

**IN THE MATTER OF THE PETITION OF YAP CHUN ALIAS JOSE GO
TIANSE TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. YAP
CHUN ALIAS JOSE GO TIANSE, PETITIONER AND APPELLEE, VS.
REPUBLIC ...**

G.R. No. L-18516. January 30, 1964

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

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

This application for naturalization of Yap Chun (alias Jose Go Tiansen) comes to this Court for the third time is on appeal by the Government from a decision of the Court of First Instance.

It is uncontested that this applicant asked to be admitted as a Filipino citizen in 1949, and that the Court of First Instance of Misamis Occidental (Judge Patricio Ceniza presiding) granted this petition on 27 July 1950. Upon the Government's appeal, this Court, in Case G. R. No. L-4177, reversed the decision, and denied the petition without prejudice, because it was proved that applicant had a child of school age in China, who had not been enrolled in Philippine schools, as required by law.

In 1953, petitioner reapplied for citizenship for a second time; and upon his representation that he had attempted to bring his son, Go Li Pen, to the Philippines, but was not able to do so due to absence of relations with communist China, the same court and judge admitted him to citizenship for the second time. The state again appealed; and this Supreme Court, in G. R. No. L-8642, by decision of 30 January 1956, once more reversed the trial court's decision, and ordered dismissal of the application for citizenship because it was found that the applicant had over ten years within which, to bring his son, Go Li Pen, to the Philippines for education in Philippine schools before relations with the Chinese mainland were finally interrupted; yet applicant neglected to avail himself of the opportunity.

For the third time, with rare persistence, applicant renewed his effort to gain Philippine citizenship, and reapplied to the Court of First Instance of Misamis Occidental, this time contending that his child, Go Li Pen, had already attained the age of majority after the Supreme Court's second rejection of his application, and advancing as a further reason that being married to a Filipina, the residence requirement had been reduced to 5 years, which he had fulfilled with excess. With a pertinacity fully equal to that of the applicant, Judge Patricio Ceniza found him, for the third time, entitled to assume Filipino citizenship, over the objections of the government attorneys. The latter now ask that the latest decision of the court *quo* be reversed and set aside.

Upon the facts on record, we have no alternative but to reiterate that the petition should have been denied. The applicant's neglect to avail himself of his opportunity to bring his son, Go Li Pen, to the Philippines, while the son was still of school age, is by now *res judicata* under our previous decisions. Such neglect constitutes proof that this applicant had no interest in having his child, Go Li Pen, learn and imbibe the traditions and ideals of Filipinos as well as their democratic form of Government; and that circumstance necessarily reflects adversely upon the bona fide intention of this petition to embrace the customs, traditions, and ideals of this country. The

disqualification noted by this Court in G. R. No. 8642 is not one that is cured by the lapse of time.

We have elsewhere declared that compliance with the condition of enrolling his children in our schools is required by law as evidence of petitioner's honest and enduring intent to assume the duties and obligations of Filipino citizenship (*Ng Sin vs. Republic*, G. R. No. L-7590, Sept. 20, 1955). Faitee to comply with the statutory condition operates, therefore, as a disqualification for citizenship, and is fatal to the application for naturalization, as held in numerous cases (see previous decision in G. R. No. L-8642, 30 Jan. 1956).

If the petitioner was thus disqualified, the fact that the child is now past school age can not cure the defect. The length of residence required of this applicant becomes thus entirely irrelevant. If at any time during his stay in the Philippines the applicant reveals by his acts that he is not interested, or is unwilling, to assume the obligations of Filipino citizenship, his subsequent application becomes untenable. To grant it becomes positively dangerous to the state.

Wherefore, the judgment appealed from is reversed, and the application for naturalization of appellee Yap Chun, alias Jose Go Tianse, of Ozamis City, Occidental Misamis, is ordered dismissed, with prejudice. Costs against petitioner-appellee.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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