

IN THE MATTER OF THE PETITION OF ANDRES SINGSON TO BE ADMITTED OR TO BE DECLARED A CITIZEN OF THE PHILIPPINES, ANDRES SINGSON, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPI...

G.R. No. L-21855. January 30, 1968

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Appeal from the order of the Court of First Instance of La Union dated July 15, 1963 setting aside and declaring null and void its previous decision declaring petitioner a citizen of the Philippines in Naturalization Case No. 30.

Petitioner filed his petition for naturalization on October 12, 1959, with an alternative prayer that he permitted to present evidence of his Philippine citizenship and declared a Filipino citizen accordingly. After due publication and hearing, there being no opposition from either the office of the Solicitor General or the Provincial Fiscal, the lower court received the evidence for the petitioner. On August 9, 1960 it rendered its decision holding that inasmuch as petitioner was already a Filipino citizen as borne out by the evidence presented, there was no need to give due course to his petition for naturalization since it would serve no useful purpose for him. Accordingly, the lower court granted petitioner's alternative prayer and declared him a citizen of the Philippines.

The above-mentioned conclusion was arrived at after the lower court found that:

"From the evidence adduced, it appears that the petitioner has from the time he became of the age of discretion been considering himself a Filipino citizen as shown in his residence certificates, stating therein his citizenship as a Filipino. He did not register himself as an alien in the Bureau of Immigration. When he reached the age of majority, he started exercising the right of suffrage and in 1941 made his declaration of intention to elect Filipino citizenship. He explained that if he filed this petition he only did so because he wanted to secure a categorical declaration about his citizenship in order to avoid further molestations by some agencies or persons, who according to him, constantly pestered him about his status.

"The evidence further conclusively shows that said petitioner was born in the Philippines with a Filipino mother and a Chinese father who were not legally married during their cohabitation up to the time of their death. These are not contradicted by any evidence presented in this case, because as a matter of fact no opposition whatsoever has been registered by the government through either the office of the Solicitor General or the office of the Provincial Fiscal of La Union. In the case of *Leon Retunil Sy Quimsuan vs. Republic of the Philippines* (49 O.G. 492, February 1953), the Supreme Court ruled:

"When the evidence in applicant's possession proves in his opinion that he has already the status of a Filipino citizen as would make it unnecessary to press further his petition for naturalization, he may be declared a Filipino citizen in the same proceedings. There is nothing in the law which would prohibit this alternative procedure. This course has been followed in a number of cases (*Palanca vs. Republic*, L-301, April 7, 1948; *Santos Go vs. Government*, 52 Phil. 543; *Serra vs. Republic*, L-4223, May 12, 1952)."

The State did not appeal from the aforequoted decision. However, after the lapse of more than two years, or on December 17, 1962, the Solicitor General filed a petition to set aside the decision and to declare the same null and void on the following grounds:

“(a) At the time of the hearing of his petition, the herein petitioner had not always deported himself to be a Filipino citizen and in fact he had registered himself with the Bureau of Immigration as a Chinese and was thereby issued on August 29, 1950, his Alien Certificate of Registration No. A-105940 at San Fernando, La Union; and

“(b) That whatever rights petitioner has to Philippine citizenship by virtue of his alleged 'illegitimate birth' of a Filipino mother, granting the same to be true, he had already forfeited when he expressly renounced his rights and privileges as a Filipino citizen, as contained in his affidavit executed on October 19, 1948 and wherein he expressly considered himself to be a citizen of China.”

Petitioner opposed, and the Solicitor General replied to the opposition. After petitioner's counter-reply the case was set for hearing. At the hearing the parties did not present evidence but submitted a "stipulation of facts", which was actually nothing more than an enumeration of the pleadings submitted and the proceedings which transpired in relation to this case. Paragraph 7 thereof particularly raised as a legal issue the proposition that "the Government cannot reopen this case or attack the decision collaterally in this same proceeding inasmuch as the decision rendered herein did not confer Philippine citizenship upon petitioner, but merely confirmed his Philippine citizenship, x x x"

On July 15, 1963 the lower court issued an order declaring the decision rendered on August 9, 1960, which found petitioner to be a Filipino citizen, void and of no force and effect. This order is based principally on an affidavit (Annex "A") dated October 19, 1948, allegedly executed by petitioner. In said affidavit petitioner appears to have expressly renounced all his rights and privileges as a Filipino citizen in the event that he should be considered as such by virtue of his having been born out of wedlock of a Chinese father and a Filipino mother.

The question before us is whether or not the lower court erred in setting aside its previous order declaring petitioner a citizen of the Philippines. Appellant contends that inasmuch as the original decision did not confer Philippine citizenship upon him but merely confirmed such citizenship, the doctrine of *res judicata* and laches prevents the Government from attacking collaterally the questioned decision more than two (2) years after its rendition. On the other hand, appellee argues that although the petition for naturalization granted petitioner's alternative prayer that he be declared a citizen, that fact alone did not operate to convert the case into a petition for declaratory relief nor did the judgment place appellant beyond the reach of legal remedies available under the Naturalization Law.

The order declaring petitioner a citizen in the naturalization proceeding was obviously predicated on two (2) grounds, namely: (1) that the evidence presented by him in support of his claim that he is a Filipino citizen is true and reliable; and (2) that the court *quo* believed at the time it rendered its decision (August 9, 1960) that it could properly declare petitioner a citizen in the same proceeding should the evidence presented so warrant, apparently relying on the ruling in *Sy Quimsuan vs. Republic* (92 Phil. 675), which was favorably cited in a later case (*Sen et al. vs. Republic*, G. R. No. L-6868, April 30, 1955), as follows:

"We find no error on the part of the lower court in allowing (petitioner) to present proof regarding his Philippine citizenship in (naturalization) 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 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."

At the time the lower court rendered its decision of August 9, 1960, declaring petitioner a citizen of the Philippines, the ruling in the *Sy Quinsuan and Sen* cases was no longer controlling. The lower court thus premised that decision on jurisprudence which had already been modified, particularly by the case of *Suy Chan vs. Republic* (G. R. No. 14159, April 18, 1960), which held:

"1. 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 demandable 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. x x x 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."

The above ruling was reiterated in the case of *Yu Chin vs. Republic* (G. R. No. L-15775, April 29, 1961), where this Court declared:

"The above holding, being the correct exposition and interpretation of the law involved, overrules our holdings in *Pablo y Sen, et al. vs. Republic*, G. R. No. L- 6868, April 30, 1955, and other previous cases, to the effect that the court can make a declaration that an applicant for naturalization is a Filipino citizen in the same naturalization proceedings if the evidence so warrants." The *Suy Chan* ruling was also quoted with approval in *Santiago vs. Commissioner of Immigration*, G. R. No. L-14653, January 31, 1963)

It would seem therefore that the decision of August 9 was the result of an erroneous appreciation of the applicable jurisprudence at the time. Even so, however, the error did not necessarily render the decision void, and the same would acquire force and effect unless reversed on appeal or set aside on other recognized grounds, such as fraud in its procurement.

One such ground is that relied upon by the Solicitor General here, namely, the fact that in 1948 petitioner executed an affidavit which reads as follows:

"That I am duly registered under Alien Certificate of Registration No. 162732-V, issued at San Fernando, La Union on May 30, 1947;

"That in the year 1927, I was admitted or landed here in the Philippines and was issued LCR No. 76410-45575 issued at Manila on December 16, 1927;

"That even if I was admitted as a son of P.I. citizen, I have always exercised my rights as a citizen or subject of China for the reason that I was already at the age of majority when I first arrived in this country and that I have always registered under the Immigration Act of 1940;

"That if I am considered as a Filipino citizen as shown in my LRC Co., I hereby renounce all right and privileges accorded to a Filipino Citizen and therefore consider myself now as a citizen or subject of China."

The contents of the aforesaid affidavit were not revealed by appellee in his petition and his failure to do so led the court to declare him a citizen. If appellee had really executed the said affidavit there can be no doubt that the court *quo* correctly set aside its previous decision. But appellee has raised the genuineness and due execution of the affidavit as an issue, and in fact denied the same, as well as the truth of its contents, in his opposition to the Solicitor General's principal motion below.

The stipulation of facts, upon which the parties agreed to submit the case for resolution, does not show any admission by appellee of the genuineness and due execution of the affidavit in question. All that was stipulated on in this respect is that when the Solicitor General filed his petition to set aside the decision of August 9, the affidavit was attached thereto as an annex. When the court a quo set aside its original decision without affording appellee a chance to present evidence to rebut the Republic's allegation of fraudulent representation by him, it virtually deprived him of his day in court.

Wherefore, the order appealed from is set aside, and the case remanded to the court below for further proceedings in connection with the motion of the Solicitor General to set aside and annul the decision declaring petitioner a Filipino citizen. No pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Bengzon, J.P., Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.
Dizon, J., in the result.

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