

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ANGEL ANG, DEFENDANT AND APPELLANT.

G.R. No. 12213. September 12, 1917

Ponente: JOHNSON, J.

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JOHNSON, J.:

The purpose of the present action was to deport the defendant and appellant from the Philippine Islands for the reason that he was found therein without the certificate required by Act No. 702, upon the theory that he was a Chinese subject and a laborer. The lower court found that he was a full-blooded Chinaman, that he was a laborer and was without the certificate required by said Act No. 702, and ordered him to be deported. From that judgment the defendant appealed to this court.

An examination of the evidence adduced during the trial of the cause shows that the defendant was born within the Philippine Islands of a Chinese father and a Filipino mother; that while he had spent a short time in China during his minority he has continued to live within the Philippine Islands practically all of his lifetime. These facts are proved without contradiction. While he may have the appearance of a full-blooded Chinaman, as the lower court found, that fact is not sufficient to deport him, in view of the fact that he was born within the Philippine Islands of a Filipino mother.

A child born in the Philippine Islands, had by a Chinaman with a Filipino woman, is presumed, *prima facie*, to be a citizen of the country and was not required to register under the provisions of Act No. 702. (U. S. vs. Ong Tianse, 29 Phil. Rep., 332; U. S. vs. Lim Bin, p. 924, post; U. S. vs. Tan Chuy Ho, 31 Phil. Rep., 383; U. S. vs. Wong Kim Ark, 169 U. S., 649, 676, 682, 693.)

Therefore, the judgment of deportation is hereby revoked; and it is hereby ordered and decreed that the complaint be dismissed and that the defendant be discharged from the custody of the law. So ordered.

Arellano, C. J., Carson, Araullo, Street, and Malcolm, JJ., concur.

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