101 Phil. 130

[G.R. No. L-9983. April 22, 1957]

IN THE MATTER OF THE PETITION OF SANTOS 0. CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.

SANTOS O. CHUA, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

D E C I S I O N

REYES, A., J.:

This is an appeal from a decision of the Court of First Instance of Manila which denies appellant's petition for naturalization on the sole ground that in 1947 appellant married his wife Ligaya Cheng before a Chinese consul in accordance with the custom of his country "instead of before a Philippine authority", thus showing, according to the court, that "he has not during the entire period of his residence conducted himself in a proper and irreproachable manner in his relation with the constituted government."

It would appear from the evidence, however, that appellant has mingled socially with the citizens of this country and has evinced a sincere desire to learn and embrace their customs and ideals, and that upon learn-l that his marriage in 1947 before a Chinese consul not valid, he took immediate steps to have his connubial state legalized by having a marriage ceremony performed by Judge Crisanto Aragon of the municipal court, Manila, and this was done more than one year beforee filing of his petition in the present case.

In the case of Yu Lo vs. Republic of the Philippines1 (G. R. No. L-4725, October 15, 1952) this Court denied a petition for naturalization on the ground that the petitioner had, without benefit of marriage, been cohabiting with a woman for so many years and had even raised a family of six children with her; but the decision expressly stated that the denial was to be 'without prejudice to a renewal thereof if and when the petitioner shall have seen his way clear to mending his ways such as, for instance, legalizing his relations with the mother of his children by marriage, civil or religious, so as to comply with the requisites of the law on

naturalization."

In the case of Sy Tian Lai vs. Republic of the Philippines2 (G. R. No. L-5867, April 29, 1954) the petition for naturalization was denied in the lower court "on the sole ground that the petitioner was not of good moral character, in that he was keeping a Filipino woman in his house with whom he has three children, without the benefit of marriage." Before the decision became final, the petitioner filed a motion for reconsideration alleging that some eleven days before; he married the woman with whom he had been living, and praying that a new trial be granted to allow him to prove that fact. The Court granted a new trial but thereafter again denied the petition for naturalization "on the ground that the immoral life of the petitioner for a period of five years was not removed by his subsequent marriage." The case having been appealed to this Court, the Solicitor-General made a manifestation expressing the belief that the petition 'could have been granted considering that the appellant saw his way clear to mending his ways by legalizing his relation with the mother of his children by marriage so as to comply with the requisite of the law on naturalization, in line with a suggestion made by this Honorable Court in its decision in the case of Yu Lo" (*supra*). This Court, however, denied the petition *but without prejudice to the filing of a new evidence already presented in the case.* By way of explanation, this Court, thru Chief Justice Paras, said:

> " * * * The petitioner obviously intended to nullify the effect of the decision by hastening to marry before it had become final, thereby avoiding the formalities and delay necessarily ensuing from a renewal of his petition. It is to ward off and forestall any suspicious design that we have chosen to follow the procedure indicated in the case of Yu Lo, supra. * " *"

Needless to say, the above observation can have no application to the instant case. Appellant's legal marriage having taken place even before his petition for naturalization was filed, he may not be charged with having intended to nullify or circumvent a decision by hastening to marry before it had become final.

Since there would be no point in requiring a new application to be filed and since appellant, in choosing to conform to the ways of this country by remarrying under our laws notwithstanding being already married in accordance with the custom of his people, may well be said to have thereby evinced a desire to embrace our customs and follow our laws, we are for granting the present petition for naturalization.

There is nothing to the objection raised by the Solicitor-General about appellant's not having given primary and secondary education to his children, it appearing that when the petition was filed those children were still of tender age (Cipriano King vs. Republic of the Philippines, 89 Phil., 4; Nicanor Tan vs. Republic of the Philippines 84 Phil., 829).

Wherefore, the decision appealed is set aside, and it is ordered that judgment be entered granting appellant's petition for naturalization, subject to the conditions prescribed by the Revised Naturalization Law.

Bengzon, Padilla, Montemayor, Bautista Angela, Labrador, Concepcion, Reyes, J. B. L., Endencia and *Felix, JJ.,* concur.

Judgment set aside, petition for naturalization granted.

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