

GUILLERMO ANTONIO YVANOVICH, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-15998. May 26, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On March 20, 1957, petitioner was allowed to become a Filipino citizen in a resolution promulgated for that purpose subject to the provisions of Republic Act No, 530.

Two years thereafter, or on March 17, 1959 to be exact, he filed a petition before the Court of First Instance of Rizal (Quezon City) praying that he be allowed to take the oath as a citizen of the Philippines. After hearing, the court denied the petition in an order issued on March 24, 1959. And when his motion for reconsideration was denied, petitioner took the present appeal.

It appears that during the two-year probation period, petitioner filed before the court a quo a petition to be allowed to leave the Philippines alleging that in a meeting held by the Board of Directors of the Fieldmen's Insurance Company, Inc. he "was chosen to represent said company to foreign countries where they have business relations; that he intended to tour several countries in Europe, the United States, Canada and Mexico; and that he would be absent for not less than three months." Said petition was denied in an order issued on July 6, 1957 for the reason that Republic Act 530 prohibits an applicant for naturalization to leave the Philippines during the period prescribed therein. Whereupon, on July 30, 1957, petitioner wrote a letter to the Solicitor General manifesting that "even if it be revolting to him to be deprived of the honor and favor bestowed by the granting of citizenship," he must, as Chief Administrative Officer of the Fieldmen's Insurance Company, Inc., "make the necessary contact with reinsurers abroad in the shortest time possible" and would, "if necessary, sacrifice the labor and expenses I have incurred, not to mention the moral anguish of losing the ground I have so far gained with respect to my subject application for such citizenship." Accordingly, petitioner went abroad on August 6, 1957 and returned to the Philippines on October 2, 1957, after visiting several countries in Europe and America.

Petitioner now contends that he went abroad to gather information on insurance and re-insurance schemes being used in other countries in the interest of the company he represents but at the same time he was appointed by the President of the Philippines "as representative of the Republic of the Philippines to observe economic trends in connection with social security system and insurance treatises in foreign countries." With this contention he desires to convey the impression that he left the Philippines not on his own volition but at the instance of our government.

This contention is belied by his own evidence. Thus, in his own letter to the Solicitor General mentioned elsewhere, he indicated that his purpose in going abroad was principally for the benefit of the Fieldmen's Insurance Company, Inc. of which he is the Executive Vice President, General Manager, and Chief Administrative Officer elected by its Board of Directors to make the necessary contact with its re-insurers abroad in the shortest time possible. He emphasized that as such official it was his duty to establish fresh contact in the

world re-insurance market for the re-insurers requirement of said company and that "he is going to journey in Europe and also in America, which trip is scheduled to be during the middle part of August, 1957 and is expected not to exceed the period of three months," all in behalf of the Fieldmen's Insurance Company, Inc.

It is true that petitioner is invoking in his behalf a letter of former President Carlos P. Garcia where-in apparently he was given authority to go abroad as a representative of the Republic of the Philippines "to observe economic trends in connection with social security system and insurance treatises in foreign countries." But this letter cannot give him comfort, for there it appears that he was to be given a formal appointment for that purpose but that his trip would be at his own expense. It also appears that such appointment was never extended. At any rate, even if the required authority were given by our government still it could not erase the impression that his trip abroad was in the interest of his business concern, for it is to be presumed that his designation was extended merely to accommodate him just to give some official color to his trip. Certainly, such trip cannot furnish any valid justification for infringing the letter and spirit of Republic Act No. 530.

The best proof of his intention is revealed in his letter to the Solicitor General dated July 30, 1957 wherein he stated that while it is revolting to him to be deprived of the honor and favor bestowed upon him when he was granted Philippine citizenship, however, because of the importance of his trip abroad, as it is for the interest of the economic condition of the Philippines in general and the Philippine insurance industries in particular, and in order not to prejudice the many stockholders, agents, associates and colleagues he has in his company, he would bow to the common need and, if necessary, would sacrifice the labor and expenses he had incurred, not to mention the moral anguish of losing the ground he has so far gained with respect to his application for citizenship. His pre-tense that he went abroad primarily to observe economic trends in connection with social security system as representative of our government, cannot, therefore, be entertained.

It appearing that petitioner left the Philippines on August 6, 1957 and returned on October 2, 1957 during the two-year period he was required to stay in the Philippines, he, therefore, violated Republic Act No. 530, which requires that during that period an applicant for citizenship should not leave the Philippines.

Wherefore, the order appealed from is affirmed, with costs against petitioner.

Bengzon, C. J., Padilla, Concepcion, Reyes, J.B.L., Paredes, Dizon, and Makalintal, JJ., concur.

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