

IN THE MATTER OF THE NATURALIZATION OF FRANCISCO L. YU.*G.R. No. L-3808. July 29, 1952*

Ponente: LABRADOR, J.

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This is an appeal prosecuted by the Government against a judgment of the Court of First Instance of Capiz approving the application for naturalization of petitioner-appellee Francisco L. Yu and granting him Philippine citizenship. The appeal is based on three grounds, namely, (1) that appellee's petition for naturalization was not published in the form and manner required by law; (2) that the appellee did not file a declaration of intention to become a citizen of the Philippines in accordance with Section 5 of the Revised Naturalization Law; and (3) that appellee does not possess the necessary qualifications for naturalization.

As it is the simplest and the easiest to dispose of, because of the conclusiveness of the evidence on record in relation thereto, we choose to take up the second ground of appeal. No declaration of intention, as required by Section 5 of Commonwealth Act No. 473, was ever filed in this case. So the issue is one of fact, i.e., whether petitioner-appellee came to the Philippines in the year 1918 as he claims, or in 1919 as the Government contends.

The petitioner testified that he came to the Philippines around September or August of the year 1918 (t.s.n., p. 3). But there is nothing to corroborate this date. On the contrary, in his original petition of December 28, 1948, which he personally signed under oath, he states that he arrived in the Philippines on or about March, 1919. (Record on Appeal, p. 2.) His landing certificate of residence, Exhibit F, recites that on January 19, 1934, he was the holder of a landing certificate of residence x x x "issued August 21, 1919." The last digit of the number "1919" in this Exhibit F appears to have been erased, but if carefully examined even with the naked eye, the erased digit appears to be "9" not "8," as the lower part thereof, which is visible, is the same as the lower part of the second digit "9." When a magnifying glass was used, the erased digit appeared clearly to be "9" and not "8." There is further corroboration in the fact that petitioner's own statement in his petition is to the effect that he came to the Philippines in the month of March. If it were true, as he testified at the trial, that he came to this country in the month of August or September, 1918, the landing certificate could not have been issued in August, 1913, because some time must have been used for investigation before he could have been admitted. Lastly, the trial judge himself made the finding that petitioner was brought to the Philippines in March, 1919. (Record on Appeal, p. 27.) The petitioner has not impugned this finding of the trial court; as a matter of fact, he has filed no brief. We are, therefore, inevitably led to the conclusion that when petitioner filed his application on December 28, 1948, or even on the date of his amended application, i.e., January 24, 1949, he had not completed a full thirty-year continuous residence in the Philippines.

The failure of petitioner to file a declaration of intention to become a citizen of the Philippines is reason for the reversal of the judgment; in naturalization cases full compliance with the statutory requirements is necessary. (2 Am. Jur. 577.) The consideration of the other grounds of the appeal is, therefore, unnecessary.

The judgment is reversed and the petition dismissed. However, this dismissal is without prejudice, and advantage of these proceedings may be taken as suggested in the decision of this Court in *Jesus Uy Yap vs. Republic of the*

Philippines, G. R. No, L-4270, May 8, 1952. With costs against the petitioner.

Paras, Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Bautista Angelo, and Labrador, JJ., concur.

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