to him dated December 10, 1975 which ruling states that if petitioner's election of Philippine citizenship was granted, petitioner would be divested of his U.S. citizenship.[10]

This Court, having been informed that petitioner has decided not to disturb the denial by the Department of Justice of his election of Philippine citizenship, ordered the cancellation of petitioner's name in the roll of attorneys in its Resolution dated February 6, 1976.[11]

It is also shown that petitioner left for the United States and after a year of stay therein, he came back to the Philippines realizing, according to him, that "his roots, upbringing, education and professional training are completely and typically Filipino, the totality of which constitutes the very being, existence and survival of petitioner which can never find a home in any other place but the Philippines and besides, the primary evidence needed to move for reconsideration of the denial of petitioner's citizenship election are already available for submission to the Department of Justice."

Thereupon, petitioner moved for reconsideration of the order of the Undersecretary of Justice dated January 9, 1973 and this time, the Undersecretary of Justice in his 1st Indorsement of August 12, 1977 affirmed the order of the Commissioner of Immigration and Deportation dated March 5, 1971, granting the petition to cancel the alien certificate of registration of petitioner "it appearing from the within records and the additional documents submitted to this Department that he was born on May 27, 1947 in Manila, the legitimate child of Pelagio Philip Quilala, an American citizen, and Julia Ramos, a Filipino citizen prior to her marriage, and that within a reasonable time after attaining the age of majority, he elected Philippine citizenship pursuant to the provisions of Section 1 (4), Article IV, of the 1935 Constitution, in relation to Section 1 (3), Article III, of the present Constitution, and Commonwealth Act No. 625 (1941), thereby becoming a citizen of the Philippines." [12]

We find that the petition is in order. There is no question that petitioner, born of a Filipino mother and an American citizen has the right to elect Philippine citizenship upon reaching the age of majority which petitioner elected on May 26, 1970 at the age of 23 years and immediately took his oath of allegiance to the Republic of the Philippines on the same day, which documents were duly registered in the Office of the Local Civil Registrar of Quezon City on May 28, 1970. After the Undersecretary of Justice reconsidered his order denying the cancellation of the alien certificate of registration of the petitioner by the Commissioner of Immigration, and affirmed the cancellation of petitioner's alien registry, there is no more legal obstacle to his becoming a Filipino citizen.

ACCORDINGLY, the petition is granted, allowing petitioner to be reinstated in the roll of attorneys and to be re-admitted to the practice of law in the Philippines.

SO ORDERED.

Castro, C.J., Fernando, Teehankee, Barredo, Antonio, Muñoz Palma, Aquino, Concepcion, Jr., Martin, Santos, and Fernandez, JJ., concur.

Makasiar, J., concurs with the opinion that the dispositive portion should categorically declare petitioner a Filipino citizen.

[1] Bar Record, p. 7.

[2] Bar Record, p. 16.

[3] Bar Record, p. 17.

[4] Bar Record, p. 18.

[5] Bar Record, p. 31.

[6] Bar Record, p. 33.

[7] Rollo, p. 5.

[8] Rollo, p. 1.

[9] Rollo, p. 10.

[10] Rollo, p. 11.

[11] Rollo, p. 21.

[12] Rollo, p. 36.

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