

102 Phil. 575

[G. R. No. L-10008. December 18, 1957]

**SY KIAM, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND APPELLANT.**

D E C I S I O N

REYES, J.B.L., J.:

This appeal is taken by the Solicitor General from a decision in Naturalization Case No. 96 of the Court of First Instance of Cebu, declaring applicant Sy Kiam qualified to assume Filipino citizenship.

The State counsel contends that petitioner Sy Kiam had mentioned only eleven (11) children had by him with his Filipina wife, Aurora Villaflor, while in the witness stand he (Sy Kiam) disclosed that he had begotten thirteen (13) children, two of whom have died; that there is no evidence that the latter had been enrolled in authorized schools before their death; and that in the absence of such evidence, Sy Kiam can not be said to have fully complied with the conditions set by our Naturalization laws, that require the applicant for naturalization to enroll all his children of school age in recognized schools not limited to any nationality or race (Com. Act 473, sec. 2, par. 6; sec. 6).

We deem this objection of no importance for it appears of record that Sy Kiam's first child (Juanito) was born on October ,10, 1928, while his two deceased children, Vicenta and Maurieio, died in 1929 and 1932 respectively (t.s.n., p. 15). While their dates of birth do not appear, the foregoing circumstances suffice to show that said Vicenta and Mauricio died before reaching school age. The fact, therefore, that they were not enrolled in a recognized school would not be a valid objection against the petition for naturalization.

The "weightier objection arises from the fact that, according to his own Exhibit "G", Sy Kiam married Aurora Villaflor on 9 February 1950, only six months before applying for naturalization. This means that he had cohabited with her and begotten thirteen

children by her without benefit of marriage; and this Court has ruled that such behavior falls short of the “proper and irreproachable conduct” that our naturalization law requires (Yu Lo vs. Republic, 48 Off. Gaz., 4334; Yu Singco vs. Republic, 94 Phil., 191; 50 Off. Gaz., 104). In the Yu Lo case this Court, speaking through Mr. Justice Montemayor, made the following ruling (at p. 4387) that is squarely applicable to the present case:

“However, we agree with the trial court in so far as it denied the petition for naturalization, on the ground that the conduct and behavior of appellant in cohabiting with Francisca Amable and begetting children by her without the benefit of marriage, from the standpoint of morality and decency, does not meet with the approval not only of this court but of the community where he lives and the country whose citizenship he applied for, which country by the way is mostly Christian and of the Catholic faith. While there may be a few cases of concubinage or cohabitation without the sanction of marriage, by citizens of this country, nevertheless, before admitting an alien into its fold and giving him the rights and privileges of citizenship, this country by law requires of the applicant, among other things, proper and irreproachable conduct. Openly cohabiting with a woman and maintaining with her what the law considers illicit relations, can hardly be regarded proper and irreproachable conduct.

For this reason, we affirm the decision appealed from.” We therefore believe that the naturalization should have been refused, and reverse the judgment of the court below, without prejudice to a renewal of the application provided the applicant has observed irreproachable conduct after his marriage for the 5-year period required by section 3 of Commonwealth Act 478 of aliens who are married to Filipino women, and no other disqualifications appear. Without costs. So ordered.

Paras C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Endencia, and Felix, JJ., concur.

