

IN RE: THE PETITION FOR DECLARATORY RELIEF OF HOSPICIO OBILES AND FOR CANCELLATION OF ERRONEOUS REGISTRATION AS ALIEN. HOSPICIO OBILES, PETITIONER AND APPELLANT, VS. REPUBLIC OF...

G. R. No. L-5204. March 27, 1953

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a judgment of the Court of First Instance of Albay dismissing petitioner-appellant's petition for declaratory relief. In his petition, petitioner alleges that he is a Filipino citizen by birth and parentage, residing in Bacacay, Albay; that in the year 1941, because "of erroneous belief and fear of criminal prosecution," petitioner registered himself with the municipal treasurer of Bacacay as Chinese alien, but that notwithstanding said registration he never intended to give up his Filipino citizenship, and that he continued to hold himself out as a Filipino citizen. Against this petition the Solicitor General filed an opposition, alleging that the petition contains no cause of action and that no actual controversy has arisen against anyone, and that if the petitioner desires to establish his Filipino citizenship, he should do so in another separate proceeding. The court sustained the above opposition, holding that there was no actual controversy involved in petitioner's petition, because petitioner is merely in doubt as to his right and no one disputes his claim; that any declaration that the court might render in the premises will not terminate the controversy, and it, therefore, dismissed the petition. Against this judgment, petitioner has prosecuted this appeal claiming (1) that the lower court erred in holding that no justiciable controversy existed, and (2) that the decision will not terminate the controversy.

On the first claim, petitioner-appellant argues that inasmuch as the Solicitor General, in representation of the Government, has joined issue by filing an opposition, an actual controversy has arisen which is concrete and real, which justifies every specific relief in the form of a pronouncement by the court as to whether the petitioner is a Filipino citizen or not. It is to be noted that before the petitioner filed his petition, nobody appears to have ever contested any of the allegations of the petitioner's complaint. In his petition, he does not claim that any official has ever contested his claim to Philippine citizenship or threatened to contest the same. The Solicitor General's opposition was not presented to deny the allegations of his complaint, but to show that he has no cause of action because nobody has ever contested petitioner's pretensions. The claim of the appellant that a controversy has arisen because the Solicitor General has opposed his petition is clearly unfounded.

Let us, however, examine the allegations of the petitioner and find out if they satisfy the requisites of an action for declaratory relief under Rule 66 of the Rules of Court. This rule is as follows:

Section 1. Construction.—Any person interested under a deed, will, contract or other written instrument, or whose rights are affected by a statute or ordinance, may bring an action to determine any question of construction or validity arising under the instrument or statute and for a declaration of his rights or duties thereunder.

The deed or written instrument, which petitioner claims and believes to have given rise to his cause of action, is his supposed registration as an alien filed in the office of the municipal treasurer of Bacacay in the year 1941. This instrument is not a contract in which another party or person is involved. It is a unilateral act of the petitioner himself not affecting nor binding anyone else but himself, not creating any right or obligation on the part of any other party or on that of the state, and, therefore, no one has interest therein except himself. By such registration petitioner has not become a Chinese alien. By such declaration alone no rights and obligations are created, no status fixed or determined. The registration, however, may be used as evidence against the petitioner himself. There is no allegation in the petition, however, that by reason of such registration any official of the government has taken steps, or is intending to take steps or threatening to take steps, to hold the petitioner to any obligation, responsibility, or liability. As the petitioner himself candidly admits in his complaint, he is only afraid lest this registration might involve the loss of his Filipino citizenship. This supposed fear in the mind of the petitioner is not what the law considers as an actual controversy, or a justiciable controversy, which requires the intervention of the courts of justice in order that the rights, obligations, or liabilities arising therefrom may be predetermined. In effect, petitioner's allegations of fact in his petition are entitled to no more than an advisory opinion, because a ruling on the effect of the registration by petitioner involves no actual, genuine, live controversy affecting a definite legal relation. (Borchard, Declaratory Judgments, pp. 29, 30.)

Besides, upon closer analysis, especially the prayer of the petition and the allegation to the effect that he is a Filipino citizen and is ready and willing to submit evidence to sustain this allegation, what the petitioner desires is to be declared a Filipino citizen in spite of his registration as a Chinese citizen. As contended by the Solicitor General, petitioner's remedy is clearly not by an action for declaratory relief.

For the reason, therefore, that petitioner's action for declaratory relief is not the proper remedy, because his desire is to be declared a Filipino citizen, and because the facts alleged in his petition constitute no cause for a declaratory judgment, the judgment appealed from should be, as it hereby is, affirmed, with costs against petitioner-appellant.

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

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