

IN RE: PETITION FOR CORRECTION OF ENTRY OF CERTIFICATE OF BIRTH OF THE MINOR, CHUA TAN CHUAN, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.*G.R. No. L-25439. March 28, 1969*

Ponente: FERNANDO, J.

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The decision under appeal hardly commends itself as a manifestation of judicial conduct at its most exemplary. It would, by virtue of a petition for correction of entry in the certificate of birth of the minor Jacob Chua, allow an alien national to become a Filipino citizen. It cannot survive, therefore, the test of even a cursory scrutiny. For, as is to be expected, we have left no doubt about our disapproval of such a technique, unfortunately still resorted to by some members of the bar, to obtain the highly coveted distinction of gaining Filipino citizenship. What else is there for us to do then but reverse the lower court?

The facts resulting in the decision of the lower court of September 24, 1965 ordering the correction of the birth certificate of the minor Jacob Chua by changing his nationality from Chinese to Filipino are set forth therein. Thus: "A verified petition was filed on April 28, 1965 by the petitioner Chua Tan Chuan thru counsel Atty. Peregrino M. Andres for the purpose of changing the nationality of his son Jacob Chua from Chinese to Filipino as could be found in the birth certificate of Jacob Chua. The petitioner in this case is a resident of Sta. Ana, Davao City, Philippines and is a Chinese citizen, while the minor Jacob Chua is under the custody and support of the petitioner as according to the decision of this Honorable Court * * *; that according to the certificate of birth of the minor prepared by the attending physician he was born at the Brokenshire Memorial Hospital on October 24, 1965. The nationality of the minor is indicated in the birth certificate as Chinese instead of Filipino and according to the decision of this Court * * * of the complaint filed by Leoncia Manglangit against the petitioner Chua Tan Chuan, it was found that the petitioner and the plaintiff were not legally married but they live as common-law husband and wife; that Jacob Chua is the illegitimate child of Leoncia Manglangit; and according to Exhibit 'E' which is the birth certificate of the minor, stated that the nationality of the child is Chinese and such entry was explained by the petitioner that there was a mistake so that he has been asking for correction of the certificate of birth of the minor." [1]

The lower court, the Honorable Vicente P. Bullecer presiding, rendered its decision, as noted, on September 24, 1965. It apparently was oblivious of a 1964 decision, the opinion being penned by the then Chief Justice Bengzon about ten months before in *Reyes v. Republic*, wherein this Court reiterated the doctrine that a change of citizenship cannot be thus effected. [2] In the language of the above decision: "The case before us is not of first impression. We have repeatedly declared that in this jurisdiction, the remedy sought in the instant petition cannot be granted in the manner desired. While ostensibly, the action seeks a mere correction of an entry in the Civil Registry, in effect, it requests the judicial declaration of Philippine citizenship. Many such cases this Court has dis-missed. We have clearly stated time and again, that declaratory relief is not available for the purpose of obtaining a judicial declaration of citizenship. " Such a doctrine has subsequently been affirmed by us in even

more recent decisions.[3]

The appealed decision thus suffered from a congenital infirmity beyond the possibility of any cure. It cannot survive.

WHEREFORE, the lower court decision of September 24, 1965 is reversed. With costs against Chua Tan Chuan.

Concepcion, C.J., Reyes, JBl, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, and Capistrano, JJ., concur. Teehankee and Barredo, JJ., did not take part.

[1] Decision, Record on Appeal, pp. 5-7.

[2] Reyes v. Republic, L-17642, November 27, 1964.

[3] Chug Siu v. Local Civil Registrar, L-20649, July 31, 1967; Lee v. Lee Hian Tiu, L-24540, April 25, 1968; Dy En Siu Co v. Local Civil Registrar, L-20794, July 29, 1968.

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