

REPUBLIC OF THE PHILIPPINES AND THE COMMISSIONER OF IMMIGRATION, PETITIONERS, VS. HON. MANOLO L. MADDELA, AS JUDGE OF THE COURT OF FIRST INSTANCE OF QUEZON, BRANCH II, AND MIGUE...

G.R. Nos. L-21664-65. March 28, 1969

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cb78ca1c291a/>

MAKALINTAL, J.:

These are actually two (2) separate petitions for certiorari and prohibition with preliminary injunction but are decided jointly because the issues presented proceed from the same factual background.

The pertinent facts are not disputed. On April 29, 1963 the Court of First Instance of Quezon (Branch II), Hon. Manolo L. Maddela presiding, rendered a decision in its Special Proceeding No. 4012, which is hereunder quoted in its entirety:

"This is a petition to have the petitioner Miguela Tan Suat, a Chinese National, to be declared a Filipino citizen. The Solicitor General has been represented by Assistant Fiscal Jose Veluz. During the trial it has been established to the satisfaction of the Court that sometime in the year 1937 petitioner was legally married to Sy Lng Seng, a Filipino citizen; and that the petitioner has all the qualifications and none of the disqualifications to become a Filipino citizen. After the sub-mission of the evidence for the petitioner, the court inquired from Fiscal Veluz if he has any opposition to the petition to which the Fiscal answered that he has no opposition, neither has he any evidence to warrant opposition. The Court had it announced to the public if there is any opposition to the petition of Miguela Tan Suet to be declared a Filipino citizen and nobody in the crowded courtroom registered his opposition.

"IN VIEW OF ALL THE FOREGOING, petitioner Miguela Tan Suat is hereby declared a Filipino citizen by marriage and the Commissioner of Immigration is hereby ordered to cancel the necessary alien certificate of registration and immigrant certificate of residence of the petitioner and to issue the corresponding identification card."

On the same day the same court rendered another similarly worded decision in its Special Proceeding No. 4013, this time in favor of Chan Po Lan. This second decision reads:

"This is a petition to have the petitioner Chan Po Lan, a Chinese National, to be declared a Filipino citizen. The Solicitor General has been represented by Assistant Fiscal Jose Veluz. During the trial it has been established to the satisfaction of the Court that sometime in the year 1961 petitioner was legally married to Cu Bon Piao, a Filipino citizen; and the petitioner has all the qualifications and none of the disqualifications to become a Filipino citizen. After the submission of the evidence for the petitioner, the court inquired from Fiscal Veluz if he has any opposition to the petition to which the Fiscal answered that he has no opposition, neither has he any evidence to warrant any opposition. The Court had it announced to the public if there is any opposition to the petition of Chan PC? Lan to be declared a Filipino citizen and nobody in the crowded courtroom registered his opposition.

"IN VIEW OF THE FOREGOING, petitioner Chan Po Lan is hereby declared a Filipino citizen by marriage and the Commissioner of the Bureau of Immigration is hereby ordered to cancel the necessary alien certificate of registration and immigrant certificate of residence of the petitioner and to is-sue the corresponding identification card."

On July 1, 1963 the Solicitor General^[1] filed separate notices of appeal from said decisions, at the same time re-requesting an extension of ten (10) days within which to file the corresponding records on appeal. However, because of the un-explained failure of the Clerk of Court of the Court of First Instance of Quezon to forward the records immediately despite repeated requests therefor by the Solicitor General, the latter, unable to prepare the records on appeal, filed the instant petitions instead, including the Commissioner of Immigration as co-petitioner in view of the fact that the dispositive parts of the decisions of the lower court are addressed to him for compliance.

On August 10, 1963 we issued in each case a writ of preliminary injunction to restrain execution and enforcement of the judgment. Thereafter these two cases were submitted for decision without any answer from the respondents.

Private respondents' identical prayer in the larger Court was for a declaration of their Filipino citizenship and for an order to compel the Commissioner of Immigration to cancel their respective alien certificates of registration on the ground that they had married Filipino husbands. In grant-ing the said prayer the lower court was clearly in error. At that time jurisprudence had already set the question at rest: no person claiming to be a citizen may get a judicial declaration of citizenship.

"Under our laws, there can be no action or proceeding for the judicial declaration of the citizenship of an individual. Courts of justice exist for the settlement of justiciable controversies, which imply a given right, legally demand-able and enforceable, an act or omission violative of said right, and a remedy, granted or sanctioned by law, for said breach of right. As an incident only of the adjudication of the rights of the parties to a controversy, the court may pass upon, and make a pronouncement relative to, their status. Otherwise, such a pronouncement is beyond judicial power. Thus, for instance, no action or proceeding may be instituted for a declaration to the effect that plaintiff, or petitioner is married, or single, or a legitimate child, although a finding thereon may be made as a necessary premise to justify a given relief available only to one enjoying said status. At times, the law permits the acquisition of a given status, such as naturalization by judicial decree. But there is no similar legislation authorizing the institution of a judicial proceeding to declare that a given person is part of our citizenry." (Tan v. Republic, L-14159, April 18, 1960).^[2]

Before these cases were submitted for decision the Solicitor General filed a motion, dated February 14, 1964, to cite the Clerk of Court of the Court of First Instance of Quezon for contempt by reason of his failure to forward the records of these cases to this Court despite our resolution to that effect. It appears, however, that after the said resolution was issued the Clerk did send those records and the same were received here on January 24, 1964. The question of contempt has therefore become moot.

WHEREFORE, the Writs prayed for are hereby granted; the questioned decisions are set aside and the writs of preliminary injunction previously issued are made permanent. Costs against private respondents.

Concepcion, C.J., Reyes, JBL, Dizon, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

[1] The Solicitor General was not furnished copy of either of the petitions below, nor did he authorize the Provincial Fiscal of Quezon to appear in representation of his office.

[2] See also: (Palaran vs. Republic, G. R. No. L-15047, January 30, 1962; Channie Tan vs. Republic, G. R. No.

L-14159, April 18, 1960; Tan Yu Chin vs. Republic, G. R. No. L-15775, April 29, 1961; Delumen vs. Re-public, G. R. No. L-5552, January 28, 1954.)

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.