

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP, YAP PUEY ENG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-24805. May 23, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

On petition for naturalization. The court a quo found that petitioner Yap Puey Eng possesses all the qualifications and none of the disqualifications set forth in the Revised Naturalization Law, and granted him Philippine citizenship.[1] The State appealed.

On two grounds, either of which is sufficient, the judgment must be reversed.

First. The petition avers that petitioner's "present place of residence is Ozamis City," and that his "former residence was Amoy, China." But petitioner testified in court that during the Japanese occupation, that is, from 1941 until liberation in 1945, he was residing in Guba, Clarin, Misamis Occidental,[2] and that he also continuously studied in the Cebu Chinese School in Cebu City from 1929 to 1931.[3] Clarin and Cebu City are two former places of residence of petitioner. Section 7 of the Revised Naturalization Law exacts that a petition for naturalization state petitioner's "present and former places of residence." Residence contemplated in Section 7 encompasses "all places where petitioner actually and physically resided." [4] The rule requiring all places where petitioner actually and physically resided to be set forth in his petition, is not without reason. For, indeed, "information regarding petitioner and objection to his application are apt to be provided by people in his actual, physical surrounding." [5] Failure to allege the former places of residence "deprives both public and government of a fair opportunity to check up petitioner's activities material to the proceeding and of registering their objection to his application." [6] And the rule firmly rooted in this jurisdiction is that failure to allege a former place of residence is fatal to a citizenship application. [7] Because, such omission "affects the jurisdiction of the court." [8]

Second. Evidence there is that petitioner has not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos.

Petitioner enrolled his children in Chinese schools. Paragraph 5 of the petition in part reads:

"x x x I have children, and the names, date and place of birth and place of residence, as well as the school in which they are studying and their educational attainments are as follows: ALICE YAP PUEY ENG, born in Ozamis City on April 12, 1947 now in Cebu City where she is 3rd year at the Cebu Gospel School (Cebu Kian Kee High School); WALTER YAP PUEYING, born in Ozamis City on March 31, 1948, now grade six at Ozamis City Chinese School; WILSON YAP PUEYING, born Sept. 14, 1949 at Ozamis City, now grade six at the same school; BABY AMY YAP PUEY ENG, born in the City of Cebu on April 22, 1951, now grade five in the same school. The last three are living with us at Ozamis City."

And petitioner's own Exhibit "R" shows that his four children were enrolled in the Misamis Chinese High School, as follows:

1. YAP PUEY ENG, Baby Amy, Grade I-VI – 1958-1963; High School –I Yr. 1963-1964;
2. YAP PUEYINC, Wilson, Grade I-VI – 1956-1962; High School – I-II – 1962-1964;
3. YAP PUEYING, Walter, Grade I-VI - 1956-1962; High School –I-II - 1962-1964; and
4. YAP PUEY ENG, Alice, Grade I-VI – 1953-1959; H.S. - I-II - 1959-1961; III Yr. - 1961-1962; Cebu City IV Yr. 1962-1963 (Graduated in the Misamis Chinese High School as SALUTATORIAN)."

which he confirms in his testimony in court.[9]

Jurisprudence which has since become stabilized by reiteration, is that enrollment of an applicant's children in Chinese schools raises the inference that he has not evinced a sincere desire to embrace our customs, traditions, and ideals - a disqualification in a citizenship application.[10]

FOR THE REASONS GIVEN, the judgment under review is hereby reversed, and the petition for naturalization herein is hereby dismissed.

Costs against petitioner.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, and Angeles, JJ., concur.

[1] Nat. Case No. 108 of the Court of First Instance of Misamis Occidental.

[2] Tr., pp. 30-31.

[3] Tr., pp. 18, 20-21.

[4] Ong vs. Republic, 20 Supreme Court Reports Anno. 302, 303, citing Tan vs. Republic, L-22207, May 30, 1966. See also: Qua vs. Republic, L-19834, October 27, 1964.

[5] Qua vs. Republic, supra, cited in Ong vs. Republic, supra, 303.

[6] Chan vs. Republic, 16 Supreme Court Reports Anno. 243, 247, citing Cheng vs. Republic, L-20013, March 30, 1965; Yu Ti vs. Republic, L-19913, June 23, 1965.

[7] Tan vs. Republic, L-22207, May 30, 1966. See also: Ong Ping Seng vs. Republic, L-19575, February 26, 1965; Tan vs. Republic, L-19694, March 30, 1965; Tan Nga Kok vs. Republic, L-16767, June 30, 1965, all cited in Chan vs. Republic, supra, at p. 246.

[8] Yao Long vs. Republic, L-20910, November 27, 1965, also cited in Chan vs. Republic, supra, at p. 247.

[9] Tr., pp. 9-11.

[10] Lim Yu En vs. Republic, L-21218, December 24, 1965 and cases cited. See also: Chan vs. Republic, supra, at p. 246; and Tan Tian vs. Republic, 1967A Phil. 467, 468, and cases cited.

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