

LAO CHAY AND NG SIU LUAN ALIAS NANG SIU LUAN. PETITIONERS AND APPELLEES, VS. HON. EMILIO L. GALANG, IN HIS CAPACITY AS COMMISSIONER OF IMMIGRATION, RESPONDENT AND APPELLANT.

G.R. No. L-19977. October 30, 1964

Ponente: REGALA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/be2305adc13c/>

REGALA, J.:

This is an appeal taken by the Commissioner of Immigration against a decision of the Court of First Instance of Manila, Honorable Cloribel, presiding.

The question raised in this appeal is whether the wife of a Chinese who obtained papers of Philippine citizenship, automatically follows the citizenship of her husband if not otherwise disqualified under the Naturalization Law.

The essential facts are as follows: It appears that Ng Siu Luan and her three children, who are all of minor age, came to the Philippines on January 19, 1960 as temporary visitors, having been allowed to stay in this country until January 26, 1961. Instead of departing on that date, however, appellees asked the Bureau of Immigration for the cancellation of their alien certificates of registration as well as that of their children on the basis of Lao Chay's admission to Philippine citizenship on December 12, 1960.

On January 20, 1961, appellant Commissioner of Immigration granted the petition as far as Lao Chay and the three children were concerned, but denied the same with respect to Ng Siu Luan on the ground that she is not qualified to acquire Philippine citizenship of her husband under the provision of paragraph 1, Section 15 of Commonwealth Act No. 473, as she lacks the requirements provided for under paragraph 2 of the same Act." He therefore asked her to leave the country on January 26, 1961. The Immigration Commissioner denied a subsequent motion for reconsideration, although he gave Ng Luan a five-day extension within which to arrange for her departure.

To stop the threatened deportation of Ng Siu Luan, appellees filed a petition for mandamus and prohibition in the Court of First Instance of Manila and secured from it a writ of preliminary injunction.

After trial, the court granted the petition and held that the law does not require that an alien wife should have the same qualifications as those required of applicants for naturalization, it being enough that she is not otherwise disqualified.

From this decision, the Commissioner of Immigration appeals.

Section 15 of the Revised Naturalization Law (Commonwealth Act No. 473, as amended) provides in part as follows:

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

It is now settled that under this provision, an alien woman, who is married to a citizen of the Philippines acquires the citizenship of her husband only if she has all the qualifications prescribed in Section 2 and none of the disqualifications provided in Section 4 of the law.[1] Since Ng Siu Luan admittedly does not possess the qualifications for naturalization, her marriage to Lao Chay cannot be deemed as automatically vesting in her Filipino citizenship.

Anent appellees' claim that a difference in the citizenship of husband and wife is subversive of family solidarity, this Court has already said that the duty of consorts to live together is irrelevant to the issue which concerns only the right of a sovereign state to determine what aliens can remain within its territory and under what conditions they can stay therein.[2]

Wherefore, the decision appealed from is reversed and the writ of preliminary injunction is dissolved, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Concepcion. Reyes, J. B. L., Barrera, Paredes, Dizon, Makalintal, Bengzon, J. P., and Zaldivar JJ., concur.

[1] Lo San Tuan vs. Galang. G. R. No. L-18775, Nov. 30, 1963. See also Sun Peck Young, et al. vs. The Commissioner of Immigration, G. R. No. L-20784, Dec. 27, 1963; Tong Siok Sy vs. Vivo, G. R. No. L-21136, Dec. 27, 1963.

[2] I u Choy Tai, et al. vs. Commissioner of Immigration, G. R. No. L-26597, November 29, 1963.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.