

TAN YU CHIN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. 15775. April 29, 1961

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-15775/>

REYES, J.B.L., J.:

This case started with a petition filed by Tan Yu Chin on September 11, 1958 in the Court of First Instance of Leyte to be admitted to Philippine citizenship. After the case was once set for trial and postponed, petitioner, on July 6, 1959, moved to have his petition for naturalization dismissed after he is declared already a Filipino citizen on the ground that he was born in Job, Sulu, Philippines in the year 1896, of a Filipino mother and a Chinese father who had not been legally married to each other, and that he has resided in the Philippines from the date of his birth up to the present.

At the trial, petitioner testified that he was born in Jolo, Sulu, on December 10, 1896, of a Chinese father, Tan Chan, and a Filipina mother, Mora Sia; that his parents were not legally married to each other, and this fact he learned from his mother because he was only two years old when his father died in 1898; that his mother died in Jolo, Sulu, in 1924; that in 1919, he went to Sandakan, British North Borneo, but returned to the Philippines in the same year, as shown by the landing certificate Exhibit "A"; that he resided in Jolo from 1919 to 1925; that he went to China in 1926, returned to the Philippines in 1928, and has since then up to the present time continuously resided in Maasin, Leyte, that he does not have a birth certificate, because there is no such thing in Moroland, nor was he baptized in any church; that his birth was not registered when the law on civil registry was first enforced in this country in 1931 because he did not know the law; and that he and his family are registered as Chinese aliens and have the alien certificates of registration required by law, because being the son of a Chinese father, he thought he was Chinese.

In addition to his testimony, petitioner introduced as independent evidence of the date and place of his birth the information appearing on the landing certificate Exhibit "A", that the date and place of his birth are "1896" and "Jolo, P.I." (respectively marked as Exhibits "A-1" and "A-2").

On the basis of the above evidence, the trial court rendered judgment on July 29, 1959, declaring petitioner Tan Yu Chin "a Filipino having been born on December 10, 1896. in Jolo, Sulu, out of wedlock to a Filipina mother and to a Chinese father who died in 1898", and dismissing his application for naturalization "for being unnecessary". From this judgment, the provincial fiscal appealed.

The appeal is clearly meritorious.

We have already ruled in the recent case of Danilo Channie Tan vs. Republic, 107 Phil., 632, 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:

- 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. 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.

- The petition for naturalization in this case, and the declaration of intention filed by petitioner herein, state that he is a citizen of Nationalist China and that he wants to become a citizen of the Philippines. Moreover, in the former he prays to be "admitted" as such citizen. In other words, the question whether or not petitioner is a citizen of the Philippines has never been put in issue in this case. As a consequence, when the lower court declared him to be such a citizen, it went beyond the issues raised by the pleadings, and, accordingly, acted in a manner so irregular as to, in effect, exceed its jurisdiction. We have not overlooked the decision in *Palanca vs. Republic* (80 Phil., 578; 45 Off. Gaz., Supp., p. 204) in which Palanca was declared a citizen of the Philippines in the proceedings for his naturalization. However, through appropriate pleadings, the petitioner in that case had averred that he possessed such status, thus putting the same in issue."

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 those naturalization proceedings.

Wherefore, the judgment appealed from is set aside without prejudice to the continuation of the proceedings relative to petitioner's application for naturalization, if he should desire. Costs against petitioner Tan Yu Chin.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, 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.