

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP: DEE SAM, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-9097. February 29, 1956

Ponente: REYES, A., J.

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REYES, A., J.:

On May 6, 1952, Dee Sam alias Samuel Dee, a Chinese subject, filed an application for naturalization in the Court of First Instance of Manila. After the usual proceedings, the application was granted on January 27, 1953 and it was ordered that in due course and upon compliance with the requisites prescribed by law a naturalization certificate issue to the petitioner. On February 16, 1955, more than two years from the granting of the application for naturalization, the applicant petitioned the court to allow him to take his oath of allegiance as a Filipino citizen. In his petition, he alleged, among other things, that he had "continuously resided in the Philippines since the promulgation of the decision". However, at the hearing he admitted that in 1953 he made a trip to Saigon where he remained for two weeks to settle, according to him, the estate of his father who had died in Paris. In view of this admission, the Solicitor General opposed the petition. But the court, after hearing, granted it just the same, holding that petitioner's short absence from the Philippines in 1953 was not violative of Republic Act No. 530. From that resolution the Republic of the Philippines has appealed to this Court.

Sections 1 and 2 of said Republic Act No. 530 provides:

"Section 1. The provisions of existing laws notwithstanding, no petition for Philippine citizenship shall be heard by the courts until after six months from the publication of the application required by law, nor shall any decision granting the application become executory until after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds, that during the intervening time the applicant has (1) not left the Philippines, (2) had dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.

"Sec. 2. After the finding mentioned in section one, the order of the court granting citizenship shall be registered and the oath provided by existing laws shall be taken by any applicant', whereupon, and not before, he will be entitled to all the privileges of Filipino citizen."

The above provisions postpone for two years the execution of the decision granting an application for Philippine citizenship. The purpose obviously is to put the applicant on probation for the length of time, and thereafter he is to be invested with the privilege of Philippine citizenship only if he proves to the satisfaction of the court that since the granting of his application for naturalization he (1) has not left the Philippines, (2) had dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies. Strict compliance with these conditions is essential if the purpose of the law is to

be achieved, so that a violation of any of them ,bars applicant's admission to Philippine citizenship.

Counsel for applicant, however, calls attention to the case of Luis Uy vs. Republic of the Philippines * G. R. No. L-7054, promulgated April 29, 1955, where this Court said—albeit by way of dictum—that the requirement as to non-absence might possibly admit of some exceptions, as where the applicant is sent abroad on a Government mission, or kidnapped or forcibly removed from the Philippines or obliged to £0 and stay abroad to undergo an operation to save his life. But it is obvious that the present case does not come under any, of those exceptions, and further relaxation of the aforesaid requirement in deference to private need or convenience should be avoided as not to open the door to evasions and render the law ineffective. In view of the foregoing, the order appealed from is revoked and set aside and applicant's petition for the taking of oath denied, with costs. against the appellant.

Parás, C. J., Padilla, Montemayor, Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

* 96 Phil., 871

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