

## IN THE MATTER OF THE PETITION FOR REPATRIATION UNDER COMMONWEALTH ACT NO. 63, TRINIDAD GUILLERMO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR.

*G.R. No. L-16984. June 29, 1963*

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fc50015c5fb1/>

---

### CONCEPCION, J.:

Appeal by the Government from a decision of the Court of First Instance of the City of Baguio the dispositive part of which reads:

"\* \* \* Finding the Petition meritorious, Petitioner is hereby allowed to regain her Filipino citizenship as a result of the death of her Chinese husband, and she may take her oath of allegiance upon the finality of this decision. Once again a Filipino citizen, this will operate to confer Filipino citizenship on her minor children."

On December 14, 1959, Trinidad Guillermo filed with said court a petition alleging that she was born in Laoag, Ilocos Norte, on May 18, 1931; that she was formerly a Philippine citizen; that she had lost her aforementioned citizenship by marriage to Ngo Kim Po, a Chinese citizen, who died in the City of Baguio on November 24, 1959; that she had begotten him five children, namely, Charles Ngo, Quezon Ngo, William Go, Benito G. Go Jr. and Susan Go, all born in said city on February 11, 1950, August 19, 1952, June 11, 1954, August 7, 1957 and September 17, 1959, respectively; and that she desires to reacquire her Philippine citizenship, and to renounce all allegiance and fidelity to any foreign state or sovereignty, "particularly to Nationalist China of which" she is "a subject or citizen." She prayed, therefore, that, after due hearing, said petition be granted.

Attached to the petition was the affidavit of Vicente Gaerlan and Alfredo Lapitan, dated December 14, 1959, to the effect that they are of age, citizens of the Philippines and residents of the City of Baguio and that they had known the petitioner for the last 12 years, and confirming the allegations of the petition, with respect to her marriage, the death of her husband and the existence of their aforementioned children.

At the hearing of said petition, on January 30, 1960, petitioner testified, in answer to the questions propounded by her counsel, that her husband Ngo Kim Po died on November 24, 1959, as attested to by his death certificate, Exhibit A; that they had been married before a Judge, their marriage contract being Exhibit B; that her father was Segundo Guillermo, a Filipino citizen, who died on January 3, 1959; that her mother is Bernardina Salvador, another citizen of the Philippines, now in Laoag, Ilocos Norte; and that she was, prior to her marriage, a Philippine citizen. On cross-examination, she added that she is now living with her children. This testimony and said Exhibits A and B are the only evidence in this case.

Upon the conclusion of the hearing, the lower court rendered the decision adverted to above. Copy of said decision was served upon the City Attorney of Baguio, who seasonably filed a motion for reconsideration, relying upon the case of Villahermosa vs. Commissioner of Immigration (80 Phil., 541). Upon denial of this motion, said officer interposed the present appeal. He now maintains that the lower court erred:

1) in finding that "from the union of petitioner with her Chinese husband, five children were born, Charles Ngo, Quezon Ngo, William Go, Benito G. Go, Jr. and Susan Go—all of whom are minors;" and

2) in declaring that petitioner's repatriation operated to confer Philippine citizenship upon her minor children.

With respect to the above-quoted finding of fact, the record discloses that there is absolutely no evidence in support thereof. Indeed, in her direct testimony, petitioner did not even make any reference to her children. On cross-examination, the only question propounded to her was: "Are you living with your children," to which she answered in the affirmative. As a consequence, there is not an iota of proof as to the names, dates and places of birth of her children, and, hence, of their respective age or status. Said finding is, therefore, clearly erroneous.

As regards the effect of petitioner's repatriation upon the political status of her children, appellant maintains that the conclusion of law reached by the lower court contravenes the rule laid down in *VillaHermosa vs. Commissioner of Immigration* (80 Phil., 541, 543, 544), in which it was held:

"\* \* \* Commonwealth Act No. 63 does not provide that upon repatriation of a Filipina her children acquire Philippine citizenship. It would be illogical to consider Delfin as repatriated like his mother because he never was a Filipino citizen and could not have reacquired such citizenship."

"While his Chinese father lived, Delfin was not a Filipino. His mother was not a Filipina; she was Chinese. After the death of such father, Villahermosa continued to be a Chinese, until she re-acquired her Filipino citizenship in April, 1947. After that re-acquisition Delfin could claim that his mother was a Filipina within the meaning of paragraph 4, section 1 of Article IV of the Constitution; but according to that same Organic Act, he had to elect Philippine citizenship upon attaining his majority. Until he becomes of age and makes the election, he is the Chinese citizen that he was at the time of his father's demise."

Appellant, likewise, invokes an opinion of Secretary of Justice (Opinion No. 166, S. of 1956) to the same effect. We do not deem it necessary, however, to pass upon the merits of the disputed conclusion of law of His Honor, the trial Judge, for we note that, in her petition, Trinidad Guillermo merely expressed a "desire to reacquire" her "Philippine citizenship." She did not ask that a pronouncement be made on the citizenship of her children upon her repatriation. In fact, her petition does not contain the usual prayer "for such other relief as the court may deem meet and proper." In making the aforementioned pronouncement, the lower court went, therefore, beyond the issues raised by the pleadings and exceeded its jurisdiction. Moreover, since there is no evidence on the age or minority of petitioner's children, said pronouncement is devoid of factual basis, and, hence, doubly erroneous.

Wherefore, the above quoted finding of fact made in the body of the decision appealed from and the aforementioned conclusion of law or ruling appearing in the dispositive part of said decision are hereby set aside, without special pronouncement as to costs. It is so ordered.

Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal,, JJ., concur.

## 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.