

THIRD DIVISION

[G.R. No. 205218, February 10, 2020]

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE SPECIAL COMMITTEE ON NATURALIZATION (SCN), PETITIONERS, VS. WINSTON BRIAN CHIA LAO AND CHRISTOPHER TROY CHIA LAO, RESPONDENTS.

[G.R. No. 207075, February 10, 2020]

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE SPECIAL COMMITTEE ON NATURALIZATION (SCN), PETITIONERS, V. JON NICHOLAS CHIA LAO, RESPONDENT.

DECISION

LEONEN, J.:

The birth certificate, more than a historical record of one's birth, is a vital marker of identity. Therefore, acts and events, though occurring after birth, may be annotated on the birth certificate so long as they are consistent with a legal truth and a special law provides for its effects.

This resolves two (2) consolidated Petitions for Review on *Certiorari*^[1] directly filed before this Court by the Republic of the Philippines, represented by the Special Committee on Naturalization (SCN), raising pure questions of law. In G.R. No. 205218, the Republic questions the Decision^[2] of the Regional Trial Court, Branch 30, Manila that allowed the change in the nationality of Winston Brian Chia Lao (Winston Brian) and Christopher Troy Chia Lao's (Christopher Troy) parents as entered in their respective Certificates of Live Birth. In G.R. No. 207075, the Republic questions the Decision^[3] of the Regional Trial Court, Branch 105, Quezon City that allowed the same change in the nationality of the parents of Jon Nicholas Chia Lao (Jon Nicholas) as entered in his Certificate of Live Birth.

On October 14, 1962, Lao Kian Ben and Chia Kong Liong married at the Our Lady of Lourdes Sta. Teresita Parish, Quezon City.^[4] They are the parents of Jon Nicholas, born on November 22, 1966,^[5] Winston Brian, born on December 3, 1968,^[6] and Christopher Troy, born on March 19, 1973.^[7] In the respective Certificates of Live Birth of Jon Nicholas, Winston Brian, and Christopher Troy issued by the now defunct National Statistics Office, the indicated nationality of both Lao Kian Ben, as father, and Chia Kong Liong, as mother, is "Chinese."

Thereafter, Lao Kian Ben applied for naturalization as a Filipino citizen before the Special Committee on Naturalization, pursuant to Letter of Instructions No. 270. The

application was granted and Lao Kian Ben was conferred with Philippine citizenship under Presidential Decree No. 923.^[8] He took his Oath of Allegiance^[9] to the Republic of the Philippines on June 15, 1976 and was issued his Certificate of Naturalization^[10] on the same day.

Chia Kong Liong, being the wife of Lao Kian Ben, was likewise conferred with Philippine citizenship pursuant to Presidential Decree No. 923.^[11] She was issued a Certificate of Naturalization^[12] on January 24, 1979 and, on the same day, took the Oath of Allegiance^[13] to the Republic of the Philippines.

Meanwhile, Jon Nicholas, Winston Brian, and Christopher Troy—all born and raised in the Philippines—studied in Philippine schools. Jon Nicholas went to Xavier School for his elementary and high school education, and attended the University of Santo Tomas for college.^[14] Similarly, both Winston Brian and Christopher Troy attended Xavier School^[15], as well as the Jubilee Christian Academy^[16] for their grade school education, and attended the Philippine Institute of Quezon City for secondary school.^[17]

For college, Winston Brian studied at the Philippine School of Business Administration,^[18] while Christopher Troy studied at the University of Santo Tomas.^[19] Jon Nicholas, Winston Brian, and Christopher Troy all married Filipino citizens^[20] and raised their children here in the Philippines.^[21]

Winston Brian and Christopher Troy then filed a Petition; later, an Amended Petition,^[22] for correction of entry in their respective Certificates of Live Birth before the Regional Trial Court of Manila (Manila trial court). They contended that the nationality of their parents, Lao Kian Ben and Chia Kong Liong, should be changed from "Chinese" to "Filipino," considering that they had already been naturalized as Filipino citizens pursuant to Philippine laws.

In an Order dated October 29, 2010, the Manila trial court set the Amended Petition for hearing and ordered the publication of the October 29, 2010 Order in a newspaper of general circulation once a week for three (3) consecutive weeks. The Local Civil Registrar of Manila, through the Office of the Solicitor General, and all other persons having or claiming interest under the entry sought to be corrected were ordered to file their opposition within fifteen (15) days from notice of the Amended Petition or from the last date of publication of the October 29, 2010 Order. Lastly, the Manila trial court directed that the Office of the Solicitor General and the Office of the Local Civil Registrar of Manila be furnished a copy of the Amended Petition and its annexes.^[23]

In a Notice of Appearance dated November 30, 2010, the Solicitor General authorized the Office of the City Prosecutor of Manila to appear on his behalf.^[24] Petitioners Winston Brian, Christopher Troy, and Public Prosecutor Anabel D. Magabilin attended the initial hearing, with petitioners presenting proof of compliance with the jurisdictional requirements under Rule 108 of the Rules of Court.^[25] Specifically, the October 29, 2010 Order was published once a week for three (3) consecutive weeks in "METRO FOCUS WEEKLY JOURNAL," a weekly newspaper of general circulation.^[26]

Copies of the Amended Petition and of the October 29, 2010 Order were furnished and actually received by the Office of the Local Civil Registrar and the Office of the Solicitor General.^[27]

After petitioners had substantially complied with the jurisdictional requirements, and there being no opposition to the Amended Petition, petitioners presented their evidence.^[28] Prosecutor Magabilin actively participated in the proceedings, cross-examining petitioners and their witness, Associate Solicitor Ma. Felina Constanca Buenviaje Yu.^[29]

In the Decision^[30] dated January 2, 2013, the Manila trial court granted the Petition to correct the entry in Winston Brian and Christopher Troy's Certificate of Live Birth relating to the nationality of their parents. According to the Manila trial court, Winston Brian and Christopher Troy 's resort to Rule 108 was "appropriate"^[31] considering that the rule not only allows the change of clerical but also of substantial errors such as nationality as entered in the civil register.^[32] Since Winston Brian and Christopher Troy complied with the jurisdictional requirements under Rule 108 and have proven that they are the legitimate children of Lao Kian Ben and Chia Kong Liong—former Chinese nationals who became naturalized Filipinos while Winston Brian and Christopher Troy were still minors—the change in their parents' nationality as entered in their Certificate of Live Birth was, therefore, in order. The dispositive portion of the January 2, 2013 Decision read:

WHEREFORE, the amended petition is hereby GRANTED. The Local Civil Registrar of Manila is hereby directed to correct/change the entries in the Certificate[s] of Live Birth of Winston Brian Chia Lao and Christopher Troy Chia Lao relating to the nationality of their parents, Ben Kian Lao (Kian Ben Lim Lao) and Chia Kong Liong (Kong Liong Ang Chia) from "Chinese" to "Filipino".

The Local Civil Registrar of Manila is further directed to annotate this Decision in said certificates of live birth and to transmit and make known to the National Statistics Office the corrected birth records of Winston Brian Chia Lao and Christopher Troy Chia Lao.

The Decision shall form part of the records of birth of Winston Brian Chia Lao and Christopher Troy Chia Lao.

SO ORDERED.^[33]

For his part, Jon Nicholas filed his Petition, which was later amended,^[34] to correct the entry in his Certificate of Live Birth relating to his parents' nationality before the Regional Trial Court of Quezon City (Quezon City trial court). Like his brothers, Winston Brian and Christopher Troy, Jon Nicholas argued that the grant of Philippine citizenship to his parents should result in a change in their nationality as entered in his Certificate of Live Birth.

In the Order dated May 30, 2011, the Quezon City trial court set the case for hearing on September 23, 2011 to establish jurisdictional facts. The May 30, 2011 Order was

published in a newspaper of general circulation once a week for three (3) consecutive weeks. Copies of the Petition were also served on the Office of the Solicitor General, Local Civil Registrar of Quezon City, the Quezon City Prosecutor's Office, and the National Statistics Office.^[35]

During the initial hearing on September 23, 2011, Jon Nicholas presented documentary evidence to prove compliance with jurisdictional facts. In particular, he established the publication of the May 30, 2011 Order in Newline Newspaper, a newspaper of general circulation, in its June 30 to July 6, 2011, July 7 to July 13, 2011, and July 14 to July 20, 2011 issues.^[36] Copies of the Amended Petition were likewise served to the Quezon City Prosecutor's Office, the National Statistics Office, the Office of the Solicitor General, and the Local Civil Registrar of Quezon City.^[37]

Finding that Jon Nicholas complied with the jurisdictional requirements under Rule 108 of the Rules of Court and after his presentation of evidence, the Quezon City trial court granted his Petition. It first discussed Rule 108 and said that it "provides the procedure for cancellation or correction of entries in the civil registry."^[38] The proceedings may be either summary or adversarial, depending on whether the entry sought to be corrected or changed is clerical or substantial.^[39] Considering that the entry Jon Nicholas sought to correct was his parents' nationality—not a mere clerical error but a change in a substantial entry—the appropriate proceeding to change the entry should be adversarial as what had been done with Jon Nicholas' Petition.^[40]

On the merits, the Quezon City trial court held that Jon Nicholas established that his parents' nationality as entered in his Certificate of Live Birth is no longer true considering that they had already been naturalized. Consequently, the entry relating to his parents' nationality should be changed from "Chinese" to "Filipino."^[41]

The dispositive portion of the March 13, 2013 Decision^[42] read:

Accordingly, judgment is hereby rendered GRANTING the petition and ordering the Civil Registrar of Quezon City, upon finality of this Order to reflect in petitioner's (Jon Nicholas Chia Lao) Certificate of Live Birth, the change of his parent's citizenship from "Chinese" to "Filipino", to form pm1of the civil register in the Office of the Quezon City Local Civil Registrar, and to record this decision in the Civil Registry in accordance with Registry Regulations.

Send Copies of this Order to the Solicitor General, the Quezon City Local Civil Registrar, Quezon City Prosecutor's Office and the National Statistics Office.

SO ORDERED.^[43]

The Republic of the Philippines, through the Special Committee on Naturalization, directly filed before this Court Petitions^[44] for Review on *Certiorari* to assail the Manila and Quezon City trial court Decisions. The Petition for Review on *Certiorari* against Winston Brian and Christopher Troy was filed on March 4, 2013 and was docketed as

G.R. No. 205218. On the other hand, the Petition for Review on *Certiorari* against Jon Nicholas was filed on June 25, 2013 and was docketed as G.R. No. 207075.

On motion^[45] by the Republic, the cases were consolidated through the Resolution^[46] dated September 30, 2013. Comments^[47] and Replies^[48] were subsequently filed.

The common issue put forth in the Petitions is whether or not the correction of entries in respondents' respective certificates of live birth, pertaining to the citizenship of their parents from "Chinese" to "Filipino," is proper in the absence of an appropriate proceeding to determine whether they are qualified to acquire Filipino citizenship. In the mind of this Court, this can be further divided into two distinct issues:

First, whether or not the nationality of the parents of Winston Brian, Christopher Troy, and Jon Nicholas Chia Lao, as entered in their respective Certificates of Live Birth, may be changed to "Filipino" considering that, at the time of their birth, their parents were still Chinese nationals.

Second, whether or not an appropriate proceeding before the Special Committee on Naturalization to determine whether an individual is qualified to acquire Filipino citizenship is required before the nationality of a person's parents, as entered in the birth certificate, may be changed.

Petitioner Republic maintains that there was no error to correct in respondents' Certificate of Live Birth. Citizenship, according to the Republic, is determined at the time of one's birth; on the day respondents Winston Brian, Christopher Troy, and Jon Nicholas were born, their parents were still Chinese nationals. Since respondents were born to natural-born Chinese citizens, respondents are necessarily natural-born Chinese, and the nationality of their parents was correctly entered as "Chinese" in their respective Certificates of Live Birth.^[49]

Even assuming that the nationality of respondents' parents as entered respondents' Certificates of Live Birth may be changed and, therefore, extending Filipino citizenship to respondents, the change in the entry can be done only after an appropriate proceeding under the Implementing Rules and Regulations of Presidential Decree No. 836, in relation to Presidential Decree No. 923. This proceeding should be conducted before the Special Committee on Naturalization to determine if, indeed, respondents are qualified to become naturalized Filipinos.^[50]

As for respondents, Winston Brian, Christopher Troy, and Jon Nicholas all contend that the Manila and Quezon City trial courts committed no reversible error since the trial courts had jurisdiction to change a substantial entry in their respective Certificates of Live Birth—their parents' nationality—pursuant to Rule 108 of the Rules of Court.^[51] They argue that *Co v. The Civil Register of Manila*,^[52] where this Court allowed the change in the nationality of the parents as entered in the certificate of live birth, is applicable in this case.

On the issue of whether children whose parents were naturalized as Filipinos during their minority, under Letter of Instructions No. 270, automatically qualify them to change their parents' nationality as originally entered in their certificates of live birth—that is, without any proceeding conducted before the Special Committee on

Naturalization—Winston Brian, Christopher Troy, and Jon Nicholas contend that *Co* long resolved the issue in the affirmative. The father in *Co* was naturalized under Letter of Instructions No. 270, the same presidential decree under which Winston Brian, Christopher Troy, and Jon Nicholas' father applied for naturalization. Letter of Instructions No. 270, according to the Court in *Co*, is in *pari materia* with Section 15^[53] of Commonwealth Act No. 473 or the Revised Naturalization Law, which automatically granted Philippine citizenship to the minor children of the naturalized Filipino under certain conditions. In their case, Winston Brian, Christopher Troy, and Jon Nicholas argue that they have established these essential facts: (1) that their father was naturalized under Letter of Instruction No. 270; (2) that they were born in the Philippines; and (3) that they were minors at the time their father was granted Philippine citizenship. Thus, pursuant to Letter of Instructions No. 270 in relation to Section 15 of Commonwealth Act No. 473, they should likewise be deemed Filipinos.^[54]

As to whether a proceeding should first be conducted by the Special Committee on Naturalization to determine whether Winston Brian, Christopher Troy, and Jon Nicholas indeed satisfied the requirements for naturalization under Section 15 of Commonwealth Act No. 473, Winston Brian, Christopher Troy, and Jon Nicholas argue that they never disputed the Special Committee on Naturalization's jurisdiction over administrative proceedings for acquiring Philippine citizenship.^[55] However, they maintain that the issue of whether a proceeding should first be conducted is irrelevant in this case. Specifically for respondent Jon Nicolas, he effectively maintains that the Special Committee on Naturalization is already estopped from claiming that a proceeding should first be conducted since it actively participated as a witness for Winston Brian, Christopher Troy, and Jon Nicholas before the trial court.^[56]

The consolidated Petitions for Review on *Certiorari* are denied. The Manila and Quezon City trial courts correctly granted the Petitions for Correction filed by Winston Brian, Christopher Troy, and Jon Nicholas.

I

Births are among those events required to be entered in the civil register.^[57] The certificate of live birth or birth certificate, a vital record contained in the birth and death register, establishes the fact of birth. The required entries in the certificate of live birth are provided in Section 5 of Act No. 3753, thus:

SECTION 5. *Registration and Certification of Births.* — The declaration of the physician or midwife in attendance at the birth or, in default thereof, the declaration of either parent of the newborn child, shall be sufficient for the registration of a birth in the civil register. Such declaration shall be exempt from the documentary stamp tax and shall be sent to the local civil registrar not later than thirty days after the birth, by the physician, or midwife in attendance at the birth or by either parent of the newly born child.

In such declaration, the persons above mentioned shall certify to the following facts: (a) date and hour of birth; (b) sex and nationality of infant; (c) names, citizenship, and religion of parents or, in case the father is not known, of the mother alone; (d) civil status of parents; (e) place where the

infant was born; (f) and such other data may be required in the regulation to be issued.

In the case of an exposed child, the person who found the same shall report to the local civil registrar the place, date and hour of finding and other attendant circumstances.

In case of an illegitimate child, the birth certificate shall be signed and sworn to jointly by the parents of the infant or only the mother if the father refuses. In the latter case, it shall not be permissible to state or reveal in the document the name of the father who refuses to acknowledge the child, or to give therein any information by which such father could be identified.

Any foetus having human features which dies after twenty four hours of existence completely disengaged from the maternal womb shall be entered in the proper registers as having been born and having died. (Underscoring provided)

Generally, the entries recorded in the birth certificate: (1) the date and hour of birth; (2) the sex and nationality of the infant; (3) the names, citizens, and religion of parents; (4) the civil status of parents; and (5) the place where the infant was born, all correspond to facts existing at the time of birth as argued by the Republic. However, reading Article 407 of the Civil Code in conjunction with Article 412 of the Civil Code, even acts or events that occurred *after* birth may be recorded in the certificate of live birth. The reason is that Article 412 of the Civil Code uses the word "changed," which implies the occurrence of an event subsequent to birth may be recorded in the civil register. Articles 407 and 412 provide:

ARTICLE 407. Acts, events and judicial decrees concerning the civil status of persons shall be recorded in the civil register.

ARTICLE 412. No entry in a civil register shall be changed or corrected, without a judicial order.

That an event occurring after birth may be recorded in the civil register was pronounced in *Co v. The Civil Register*,^[58] a case cited by Winston Brian, Christopher Troy, and Jon Nicholas in support of their Petition before the trial court. In *Co*, Hubeti Tan Co was born on March 23, 1974 and his sister, Arlene Tan Co, was born on May 19, 1975. In their birth certificates, the nationality of their parents as entered in their birth certificates was "Chinese." Subsequently, Hubeti and Arlene's father, Co Boon Peng, applied for naturalization under Letter of Instruction No. 270. The application was granted, and Co Boon Peng was issued a Certificate of Naturalization on February 15, 1977.^[59]

Arguing that "the naturalization of [their] father in 1977 was an act or event affecting and concerning their civil status that must be recorded in the Civil Register,"^[60] Hubert and Arlene filed a Petition to correct the citizenship of their father as entered in their birth certificates.

The trial court dismissed the Petition outright, because Co Boon Peng applied for naturalization under Letter of Instruction No. 270 which, unlike Commonwealth Act No. 473 or the Revised Naturalization Law, did not expressly provide that the father's naturalization automatically extended to his wife and children.^[61] This Court, however, reversed the trial court, ruling that Letter of Instruction No. 270 and Commonwealth Act No. 473 are statutes in *pari materia*, both governing the naturalization of qualified aliens residing in Philippines. Thus:

Absent any express repeal of Section 15 of [Commonwealth Act] No. 473 [on the effect of the naturalization on wife and children] in [Letter of Instruction] No. 270, the said provision should be read in to the latter law as an integral part thereof, not being inconsistent with its purpose. Thus, Section 15 of [Commonwealth Act] No. 473, which extends the grant of Philippine citizenship to the minor children of those naturalized thereunder, should be similarly applied to the minor children of those naturalized under [Letter of Instruction] No. 270[.]^[62]

On Hubert and Arlene's recourse to Rule 108 of the Rules of Court to change the nationality of their father as entered in their birth certificates, this Court said that the recourse was "appropriate."^[63] The entry sought to be corrected was one of those allowed under Rule 108, the Court-approved procedure to correct entries in the civil registry such as those made in the birth certificate. Hubert and Arlene were found to have sufficiently alleged the ultimate facts required to effect the change: (1) that they are the legitimate children of Co Boon Peng; (2) that their father was a naturalized Filipino citizen; and (3) that their birth certificates still indicate that their father is Chinese. Taking that into consideration, this Court said that it "behooved the trial court to do its duty under Section 4, Rule 108 of the Rules of Court,"^[64] that is, to issue a notice of the hearing on the Petition for Correction of Entry and cause its publication. The change will be in the form of a marginal annotation on the certificate of live birth. In the words of the Court:

The petitioners' recourse to Rule 108 of the Rules of Court, as amended, is appropriate. Under Article 412 of the New Civil Code, no entry in a civil register shall be changed or corrected without a judicial order. The law does not provide for a specific procedure of law to be followed. But the Court approved Rule 108 of the Rules of Court to provide for a procedure to implement the law. The entries envisaged in Article 412 of the New Civil Code are those provided in Articles 407 and 408 of the New Civil Code which reads:

Art. 407. Acts, events and judicial decrees concerning the civil status of persons shall be recorded in the civil register.

Art. 408. The following shall be entered in the civil register:

(1) Births; (2) marriages; (3) deaths; (4) legal separations; (5) annulments of marriage; (6) judgments declaring marriages void from the beginning; (7) legitimations; (8) adoptions; (9) acknowledgments of natural children; (10) naturalization; (11)

loss, or (12) recovery of citizenship; (13) civil interdiction; (14) judicial determination of filiation; (15) voluntary emancipation of a minor; and (16) changes of name.

Specific matters covered by the said provision include not only status but also nationality. The acts, events or factual errors envisaged in Article 407 of the New Civil Code include even those that occur after the birth of the petitioner. However, in such cases, the entries in the certificates of live birth will not be corrected or changed. The decision of the court granting the petition shall be annotated in the certificates of birth and shall form part of the civil register in the Office of the Local Civil Registrar.^[65] (Underscoring provided)

The facts here are similar to those in Co. Since the entry sought to be changed—*citizenship*—was substantial, the Manila and Quezon City trial courts correctly conducted an adversarial proceeding, notifying the local civil registrar and all parties interested under the entry sought to be corrected are impleaded. After having complied with the jurisdictional requirements for a petition under Rule 108 of the Rules of Court, Winston Brian, Christopher Troy, and Jon Nicholas alleged and proved the ultimate facts required to reflect the naturalization of their parents in their respective certificates of live birth. They established that: (1) they are the legitimate children of Lao Kian Ben and Chia Kong Liong, former Chinese nationals; (2) their parents are naturalized Filipino citizens; and (3) the nationality of their parents entered in their respective certificates of live birth remains "Chinese." The trial courts correctly granted the Petitions of Winston Brian, Christopher Troy, and Jon Nicolas, ordering that their decisions be annotated in their certificates of live birth.

To prohibit the annotation of events subsequent to birth in the certificate of live birth is to deny a person the right to form his or her own identity. More than a "historical record of the facts as they existed at the time of birth,"^[66] the birth certificate is an instrument of individuation. It contains entries that separates a person from others.^[67] We cannot fault Winston Brian, Christopher Troy, and Jon Nicholas for wanting to change the nationality of their parents as entered in their certificates of live birth. They only want a vital marker of their identity to align with a legal truth.

II

The Republic nevertheless contends that, before the change prayed for by Winston Brian, Christopher Troy, and Jon Nicholas may be effected, they should first show that they had undergone the appropriate proceeding under the Implementing Rules and Regulations of Presidential Decree No. 836 in relation to Presidential Decree No. 923 before the Special Committee on Naturalization. The same way that their mother, Chia Kong Liong, underwent the similar procedure. Since changing the nationality of their parents from "Chinese" to "Filipino" would be to make it appear that Winston Brian, Christopher Troy, and Jon Nicholas are children of Filipinos and, therefore, are Filipino citizens themselves, they should likewise prove that they are qualified to become naturalized Filipinos.

We disagree.

Naturalization may be either administrative, judicial, or legislative. As the name implies, administrative naturalization is the grant of Filipino citizenship to aliens via administrative proceedings and is currently governed by Republic Act No. 9139.^[68] Judicial naturalization grants Filipino citizenship through a judicial decree and is governed by Commonwealth Act No. 423 or the Revised Naturalization Law, as amended.^[69] Lastly, legislative naturalization bestows Filipino citizenship through a statute enacted by Congress.^[70]

It is undisputed that Winston Brian, Christopher Troy, and Jon Nicholas' father, Lao Kian Ben, applied for naturalization under Letter of Instructions No. 270, and his application was granted under Presidential Decree No. 923. Presidential Decree No. 923 provided for the same rights, privileges, duties, and obligations as well as conditions and effects of naturalization as those provided in Presidential Decree No. 836. The pertinent provisions of Letter of Instructions No. 270 and Presidential Decree No. 836 are as follows:

LETTER OF INSTRUCTIONS NO. 270

TO : Solicitor General
Undersecretary of Foreign Affairs
Director General NISA

SUBJECT : Naturalization of Deserving Aliens by
Decree

In order that aliens permanently residing in this country who, having developed and demonstrated love for and loyalty to the Philippines and affinity to the customs, traditions and ideals of the Filipino people, as well as contributed to the economic, social and cultural development of our country, may be integrated into the national fabric by the grant of Philippine citizenship, you are hereby directed as follows:

1. That you shall constitute yourself as a Committee, with the Solicitor General as Chairman, to receive, and consider and submit recommendations on, applications for naturalization by decree from aliens with the following qualifications and none of the following disqualifications:

Qualifications:

- a. He must not be less than 21 years of age on the date of the filing of his petition;
- b. If born in a foreign country, he must have been legally admitted into the Philippines either as an immigrant or a non-immigrant;
- c. He must have had a continuous residence in the Philippines of ten years, which period shall be reduced

to five years for applicants with any of the following special qualifications:

- 1) Having honorably held office under the Government of the Philippines or under that of any of the provinces, cities, municipalities or political subdivision thereof;
 - 2) Having established a new industry or introduced a useful invention in the Philippines;
 - 3) Being married to a Filipino;
 - 4) Having been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years;
 - 5) Having been born in the Philippines.
- d. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living;
- e. He must have a known trade, business, profession, or lawful occupation, from which he derives income sufficient for his support and, if he is married or has dependents, also that of his family;
- f. He must be able to speak and write Filipino; or English or Spanish, and any of the principal Philippine languages;
- g. He must have enrolled his minor children of school age in any of the public or private schools recognized by the Department of Education and Culture, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the period of residence in the Philippines required of him prior to the filing of his petition hereunder; and
- h. He must have, during the period of his residence in the Philippines, mingled socially with the Filipinos and evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people.

Disqualifications:

- a. He must not be opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;
- b. He must not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of his ideas;
- c. He must not be a polygamist or a believer in the practice of polygamy;
- d. He must not have been convicted of any crime involving moral turpitude;
- e. He is not suffering from mental alienation or any incurable contagious disease.

Cases of aliens born of Filipino mothers: If, however, the applicant was born of a Filipino mother before the effectivity of the new Constitution and has resided continuously in the Philippines since birth, he shall be considered qualified hereunder without need of any further qualification, provided he does not suffer from the disqualifications above enumerated.

PRESIDENTIAL DECREE NO. 836**GRANTING CITIZENSHIP TO DESERVING ALIENS AND FOR OTHER PURPOSES**

WHEREAS, in order that aliens residing in this country and deserving of Philippine citizenship may, through a less expensive and more expeditious procedure, become Philippine citizens, Letter of Instructions No. 270 constituted a Special Committee on Naturalization to receive and process applications for naturalization by decree from aliens with the qualifications and none of the disqualifications specified therein and submit recommendations thereon to the President of the Philippines; and

WHEREAS, pursuant to said Letter of Instructions, the aforesaid Special Committee has recommended to the President of the Philippines the grant of Philippine citizenship by decree to certain applicants;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby grant Philippine citizenship to the individuals of foreign nationality whose names appear in Annex "A" of this Decree, with all the rights, privileges, duties, and

obligations appurtenant to such grant, and with the following effects and subject to the following conditions:

1. The grant of Philippine citizenship to the aforesaid aliens under this Decree shall be effective upon their taking the oath of allegiance as Philippine citizens and the issuance to them of certificate of naturalization by the Special Committee. The Commission on Immigration and Deportation shall thereupon cancel their certificate of registration as aliens and issue to them the corresponding identification certificates as citizens;
2. If the naturalized alien should die before taking the oath of allegiance as Filipino citizens and the issuance to him of the certificate of naturalization, his widow, if residing in the Philippines and found by the Special Committee to have none of the disqualifications specified in said LOI 270, may take the oath of allegiance as Filipino citizen, after which the minor children of said deceased alien and his wife, subject to the provisions of the next succeeding section, shall follow the acquired Filipino citizenship of their mother;
3. Alien wives and minor children of persons naturalized under this Decree shall be deemed Philippine citizens provided that:
 - (a) The alien wife shall, in all cases, not suffer from any of the disqualifications for naturalization under Letter of Instructions No. 270;
 - (b) The alien wife and minor children of persons naturalized under this Decree reside permanently in the Philippines at the time of his naturalization;
 - (c) If the alien wife does not reside in the Philippines at the time of the naturalization of her husband, she shall come to the Philippines and reside in this country in good faith within one year from the naturalization of her husband;
 - (d) If minor children do not reside in the Philippines at the time of the naturalization of their father they shall, within one (1) year from the naturalization of their father, in good faith reside in this country and, if of school age, enroll in Philippine schools. The fact that any such minor child of school age fails to graduate from a Philippine school, except for valid

reasons shown, shall be considered *prima facie* evidence of failure to *bona fide* enroll in Philippine schools.

. . . .

5. The Special Committee may cancel certificates of naturalization issued under this decree in the following cases:

- (a) If it finds that the naturalized person or his duly authorized representative made any false statement or misrepresentation or committed any violation of law, rules and regulations in connection with the petition for naturalization, or if he otherwise obtains Philippine citizenship fraudulently or illegally, the certificate of naturalization shall be cancelled;
- (b) If the naturalized person or his wife, or any of his minor children who acquire Filipino citizenship by virtue of his naturalization shall, within five (5) years next following the grant of Philippine citizenship, establish permanent residence in a foreign country, that individual's certificate of naturalization or acquired citizenship shall be cancelled or revoked; provided that the fact of such person's remaining for more than one year in his country of origin, or two years in any other foreign country, shall be considered *prima facie* evidence of intent to permanently reside therein;
- (c) If the naturalized person or his wife or child with acquired citizenship allows himself or herself to be used as a dummy in violation of any constitutional or legal provision requiring Philippine citizenship as a condition for the exercise, use, or enjoyment of a right, franchise, or privilege, the certificate of naturalization or acquired citizenship shall be cancelled or revoked;
- (d) If the naturalized person or his wife or child with acquired citizenship commits any act inimical to national security, the certificate of naturalization or acquired citizenship shall be cancelled or revoked.

On the other hand, Presidential Decree No. 923 partly provides:

PRESIDENTIAL DECREE NO. 923

GRANTING CITIZENSHIP TO DESERVING ALIENS AND FOR OTHER PURPOSES

WHEREAS, Presidential Decree No. 836 dated December 3, 1975 granted Philippine citizenship to deserving aliens who were earlier screened and recommended for citizenship by the Special Committee on Naturalization pursuant to Letter of Instruction No. 270;

WHEREAS, the Special Committee on Naturalization has completed the processing of a second group of applicants and recommended to the President of the Philippines the grant of Philippine citizenship by decree to these applicants;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby grant Philippine citizenship to the individuals of foreign nationality whose names appear in Annex A of this Decree, with all the rights, privileges, duties and obligations appurtenant to such grant and with the same effects and subject to the same conditions provided under Presidential Decree No. 836 dated December 3, 1975; *Provided, however,* That Presidential Decree No. 836 is amended inserting the following additional paragraph:

"3-A. Copies of the oaths of allegiance of the wives and the certificates of naturalization of the wives and minor children of persons who acquire Philippine citizenship under this Decree shall be furnished the Commission on Immigration and Deportation, which shall thereupon cancel their certificates of registration as aliens and issue to them the corresponding identification certificates as citizens."

This Decree shall take effect immediately.

DONE in the City of Manila, this 20th day of April, in the year of Our Lord, Nineteen Hundred and Seventy-Six.

. . . .

1117. Lao Kian Ben. (Underscoring provided)

Clear from Presidential Decree Nos. 836 and 923 is that the naturalization extends to the alien wife and minor children of the person naturalized upon *the wife's showing* that she does not suffer from any of the disqualifications under Letter of Instructions No. 270, and that she and her minor children reside permanently in the Philippines at the time of her husband's naturalization. In other words, the only persons to undergo the proceeding before the Special Committee on Naturalization will only be the person naturalized and his wife. The minor children, in the words of Letter of Presidential Decree No. 836 "follow the acquired Filipino citizenship of their mother."

Besides, the entries sought to be changed are the nationalities of Lao Kian Ben and Chia Kong Liong as appearing in the certificates of live birth of Winston Brian, Christopher Troy, and Jon Nicholas. Therefore, the only relevant issue, at least for the

present proceedings, is whether or not Lao Kian Ben and Chia Kong Liong have been issued their Certificates of Naturalization and have taken their Oaths of Allegiance as Filipinos, an issue that has been resolved in the affirmative.

WHEREFORE, the consolidated Petitions for Review on *Certiorari* are **DENIED**. The Decisions of the Regional Trial Court, Branch 30, Manila in SP Proc. No. 10-124052 and of the Regional Trial Court, Branch 105, Quezon City in Sp. Proc. No. Q-10-68256 are both **AFFIRMED**.

In G.R. No. 205218, the Local Civil Registrar of Manila is **DIRECTED** to:

1) make a **MARGINAL ANNOTATION** on the respective Certificates of Live Birth of Winston Brian Chia Lao and Christopher Troy Chia Lao, reflecting the change in the nationality of their parents, Lao Kian Ben and Chia Kong Liong, from "Chinese" to "Filipino"; and

2) **ATTACH** the Decision of the Regional Trial Court, Branch 30, Manila in Sp Proc. No. 10-124052 in Winston Brian Chia Lao and Christopher Troy Chi a Lao's respective Certificates of Live Birth.

In G.R. No. 207075, the Local Civil Registrar of Quezon City is **DIRECTED** to:

1) make a **MARGINAL ANNOTATION** on the Certificate of Live Birth of Jon Nicholas Chia Lao, reflecting the change in the nationality of his parents, Lao Kian Ben and Chia Kong Liong, from "Chinese" to "Filipino"; and

2) **ATTACH** the Decision of the Regional Trial Court, Branch 105, Quezon City in Sp Proc. No. Q-10-68256 in Jon Nicholas Chia Lao's Certificates of Live Birth.

SO ORDERED.

Gesmundo, Carandang, Zalameda, and Gaerlan, JJ., concur.

[1] *Rollo* (G.R. No. 207075), pp. 10-28; *rollo* (G .R. No. 205218), pp. 9-22.

[2] *Rollo* (G.R. No. 205218), pp. 23-29. The Decision in Sp. Proc No. 10-124052 was penned by Judge Lucia P. Purugganan.

[3] *Rollo* (G.R. No. 207075), pp. 32-38. The Decision in Sp. Proc No. Q-10-68256 was penned by Judge Rosa M. Samson.

[4] *Rollo* (G.R. No. 205218), p. 65, Marriage Contract.

[5] *Rollo* (G.R. No. 207075), p. 45, Certificate of Live Birth of Jon Nicholas Chia Lao.

[6] *Rollo* (G.R. No. 205218), p. 63, Certificate of Live Birth of Winston Brian Chia Lao.

[7] *Id.* at 64, Certificate of Live Birth of Christopher Troy Chia Lao.

[8] *Rollo* (G.R. No. 205218), p. 66 and *rollo* (G.R. No. 207075), p. 46, Certificate of Naturalization of Lao Kian Ben.

[9] *Rollo* (G.R. No. 205218), p. 67 and *rollo* (G.R. No. 207075), p. 47.

[10] *Rollo* (G.R. No. 205218), p. 66 and *rollo* (G.R. No. 207075), p. 46.

[11] *Rollo* (G.R. No. 205218), p. 68 and *rollo* (G.R. No. 207075), p. 48, Certificate of Naturalization of Chia Kong Liong.

[12] *Id.*

[13] *Rollo* (G.R. No. 205218), p. 69 and *rollo* (G.R. No. 207075), p. 49.

[14] *Rollo* (G.R. No. 207075), pp. 35-36.

[15] *Rollo* (G.R. No. 205218), p. 70, Elementary Pupil's Permanent Record of Winston Brian Chia Lao and p. 85, Elementary Pupil's Record of Christopher Troy Chia Lao.

[16] *Id.* at 71, Elementary Transcript of Records of Winston Brian Chia Lao and p. 86, Elementary Transcript of Records of Christopher Troy Chia Lao.

[17] *Id.* at 72-74, Certifications and p. 87, Secondary Student's Permanent Record of Christopher Troy Chia Lao.

[18] *Id.* at 75-78.

[19] *Id.* at 25.

[20] *Rollo* (G.R. No. 205218), p. 25; *rollo* (G.R. No. 207075), p. 99, Certificate of Marriage between Jon Nicholas Chia Lao and Wendy Lim Chua.

[21] *Rollo* (G.R. No. 205218), p. 25.

[22] *Id.* at 32-37.

[23] *Id.* at 23.

[24] *Id.* at 23-24.

[25] *Id.* at 24.

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

- [30] Id. at 23-30.
- [31] Id. at 26.
- [32] Id. at 27.
- [33] Id. at 29.
- [34] *Rollo* (G.R. No. 207075), pp. 39-44.
- [35] Id. at 34.
- [36] Id.
- [37] Id.
- [38] Id. at 36.
- [39] Id.
- [40] Id. at 36-37.
- [41] Id. at 37-38.
- [42] Id. at 32-38.
- [43] Id. at 38.
- [44] *Rollo* (G.R. No. 205218), pp. 9-22 and *rollo* (G.R. No. 207075), pp. 10-31.
- [45] *Rollo* (G.R. No. 207075), pp. 59-63.
- [46] Id. at 68-69.
- [47] *Rollo* (G.R. No. 205218), pp. 51-62 and *rollo* (G.R. No. 207075), pp. 74-86.
- [48] *Rollo* (G.R. No. 205218), pp. 100-113 and *rollo* (G.R. No. 207075), pp. 118-131.
- [49] *Rollo* (G.R. No. 205218), pp. 101-102; *rollo* (G.R. No. 207075), pp. 119-120.
- [50] *Rollo* (G.R. No. 205218), p. 16 and pp. 106-107; *rollo* (G.R. No. 207075), pp. 19-24 and pp. 124-125.
- [51] *Rollo* (G.R. No. 205218), pp. 53-61; *rollo* (G.R. No. 207075), pp. 76-83.
- [52] 467 Phil. 904 (2004) [Per J. Callejo, Sr., En Banc].
- [53] Com. Act No. 473, sec. 15 provides:

Section 15. *Effect of the Naturalization on Wife and Children.* — Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines.

Minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens thereof.

A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a Philippine citizen, and a foreign-born minor child, who is not in the Philippines at the time the parent is naturalized, shall be deemed a Philippine citizen only during his minority, unless he begins to reside permanently in the Philippines when still a minor, in which case, he will continue to be a Philippine citizen even after becoming of age.

A child born outside of the Philippines after the naturalization of his parent, shall be considered a Philippine citizen, unless within one year after reaching the age of majority, he fails to register himself as a Philippine citizen at the American Consulate of the country where he resides, and to take the necessary oath of allegiance.

[54] *Rollo* (G.R. No. 205218), p. 58 and *rollo* (G.R. No. 207075), pp. 79-81.

[55] *Rollo* (G.R. No. 205218), p. 57 and *rollo* (G.R. No. 207075), p. 83.

[56] *Rollo* (G.R. No. 207075), p. 83.

[57] CIVIL CODE, art. 408 provides:

Article 408. The following shall be entered in the civil register:

- (1) Births;
- (2) marriages;
- (3) deaths;
- (4) legal separations;
- (5) annulments of marriage;
- (6) judgments declaring marriages void from the beginning;
- (7) legitimations;
- (8) adoptions;
- (9) acknowledgments of natural children;
- (10) naturalization;
- (11) loss, or
- (12) recovery of citizenship;
- (13) civil interdiction;
- (14) judicial determination of filiation;
- (15) voluntary emancipation of a minor; and
- (16) changes of name.

[58] 467 Phil. 904 (2004) [Per J. Callejo, Sr., En Banc].

[59] Id. at 908-909.

[60] Id. at 909.

[61] Id. at 910-911.

[62] Id. at 914.

[63] Id. at 915.

[64] Id. at 917.

[65] Id. at 914-915.

[66] *Silverio v. Republic*, 562 Phil. 953, 970 (2007) [Per J. Corona, First Division].

[67] J. Leonen's Concurring Opinion in *Republic v. Unabia*, G.R. No. 21 3346. February 11, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64959>> [Per J. Del Castillo, First Division].

[68] The Administrative Naturalization Law of 2000. *See So v. Republic*, 542 Phil. 259, 271 (2007) [Per J. Callejo, Sr., Third Division].

[69] *So v. Republic*, 542 Phil. 259, 271 (2007) [Per J. Callejo, Sr., Third Division].

[70] Id.



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