

**TONG SIOK SY (NEE CHAN), PETITIONER, VS. MARTINIANO P. VIVO, ET AL., RESPONDENTS.***G.R. No. L-21136. December 27, 1963*

Ponente: BARRERA, J.

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Tong Siok Sy married Calixto Chan, a Filipino citizen, at Taichung, Taiwan on November 12, 1960. She was then a citizen of Nationalist China. As a consequence of said marriage, she took her oath of allegiance as a Filipino citizen before the Filipino Vice-Consul at Taipeh, on February 6, 1961. On her entry into the country on May 2, 1961, Tong Siok Sy was documented as a Filipino citizen. An investigation of her case was conducted by the Bureau of Immigration Board of Special Inquiry, which reached a favorable decision, this wise: Commissioner Talabis voted in favor on July 28, 1961; Commissioner De La Rosa voted in favor on August 23, 1961; and Commissioner Galang voted against her admission on August 23, 1961.

On July 14, 1962, the present Board of Commissioners, after reviewing *motu proprio* her case, declared that she, did not possess all the qualifications to become a citizen of the Philippines, especially the residence requirement, and ordered her exclusion as an alien not properly documented.

She filed an action in the Court of First Instance of Manila claiming that she was unduly deprived of her Filipino citizenship without due process of law. Appropriate answer was filed by the Board of Commissioners of the Bureau of Immigration. After the issues have been joined, the case was submitted for judgment on the pleadings. Thereafter, the court dismissed the petition, for the reason that the present Board of Commissioners, acting within the 1-year period within which its decision may be reconsidered, had the right to reverse its former ruling in favor of petitioner. Furthermore, it was held that an alien wife follows only the citizenship of her Filipino husband if she has all the qualifications for naturalization and none of the disqualifications. In this case, she lacked the residence requirement of 10 years by the Naturalization Law.

Petitioner is now bringing the matter here on appeal.

Section 15 of the Revised Naturalization Law reads:

"Sec. 15. Effect of the naturalization on wife and children.—Any woman who is now or hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized & shall be deemed a citizen of the Philippines."

Evidently, petitioner, who came to the Philippines only in 1961, does not possess all the necessary qualifications to become a naturalized citizen herself. Her marriage to a Filipino citizen did not *ipso facto* make her a citizen of the Philippines. (*Lo Tuan vs. Commissioner of Immigration*, L-18775, prom. November 30, 1962; *Kua Suy vs. Commissioner of Immigration* L-13790, prom. October 31, 1963).

The issue on the power of the Board of Immigration to reverse its previous ruling is also answered in the affirmative. It appearing that the last Commissioner who voted on the matter made it on August 23, 1961, the

review of the case on July 14, 1962 was well within the 1-year period prescribed by law.

Wherefore, judgment affirmed, with costs against appellants. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, Regala and Macalintal, JJ., concur.

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