

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES. DIONISIO PALARAN, PETITIONER AND APPELLEE,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. No. L-15047. January 30, 1962

Ponente: PAREDES, J.

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PAREDES, J.:

On June 7, 1957, Dionisio Palaran presented with the Court of First Instance of Negros Occidental, a Petition for Naturalization, with the Alternative Prayer to Declare his Status as Filipino Citizen. His petition contained the usual allegations, such as his present and past places of residence, trade and occupation; date of birth, names and birth dates of his children and the schools in which they were enrolled; the length of his residence in the Philippines and in the place where the petition was filed; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner; that he has mingled socially with Filipinos and has evinced a sincere desire to learn and embrace the Filipino customs and traditions; that he is not opposed to organized government, nor is he affiliated with any group or society which upholds and teaches doctrines against organized government, etc. The petition was accompanied by the sworn statements of Socorro de los Reyes and Numeriano Cahilig, both Filipinos, who attested to his moral character and that they have known petitioner for years (de los Reyes since 1927 and Cahilig since his birth); that he has all the qualifications and none of the disqualifications for Philippine citizenship.

After trial, the lower court rendered judgment the pertinent portions of which read—

"The evidence for the petitioner was focused more towards showing that he has always been a Filipino citizen than making out a case for naturalization. The witnesses were Numeriano Cahilig, 54 years old, a resident of Leon; Iloilo, and one time municipal president and vice-mayor, and Socorro de los Reyes, 48 years old and resident of Iloilo. The totality of their testimony, material to the view taken by the Court, shows that the parents (both deceased) of the petitioner were So Ong, a Chinese and Anastacia Palaran, a Filipino citizen; that So Ong was not and could not be legally married to Anastacia Palaran because he had a lawful wife in China; that the petitioner was never adopted by his Chinese father, So Ong. The deposition of Father Garcia is to the effect that the petitioner was baptized in the parish church of San Jose, Iloilo, on December 20, 1913, and that, according to its records, he is the natural child of Anastada Palaran (Exh. E-1).

With the uncontradicted fact that the petitioner is the natural son of Anastacia Palaran, a Filipino citizen, who was never-legally married to So Ong, the Court is bound to, as it does hereby, rule that following the citizenship of his mother, the petitioner is and has always been a Filipino (Luis Serra vs. Rep. of the Philippines, G. R. No. L-4223, May 12, 1952). This result dispenses with the necessity of determining whether the petition, as one for naturalization, may be granted. Petitioner's original Philippine citizenship cannot be affected by the circumstances that he is registered with the Embassy of the Republic of China as a citizen thereof and with the Bureau of Immigration as an alien, for the reason that said registration, without more, is not sufficient for the petitioner to lose his status as a Filipino. Indeed, as explained in the verified petition, he secured during the Japanese occupation an alien certificate of registration in Bacolod City, because he believed

in good faith that he was a Chinese citizen.

WHEREFORE, the petitioner, Dionisio Palaran, is declared a Filipino citizen and his registration as an alien in the Bureau of Immigration is ordered cancelled."

Against the above decision, the State appealed claiming that the lower court erred:

- In concluding from the evidence submitted by petitioner-appellee, that the latter is the natural son of Anastacia Palaran, a Filipino citizen, who was never legally married to So Ong;
- In declaring petitioner-appellee a citizen of the Philippines, and
- In Ordering the Bureau of Immigration to cancel petitioner-appellee's registration as an alien.

Granting that the findings of the trial court regarding the non-marriage of petitioner's parents, is correct, an issue which We abstain from deciding, it being unnecessary for the purposes of this opinion, it would seem, nevertheless, that the only question for determination is whether or not the trial court has the power, authority and jurisdiction to declare the petitioner a citizen of the Philippines (second assignment of error). Petitioner, invoking previous decisions of this Court on the matter, alleges that when the evidence of applicant proves his status as a Filipino citizen, he may be declared by the trial court such citizen in the same petition for naturalization, without the necessity of pressing the latter proceeding (*Serra vs. Republic*, G. R. No. L-4223, May 21, 1951; *Sen et al. vs. Republic*, G. R. No. L-6868, April 30, 1955; *Sy Quimsuan vs. Republic*, 92 Phil., 675; 49 Off. Gaz. [2] 492). In a recent case, however, this Court, in overruling the *Sen* case just cited and other previous cases, said:—

"We have already ruled In the recent case of *Danilo Channie Tan vs. Republic* 107 Phil., 632; 57 Off. Gaz., [90] 5401, that a judicial declaration that a person is a Filipino citizen can not be made in a petition for naturalization wherein it is prayed that petitioner 'be admitted a citizen of the Philippines', for the following reasons:

'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 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 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.'

* * * * *

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.

Even assuming, therefore, that herein petitioner has shown that he is already a Filipino citizen, the lower court exceeded its power, authority and jurisdiction in declaring "him to be such in these naturalization proceedings". (*Tan Yu Chin, vs. Republic of the Philippines*, 111 Phil., 959; 6fc Off. Gaz. [47] 7683; See also *Tan vs. Republic*, G.R. No. L-16108, Oct. 31, 1961).

Regarding the case of naturalization, as the trial court has aptly stated, the petitioner did not make efforts to prove his qualifications. While his two character witnesses tried to show that he had all the qualifications and no disqualifications, the petitioner himself failed to take the witness stand where he could have been examined regarding his ability to speak and write English or any of the local dialects; some customs and traditions of the Filipinos which he desired to imitate and other pertinent facts and circumstances which he himself could only make known to the court. He had relied much on his claim of being a Filipino, due to his status as a natural child, and relegated to oblivion the proofs, if any, for his allegations in the naturalization case. There was no showing either that the character witnesses were fully qualified to state that petitioner had conducted himself in a proper and "irreproachable" manner. The petition states but it was not proven, that the petitioner derived an annual income of P2,700.00 from his tinsmith shop. Even granting this to be true, still with 9 children and a wife to support, the said occupation can not be considered lucrative. The witnesses testified that petitioner believes in the principles underlying the Philippine Constitution. It was not shown, however, upon what did they base this belief and what these principles are.

Finding, therefore, that the decision appealed from is not in accordance with the law and jurisprudence on the matter, the same is hereby reversed, with costs against petitioner.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Dizon, and De Leon, JJ., concur.

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