

IN THE MATTER OF THE PETITION FOR THE ADMISSION TO PHILIPPINE CITIZENSHIP. LEON RATUNIL SY QUIMSUAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPE...

G. R. No. L-4693. February 16, 1953

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed by Leon Ratunil Sy Quimsuan in the Court of First Instance of Misamis Occidental.

When this case was called for hearing on July 22, 1950, the fiscal manifested in open court that the case could not yet be heard because the six months period from publication of the petition required by Republic Act No. 530 has not yet expired, but on September 6, 1950, counsel for petitioner filed a motion praying that the case be set for hearing on September 16, 1950, on the ground, among others, that he has discovered a new evidence which proves that he is a Filipino citizen.

On September 7, 1950, the fiscal filed a written opposition to the motion wherein he reiterated his objection to the effect that a naturalization case cannot be set for hearing until after six months from publication of the petition as required by Republic Act No. 530.

On September 9, 1950, petitioner submitted his evidence. The Government was represented by the provincial fiscal, but did not present any evidence against the claim of the petitioner.

On September 16, 1950, the court issued an order which reads as follows:

"The petitioner himself, in his testimony, had submitted facts and documents showing that he is already a Filipino citizen. This court specially takes into consideration the legal opinion of the Department of Justice signed by the late Jose Abad Santos dated July 16, 1941, and the court does not believe that he is entitled to Philippine citizenship in view of the fact that he is already a Filipino citizen.

"Such being the case, this case is hereby dismissed.

"So ordered.

"Given in open court, this 16th day of September, 1950, at Oroquieta, Misamis Occidental.

(Sgd.) PATRICIO C. CENIZA
Judge, Sixteenth Judicial District"

The Solicitor General now appeals from this order contending that the lower court erred in allowing the appellee to adduce proof regarding his alleged citizenship in these proceedings, and in concluding that appellee is already a Filipino citizen.

We find no error on the part of the lower court in allowing the appellee to present proof regarding his Philippine citizenship in these proceedings when, in his opinion, the evidence in his possession proves that he has already that status as would make it unnecessary to press further his petition for naturalization. There is nothing in the law which would prohibit this alternative procedure. In fact, this course has been followed in a number of cases wherein the very evidence presented to substantiate the petition for naturalization rendered the latter unnecessary and the court proceeded to dismiss the case after a pronouncement that petitioner is already a Philippine citizen. Such a pronouncement is inevitable if we have to sanction the petition for dismissal and it is unfair and unjust to quash the proceedings if the claim for Philippine citizenship is not substantiated.

One case that may be cited is *Palanca vs. Republic of the Philippines*,[*] G. R. No. L-301 (April 7, 1948). In 1941, Carlos Palanca applied for citizenship under Commonwealth Act No. 473. His petition having been granted, and having taken the oath required by law, he was issued certificate of naturalization No. 1000. On July 3, 1945, the Solicitor General moved for its cancellation on several grounds. At the hearing of the motion for cancellation, counsel for Palanca asked leave of court to be allowed to prove that petitioner is a Filipino citizen, and informed the court that upon that ground he would join the move to cancel the certificate of naturalization. Leave having been granted, counsel for petitioner submitted evidence which in effect proved that he was already a Filipino citizen. This court found that the cancellation of the certificate of naturalization was correct and found no irregularity in the procedure adopted.

In the case of *Santos Co vs. Government of the Philippine Islands*, (52 Phil., 543), this Court said:

"It appearing, according to the appellant's contention, that he is a Filipino and that although he has gone to China several times, he never became a citizen of that country; that according to his evidence, he is, in fact, a Philippine citizen, having been born in the Philippines during the time of the Spanish sovereignty, his mother being a Filipino woman and his father unknown, or a Chinaman not lawfully married to his mother (*U. S. vs. Ong Tianse*, 29 Phil., 332), the naturalization proceedings established by Act No. 2927, referring to those who are not Philippine citizens, do not apply to him and there is no need to institute this action." (52 Phil., 543.)

In *Serra vs. Republic of the Philippines*, G. R. No. L-4223, recently decided on May 12, 1952, the government appealed from a judgment which granted the petition for naturalization on two grounds: (1) because petitioner did not observe good moral conduct, and (2) because he failed to register as alien in accordance with Commonwealth Act No. 653. In acting upon this case, this court brushed aside the issues raised saying that, according to the evidence, the petitioner was a Filipino citizen, his parents not being legally married, and the mother being a Filipino citizen. The court dismissed the case for being unnecessary it appearing that petitioner is already a Filipino citizen.

Neither do we find any error on the part of the lower court in concluding that appellee is already a Filipino citizen. The evidence he presented bears this out. It appears that he was born in Iligan, Lanao, on February 20, 1898; that his mother was Nicolasa Ratunil and his father Simeon Sy Quimsuan, who were not legally married; that his mother was a Filipino citizen while his father a Chinaman, and he had been a resident of the place where he was born continuously up to 1925 with the exception of one occasion when he went to China for a short visit; and that, upon advice of his lawyer, he sought the opinion of the Secretary of Justice about his citizenship, who opined that he is a Filipino citizen (Exhibit B). This evidence stands uncontradicted. The government did not present any to the contrary. Considering this evidence in the light of well-known authorities on the matter, let alone the opinion of the Secretary of Justice, we are of the opinion that petitioner is already a Filipino citizen as found by the lower court.

Wherefore, the order appealed from is affirmed, without costs.

Paras, C. J., Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo and Labrador, JJ., concur.

[*]80 Phil., 578.

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