

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ONG TIANSE, DEFENDANT AND APPELLANT.*G.R. No. 9539. January 26, 1915*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9539/>**TORRES, J.:**

The record in this case has come before us on an appeal raised by the defendant from the judgment rendered on November 15, 1913, by the Honorable John P. Weissenhagen, judge, whereby he held the appellant to be a person of the Chinese race residing in these Islands without the required certificate of registration issued by the Insular Collector of Customs, as prescribed by Act No. 702 of the Philippine Commission, and ordered him to be placed at the disposal of the collector of customs of Cebu for the purpose of deportation to China. The defendant is now at liberty under bond.

On July 26, 1913, the provincial fiscal of Surigao, representing the collector of customs, filed a complaint with the Court of First Instance of the said province, charging the appellant with being a Chinese subject and laborer, residing in the territory of the Philippine Islands without the proper certificate of registration required by section 4 of Act No. 702, and, in view of the fact that his residence in the Philippine Islands was contrary to and unauthorized by law, prayed that the defendant and appellant be deported. After a hearing of the case on November 15, 1913, with all due legal proceedings, the court pronounced the judgment aforementioned, from which the defendant appealed to this court.

In this case the sole witness for the prosecution was the provincial fiscal himself, who testified that the defendant had stated to him through an interpreter that he did not possess the certificate of registration required by the said Act No. 702, although he was of Chinese nationality, having been born in China; that he had come to the Philippines for the sole purpose of ascertaining the result of the criminal trial of the person who murdered his father in Butuan, Province of Agusan; and that as soon as his father's murderer was sentenced, he, the defendant, would have no objection whatever to being deported to China. The witness added that, in the preliminary examination before the justice of the peace of the municipality of Cantilan, the defendant admitted that he was a Chinaman.

The defendant sets up in defense that he is a Filipino citizen, because he was born in the pueblo of Liloan, Province and Island of Leyte, of a Filipina mother, though his father was a Chinese.

From the evidence presented by the defendant, which was in no wise challenged or contradicted by counsel for the Insular Collector of Customs, it was duly proven that Ong Tianse is a natural son of Barbara Dangculos, by a Chinaman named Manuel; that the said Ong Tianse was born on February 20, 1890, in LHoan, of the pueblo of Cantilan, within the Province of Leyte, Philippine Islands; that the said Ong Tianse is the third child of the said Barbara and was given the name of Baldomero Dangculos; that, at the age of 4 years, Baldomero Dangculos was taken by his father Manuel to China, where they changed his Filipino name to that of Ong Tianse and where he remained for eighteen or nineteen years, and that, in February, 1913, at 25 years of age, he returned to the

Philippines.

Exhibit 1, page 30 of the record, is a certified copy, issued by the parish priest of Cabalian, Leyte, of the baptismal certificate of a son of Barbara Dangculos, christened Baldomero Dangculos, of an unknown father. This document was admitted in evidence and was not afterwards attacked or contradicted by the prosecution.

Barbara Dangculos, after identifying the accused as her son, testified that in 1906 she and the Chinaman Manuel went to China for the purpose of bringing her said son Baldomero, also named Ong Tianse, to the Philippines, but that it was impossible to do so, as the American consul at Amoy would not permit her son to embark for these Islands on account of his being then afflicted with trachoma.

Juan Pingol, 54 years of age, testified that he arrived in the pueblo of Liloan in 1889 and entered the service of the Chinaman Manuel in the following year; that he remained in the latter's store as a clerk for eight years; that when he first went to the store of the Chinaman Manuel, Barbara Dangculos was living with the latter as his companion; that the woman Barbara was then pregnant and after a few months gave birth to a boy who was solemnly baptized in the month of February; and that in 1894 the Chinaman Manuel took the child, who was then about 4 years of age, to Cebu en route for China. The witness identified the defendant as being the child who was born of the woman living with the said Chinaman Manuel.

This testimony of the witnesses for the defense was not overcome by any evidence presented by the prosecution; and although Barbara Dangculos is the defendant's mother and the other witness, Pingol, was for many years a clerk in his father's employ, yet with respect to the defendant's parentage no legal reason or ground can be put forward to the admission of such testimony, which was not rebutted by any contrary evidence and in the judgment appealed from was not rejected nor held to be unworthy of credence.

It is a rule established by the courts of the United States and constantly applied by those of the Philippine Islands, that presumption, in questions of citizenship, always lies in favor of the claimant of citizenship (*Boyd vs. Thayer*, 143 U. S., 135; *Roa vs. Collector of Customs*, 23 Phil. Rep., 315). In the present case, Ong Tianse alleges that he is a Filipino citizen because he was born in the Philippines of a Filipino mother, with the circumstance that his Chinese father was not legally married to his natural mother. Under these conditions the appellant follows, in accordance with law, the status and nationality of his only known parent, who is his mother, Barbara Dangculos, a Filipina.

Questions analogous to this one have been decided by the courts of the United States, in which, in accordance with the American laws, under the doctrine of *jus soli*, it has been held that citizenship generally depends on the place of birth, and it is this doctrine that governs the decision of the present case. (*Roa vs. Collector of Customs*, 23 Phil. Rep., 315.)

During his minority, the appellant Ong Tianse was taken to China by his father and there remained until he became of legal age. He returned to these Islands in February, 1913, and now claims the nationality of the country of his birth—the nationality also of his natural mother of whose status he partakes as her natural son.

This court, in a similar case, has had occasion to lay down the rule that the child born in these Islands and begotten by a Chinaman of a Filipino woman is presumed *prima facie* to be a citizen of this country, and it was decided that the fact that such a minor child had been taken to China and had remained there for several years, was not a sufficient reason to change his status as a citizen of the Philippine Islands. (*Muñoz vs. Collector of Customs*, 20 Phil. Rep., 494.)

For the foregoing reasons, which rightly favor the claim of the defendant and appellant, the judgment appealed from should be reversed. It is held that Ong Tianse is entitled to remain in these Islands as a Filipino citizen. He

will therefore be immediately released and his bond canceled, with the costs de oficio. So ordered.

Arellano, C. J., Johnson, Carson, Moreland, Trent, and Araullo, 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.