

**IN THE MATTER OF THE NATURALIZATION AS PHILIPPINE CITIZEN
OF GO KAY SEE. ANTONIO GO KAY SEE, PETITIONER AND
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPELLANT.**

G.R. No. L-17318. December 28, 1962

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal interposed by the provincial fiscal of Isabela, in representation of the Solicitor General, against the order of the Court of First Instance of Isabela, dated June 3, 1960, ordering the issuance of a certificate of naturalization in favor of petitioner Antonio Go Kay See.

The record shows that on April 12, 1956, petitioner filed a petition with the Court of First Instance of Isabela praying that he be declared a naturalized citizen of the Philippines. The petition was duly published and the case set for hearing. After hearing the court, considering the evidence presented by petitioner as well as the opposition offered by the provincial fiscal, rendered judgment on November 25, 1957, granting petitioner Philippine citizenship and ordering the clerk of court to issue the naturalization certificate to him immediately after the expiration of two years from the promulgation of the decision.

On December 21, 1959, petitioner filed a motion alleging that the decision of the court had become final on November 25, 1959 and that on January 6, 1960 he would present evidence showing compliance with Republic Act No. 530, that is, that during the intervening period of two years from November 25, 1957 up to and including January 6, 1960, he had not left the Philippines, had dedicated himself continuously to a lawful calling or occupation, had not been convicted of any offense or violation of Government promulgated rules, and had not committed any act prejudicial to the interest of the nation or contrary to any government announced policies, and praying that after Hearing the court order the registration of its decision of November 25, 1957 and the taking by the petitioner of the appropriate oath of allegiance.

On January 20, 1960, the provincial fiscal filed an opposition to the motion alleging that the applicant failed to pay his annual registration fee during the two-year period 1958 to 1959, and such failure is a clear violation of government announced policy regarding aliens which requires them to register annually with the Bureau of Immigration. The court rejected the opposition of the provincial fiscal and ordered the issuance of a certificate of naturalization in its order of June 3, 1960. This order is the subject of the present appeal by the Government.

In his brief the assistant solicitor general assigns as principal error the court's ruling that petitioner's failure to pay the annual alien registration fees for the years 1958 and 1959 was due to an honest belief that he was exempted therefrom, which, therefore, did not disqualify him from taking his oath as a naturalized citizen.

We do not agree with the ruling of the court *a quo*. Appellee's failure to register as an alien during the two-year intervening period is a patent violation of the government policy requiring aliens to register annually. Such

failure, which appellee himself admitted, clearly falls within the provision of Republic Act No. 530, which bars any decision granting an application for naturalization from becoming executory, if within two years from its promulgation the court finds that an application has committed any of the acts therein enumerated. The fact that his failure to register was due to an honest belief that he was exempted therefrom is of no moment.

The two-year period after a decision granting naturalization is a period of actual test of fitness. If an applicant fails in this test, what guarantee does the State have that once sworn to as citizen the applicant will remain the same law abiding citizen he has claimed to be? Petitioner may not be excused from compliance with his duty to register on the flimsy excuse that his alien certificate of registration had been presented as an exhibit in court.

Wherefore, the order of the lower court of June 3, 1960, and the decision granting naturalization are hereby set aside, with costs against petitioner-appellee.

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

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