

ANTONIO LEE, AND HIS MINORS MANUEL VICTORIO LEE AND ILUMINADA LEE, REPRESENTED BY THEIR MOTHER LAUREANA TIRONA, PETITIONERS-APPELLANTS, VS. LEE HIAN TIU AND THE LOCAL CIVIL REGI...*G.R. No. L-24540. April 25, 1968*

Ponente: FERNANDO, J.

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In this petition for the correction of birth certificates, petitioners, Antonio Lee, Manuel Victorio Lee and Iluminada Lee, sought the correction by the Local Civil Registrar of Pasay City of data appearing in their records of birth to change their nationality from Chinese to Filipino and their status from legitimate to illegitimate. The last named petitioner is their mother, Laureana Tirona, who likewise would change her civil status from married to single. The lower court, presided by the then Judge, now Justice of the Court of Appeals, Angel H. Mojica, applying the *Ty Kong Tin* decision,[1] dismissed the petition.

Petitioners appealed, their counsel stressing that while not unaware of decisions of this Court in cases of a similar nature, he would avail himself of the opportunity to discuss the matter more thoroughly in the hope that thereby he "could evoke a decision clear enough to guide future litigants," admitting at the same time that the corrections sought by petitioners "would result in substantial change affecting the citizenship and the status of appellants." [2] There is no warrant for the slightest optimism on the part of petitioners. Such a hope is in vain.

It would be to overturn a long list of cases, impressive for their number and their unanimity, upholding the *Ty Kong Tin* decision, for this petition to prosper.[3] To abandon such a doctrine which has in its favor adherence to a sound policy is unthinkable. Necessarily then, reliance on petitions of this character for the far-from-commendable purpose of changing one's nationality should continue to be frowned upon and discouraged.

What was set forth in *Chug Siu v. Civil Registrar of Manila*[4] bears reiteration. Thus: "One of the most emphatic affirmations against the utilization of this mode of procedure to obtain a judicial declaration of citizenship comes from the pen of former Chief Justice Bengzon in the above cited 1964 decision of *Reyes v. Republic*. Thus: '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 dismissed. We have clearly stated time and again, declaratory relief is not available for the purpose of obtaining a judicial declaration of citizenship.'"

WHEREFORE, the decision of the lower court is affirmed. With costs against petitioners.

Reyes, J.B.L., (Acting C.J.), Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, and Angeles, JJ., concur.

[1] 94 Phil. 321 (1954).

[2] Brief for Petitioners-Appellants, p. 9.

[3] The cases are as follows: *Ansaldo v. Republic*, L-10226, February 14, 1958; *Black v. Republic*, L-10869, November 28, 1958; *Tan Su v. Republic*, L-12140, April 29, 1959; *Bantoto Coo v. Republic*, L-14978, May 23, 1961; *Barillo v. Republic*, L-14823, December 28, 1961; *San Luis de Castro v. Republic*, L-17431, April 30, 1963; *Liu Lin v. Republic*, L-18213, December 24, 1963; *Obeso Beduya v. Republic*, L-17639, May 29, 1964; *Reyes v. Republic*, L-17642, November 27, 1964; *David v. Republic*, L-21316, November 29, 1965; *Calicdan Baybayan v. Republic*, L-20717, March 18, 1966; *Tan v. Republic*, L-19847, April 29, 1966. The last decision in point is *Chug Siu v. Civil Registrar of Manila*, L-20649, July 31, 1967.

[4] L-20649, July 31, 1967.

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