

WILLIAM CHIONGBIAN PETITIONER, VS. ALFREDO DE LEON, IN HIS CAPACITY AS COMMISSIONER OF CUSTOMS, JOSE GALLOFIN, IN HIS CAPACITY AS COLLECTOR OF CUSTOMS OF THE PORT OF CEBU, AND V...

G.R. No. L-2007. January 31, 1949

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is a petition seeking to permanently prohibit respondent Customs officials from cancelling the registration certificates of petitioner's vessels, and respondent Philippine Shipping Administration from rescinding the sale of three vessels to petitioner. The primary basis for respondents' and intervenor's acts is the allegation that petitioner is not a Filipino citizen and therefore not qualified by law to operate and own vessels of Philippine registry. The Philippine Shipping Administration also alleges that petitioner violated the contract of sale of three vessels executed between them, on the ground of misrepresentation, petitioner having alleged in said contract that his father was a naturalized Filipino citizen. The Philippine Shipowners' Association was later followed to intervene and it filed its answer against the petitioner.

The entire case hinges on whether or not Petitioner William Chiongbian is a Filipino citizen, and this Court holds that he is one.

Article IV of the Constitution provides:

"SECTION 1. The following are citizens of the Philippines:

"(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

"(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

"(3) Those whose fathers are citizens of the Philippines.

"(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

"(5) Those who are naturalized in accordance with law.

"SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law."

In 1925, Victoriano Chiongbian, a Chinese citizen and father of the herein petitioner William Chiongbian, was elected to and held the office of municipal councilor of the town of Plaridel, Occidental Misamis. This fact is sufficiently established by the evidence submitted to this Court; by the findings of the National Bureau of Investigation cited in Opinion No. 27, S. 1948, of the Secretary of Justice; and as admitted by respondents in their pleadings. It is also shown and admitted that at the time of the adoption of the Constitution, petitioner William

Chiongbian was still a minor.

It is conclusive that upon the adoption of the Constitution, Victoriano Chiongbian, father of herein petitioner, having been elected to a public office in the Philippines before the adoption of the Constitution, became a Filipino citizen by virtue of Article IV, section 1, subsection 2 of the Constitution. William Chiongbian, the herein petitioner, who was then a minor, also became a Filipino citizen by reason of subsection 3 (Article IV) of the Constitution, his father having become a Filipino citizen upon the adoption of said Constitution. This is also in conformity with the settled rule in our Jurisprudence that a legitimate minor child follows the citizenship of his father.

It is argued by respondents that this privilege of citizenship granted by Subsection 2 (Article IV, Constitution) is strictly personal and does not extend to the children of the grantee. In support of this contention they offer two principal arguments. Firstly, that this subsection was adopted by the Constitutional Convention merely to grant Filipino citizenship to Delegate Caram and thus obviate the possibility of a non-Filipino signing the Constitution as one of its framers. Secondly, it is argued that the original draft of said subsection 2 contained the phrase—"and their descendants,"—which was deleted from the final draft, thus showing that this privilege of citizenship was intended to be strictly personal to the one who had been elected to a public office and did not extend to his descendants.

With regard to the first argument, it may be said that the members of the Constitutional Convention could not have dedicated a provision of our Constitution merely for the benefit of one person without considering that it could also affect others. When they adopted subsection 2, they permitted, if not willed, that said provision should function to the full extent of its substance and its terms, not by itself alone, but in conjunction with all other provisions of that great document. They adopted said provision fully cognizant of the transmissive essence of citizenship as provided in subsection 3. Had it been their intention to curtail the transmission of citizenship in such a particular case, they would have so clearly stated.

The second argument of respondents is similarly untenable. The mere deletion of the phrase—"and their descendants,"—is not determinative of any conclusion. It could have been done because the learned framers of our Constitution considered it superfluous, knowing full well that the meaning of such a phrase was adequately covered by subsection 3. Deletions in the preliminary drafts of the Convention are, at best, negative guides, which cannot prevail over the positive provisions of the finally adopted Constitution.

Respondents' allegation that the petitioner violated the contract of sale with the Philippine Shipping Administration on the ground of misrepresentation, petitioner having alleged in said contract that his father was a naturalized Filipino, is without merit. Such was not a deliberate misrepresentation but an error which any person not versed in the law is prone to commit. It is clear that petitioner merely meant that his father was a Filipino citizen by operation of law and not by birth.

In view of all the foregoing, the petition for the issuance of the writ of prohibition is hereby granted and respondent Customs officials are hereby enjoined from cancelling the registration certificates of petitioner's vessels and respondent Philippine Shipping Administration is hereby enjoined from rescinding the sale of the three vessels made to petitioner. No costs. It is so ordered.

Paras, Pablo, Perfecto, Bengzon, Briones, Tuason, and Montemayor, JJ., concur.

I certify that Mr. Justice Feria voted for the issuance of the writ.—Moran, C.J.

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