

IN THE MATTER OF THE PETITION OF YEE BO MANN FOR PHILIPPINE CITIZENSHIP. YEE BO MANN, PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-1606. May 28, 1949

Ponente: REYES, J.

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REYES, J.:

This is a petition for naturalization.

Petitioner Yee Bo Mann was born in Canton, China, in 1898, of Chinese parents, who at an earlier date had become naturalized citizens of the United States. In 1915 he immigrated to the Philippines and located in the City of Cebu, where he has resided continuously since then. Studying in the public schools there and completing the primary and secondary courses, including a four-year commercial course, he became a licensed public accountant in 1925 and has since then engaged in the practice of that profession in addition to being a general merchant and purchasing agent. In 1922 he married Helen Leu, an American citizen born in Hawaii, and with her came to have two children, Nellie and Philip, born in 1924 and 1933, respectively. Nellie took her primary course partly in Hongkong and partly in Cebu and was at the time of the trial a high school student in the Saint Theresa College in that city, a school recognized by the Government. Philip was enrolled in a public school.

Petitioner believes in the principles underlying the Philippine Constitution and can speak and write English and the Cebu Visayan dialect. He is not a polygamist and has never been convicted of any crime involving moral turpitude. He has a sister who is married to a Filipino, Atty. Manuel Veloso, and he has no more relatives in China. Asked why he wanted to become a Filipino citizen, he answered: "I have been here so long, I was educated here, I have so many Filipino friends and I love them and they love me too." He says he has already decided to spend the rest of his life in the Philippines.

The Court of First Instance of Cebu granted the petition, and the case is now here on appeal by the Government on the ground that petitioner has failed to declare his intention to become a Filipino citizen one year before the filing of his petition and to prove at the trial that the laws of China permit Filipinos to naturalize in that country.

As to the first ground, section 5 of the Revised Naturalization Law requires an applicant for naturalization to declare his intention to become a Filipino citizen one year before the application. But section 6 of the same law exempts from that requirement, among others, those who have resided continuously in the Philippines for 30 years or more before the filing of their application, provided "that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality." The Solicitor General construes this proviso as requiring completion of both primary and secondary education by all the children of the applicant. This court, however, has already held in other cases, among them that of *Rafael Roa Yrostorza vs. Republic of the Philippines*,^[1] G. R. No. L-1394, that enrollment in the proper school is sufficient compliance with the law. Petitioner's case comes within this ruling,

since his children are actually studying in school albeit they have not yet finished secondary education.

As to the other ground of appeal, it appears that petitioner has presented in evidence a translation of the Chinese naturalization law certified to be correct by the Chinese Consulate General in Manila. The admissibility of this evidence is challenged on the ground that it does not conform to section 41, Rule 123 of the Rules of Court. The objection is of no moment, since this Court has already accepted it as a fact in previous naturalization cases that the laws of China permit Filipinos to naturalize in that country.

In view of the foregoing, the decision appealed from is affirmed, without special pronouncement as to costs.

Ozaeta, Paras, Feria, Pablo, Perfecto, Bengzon, Tuason, and Montemayor, JJ., concur.

Reyes, J.:

I hereby certify that Chief Justice Moran voted for the affirmance of the judgment below.

[1] 83 Phil., 727.

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