

Tan chong vs. secretary of labor

[Countries](#), [United States](#)



Tan Chong vs. Secretary of Labor Swee Sang vs. The Commonwealth of the Philippines September 16, 1947 Jose Tan Chong, petitioner and appellee, vs. The Secretary of Labor, respondent and appellant

x-----x Lam Swee Sang, petitioner and appellee, vs. The Commonwealth of the Philippines, oppositor and appellant

Facts: - On October 15, 1941, a decision was rendered in the case of Tan Chong vs. Secretary of Labor, whereby this Court affirmed the judgment of the Court of First Instance of Manila, which had granted the writ of habeas corpus applied for by tan Chong, on the ground that he, being a native of the Philippines, of a Chinese father and a Filipino mother, is a citizen of the Philippines. - On the same date, in the case of Lam Swee Sang vs. Commonwealth of the Philippines, this Court rendered a decision dismissing the petition of the applicant for naturalization filed in the Court of First Instance of Zamboanga, on the ground that the applicant, having been born in Sulu, Philippines, of a Chinese father and Filipino mother, is a citizen of the Philippines. The dismissal of the petition implies and means that there was no need of naturalization for the applicant who is a Filipino citizen. - The petitioner in the first case was born in San Pablo, Laguna, in July 1915, of a Chinese father and a Filipino mother, lawfully married, left for China in 1925, and returned to the Philippines on 25 January 1940. The applicant in the second case was born in Jolo, Sulu, on 8 May 1900, of a Chinese father and a Filipino mother. It does not appear whether they were legally married, so in the absence of proof to the contrary they are presumed to be lawfully married. From the date of his birth up to 16 November 1938, the date of filing of his application for naturalization, and up to the date of hearing, he

had been residing in the Philippines. He is married to a Filipino woman and has three children by her. He speaks the local dialect and the Spanish and English languages. - On 21 October 1941, a motion for reconsideration was filed in both cases by the Solicitor General. The latter contends that even if the petitioner in the first case and the applicant in the second were born in the Philippines, of a Chinese father and a Filipino mother, lawfully married, still they are not citizens of the Philippines under and pursuant to the laws in force at the time of their birth, and prays that both decisions be set aside and the judgments appealed from be reversed. Issue/s: - Whether the petitioner, Jose Tan Chong, and applicant, Lam Swee Sang, are Filipino citizens. Ruling: - No. The decision of this Court in the first case confirming the lower court's judgment is set aside; the judgment of the Court of First Instance of Manila appealed from is reversed; the petitioner is recommitted to the custody of the Commissioner of Immigration to be dealt with in accordance with law; and the decision of this Court in the second case is set aside; the decree of the Court of First Instance of Zamboanga appealed from granting the applicant's petition for naturalization filed on 16 November 1938 is affirmed, for the applicant comes under section 1 (a), Act 2927, as amended by Act 3448, and possesses the qualifications required by section 3 of the same Act, as amended, which was the law in force at the time of the filing of the petition for naturalization. The grounds are: - Both parents should be Spanish subjects or native Filipinos. - The law on Philippine citizenship was contained in the Philippine Bill, section 4, as amended by the Act of Congress of March 23, 1912. The petitioner, Tan Chong, could not be a Filipino citizen upon the date of his birth because his father, who was legally

married to his mother, was a Chinese citizen and not a subject of Spain. - As for the applicant, Lam Swee Sang, his father was a Chinese subject on April 11, 1899. The said applicant was born in 1900 his parents were Chinese subjects. When the Philippine Bill was enacted on July 1, 1902, therefore, the said applicant and his parents were not subjects of Spain and consequently could not have acquired Philippine citizenship by virtue of section 4 thereof.