

**IN THE MATTER OF THE PETITION OF LEE NG LEN TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES. LEE NG LEN, PETITIONER AND
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPE...**

G. R. No. L-20151. March 31, 1965

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

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

Appeal by the Stale from a decision of the Court of First Instance of Manila (Civil Case No. 46224) declaring appellee Lee Ng Len qualified to be admitted to citizenship of the Republic of the Philippines.

The first issue tendered in this appeal is whether or not petitioner is exempt of the duty to file a declaration of intention as required by law. On this point, the evidence of the petitioner is that he was born in Pasay City on July 4, 1939 (Exh. "M"), a son of Chinese father and pother; that he resided continuously in the Philippines i birth and various places in Manila and Pasay City to the filing of his application for naturalization; he finished his primary courses of education at the la Chinese school, and the secondary courses at the University of Sto. Tomas, and, thereafter, at the Mapua

Institute of Technology where he is studying in the fifth year. Considering that section 6 of the Naturalization Law expressly requires that to be exempt from filing declarations of intention Philippine-born applicants must, inter alia, have received both primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality: that there is no evidence that the Manila Chinese School (where petitioner received primary education) was not limited to any race or nationality, but, on the contrary, its name clearly imported that it was limited to Chinese students (cf. Wang I. Fu vs. Republic, L-15819, Sept. 29, 1962; Hao Su Siong vs. Republic, L-13045, July 30, 1962; Sy See vs. Republic, L-17025, May 30, 1962; and considering that the burden lies on applicant to satisfactorily show that all schools attended by him are not limited to students of a particular nationality, but are regularly attended by a sizeable number of Filipino students from whom applicant could have imbibed Filipino customs and traditions, we agree that petitioner should have filed in due time his declaration of intention, and not having done so, his application was erroneously granted.

Other reversible errors in the appealed judgment are:

(1) The failure to give due weight to the applicant's failure to specify in his application all his former places of residence in addition to the present dwelling place at 479 Herran, Manila, a failure that is fatal (Keng Giok vs. Republic, L-13347, Aug. 31, 1961). The evidence affirmatively shows that the applicant had previously resided at 145 Herran, Manila; 806 Sta. Mesa, Manila; and Pasay City.

(2) The trial court also overlooked petitioner's failure or refusal to disclose in the petition that the petitioner was also known by the names of "Allen N. Lee" and "Allen Ng Lee", as shown in his school certificates, leading to the publication of his petition under the name of "Lee Ng lien", exclusively, that being the sole appellation revealed in

the petition. As ruled in *Yu Seco vs. Republic*, 108 Phil. 807, failure to disclose the other names alternatively-used by the petitioner taints the publication of his application, and warrants reversal.

Because of the foregoing defects, a reversal of the appealed judgment is justified, without need of going into the other defects discussed in the Solicitor General's brief.

It seems opposite to emphasize once more that admission to citizenship is one of the highest privileges that our Republic can confer upon an alien. It is the duty of everyone, judges, lawyers, and citizens, to see to it that this valuable privilege be not conferred except upon persona fully qualified for it, and upon strict compliance with the law. In matters of privilege, no presumption can be indulged in favor of a claimant. Absence of opposition, therefore, will not excuse a court from the obligation of scrutinizing attentively the record of naturalization cases and seeing to it that the letter and spirit of the law are satisfied beyond any doubt.

Wherefore, the decision of the court below is reversed, and the petition for naturalization is ordered dismissed. Costs against petitioner for naturalization Lee Ng Len.

Bengzon, C. J., Bautista Angela, Conception, Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

Decision reversed.

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