

BASILIO SANTOS CO, APPLICANT AND APPELLANT, VS. THE GOVERNMENT OF THE PHILIPPINE ISLANDS, OPPONENT AND APPELLEE.

G.R. No. 28375. December 29, 1928

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

This is an application for Philippine citizenship under the provisions of Act No. 2927 of the Philippine Legislature.

The applicant alleges and has tried to prove that he is a Filipino, born of a Filipino mother in the municipality of Malolos, Province of Bulacan in June 1890, who did not become a Chinese citizen during his visits in China. In 1894 or 1895, when he was 4 years old he went to China with his parents. In 1916 he returned to the Philippines and in the same year went back to China to be treated for an illness. In 1917, he again returned to Manila, where he remained until 1922, when he once more took his vacation in China. In 1923, he returned to Manila and has since remained here.

The evidence adduced by the applicant consisted of Exhibits A and H, which contain a copy of a baptismal certificate wherein it appears that on June 4, 1890, in the parish of Malolos, municipality of Malolos, Province of Bulacan, a child named Basilio, born on the 10th of that month, of Venancia Santos and an unknown father, was baptized in accordance with the rites and ceremonies of the Roman Catholic Apostolic Church. The applicant testified that the baptismal certificate referred to him; that while he was yet of a tender age, his mother, Venancia Santos, told him that he was her son and that he was born in the municipality of Malolos, Province of Bulacan.

Weighing the evidence offered by the applicant, the court below found it not satisfactorily proven that the applicant was born in this country and that he is of Philippine origin and, consequently, denied it, with costs.

It appears, according to the applicant's contention, that he is a Filipino and that although he has gone to China several times, he never became a citizen of that country. According to his evidence, he is, in fact, a Philippine citizen, having been born in the Philippines during the time of the Spanish sovereignty, his mother being a Filipino woman and his father unknown, or a Chinaman not lawfully married to his mother (*U. S. vs. Ong Tianse*, 29 Phil., 332). This being so, the naturalization proceedings established by Act No. 2927, referring to those who are not Philippine citizens, do not apply to him and there is no need to institute this action.

For this reason, the judgment appealed from is affirmed, with costs. So ordered.

Johnson, Street, Malcolm, Villamor, Ostrand, Romualdez, and Villa-Real, JJ., concur.

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