

## IN THE MATTER OF THE PETITION OF BENJAMIN BAUTISTA (ALIAS BAN SIONG) TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.

*G.R. No. L-3353. December 29, 1950*

Ponente: REYES, J.

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### REYES, J.:

This is an appeal by the Government from a decision of the Court of First Instance of Manila granting the petition for naturalization of Benjamin Bautista alias Ban Siong, a citizen of China.

The appeal is predicated on the ground that (1) the petition for naturalization was heard before the expiration of 90 days from the last publication of the notice thereof, (2) petitioner has not secured from his government permission to renounce his Chinese nationality, and (3) petitioner does not write English.

The first two grounds have already been overruled by this Court in previous cases (In the Matter of the Petition of Jose Pió Barretto, Benito Ong Barreto, and Sebastian Ong Barretto, G. R. Nos. L-2738, L-2739, and L-2740, December 21, 1950, *supra*, p. 734; Parado vs. Republic of the Philippines, G. R. No. L-2628, May 6, 1950, 47 Off. Gaz., (12), 19; 86 Phil., 340; Lim Lian Nong vs. Republic of the Philippines, G. R. No. L-3575, December 26, 1950) and need not therefore be discussed here.

As to the third ground, paragraph 5, section 2 of the Revised Naturalization Law provides that the petitioner for naturalization "must be able to speak and write English or Spanish and any of the principal Philippine Languages." Petitioner says that he speaks and writes Tagalog. But he admits that he does not speak and write Spanish: and although he claims he speaks a little English, he does not say that he writes that language. As a matter of fact, the trial judge ordered it made of record "that the petitioner says he does not write English," and the order did not evoke any protest from either petitioner or his counsel. The statement in the decision below that petitioner writes English is without basis in evidence. The record shows just the contrary. It being thus established that petitioner does not speak and write Spanish and that although he speaks a little English he nevertheless does not write this language, it is obvious that he does not possess the full qualifications prescribed in paragraph 5, section 2 of the Revised Naturalization Law.

It is contended, however, that the legal requirement as to the knowledge of English must be deemed abrogated with the adoption of Tagalog as an official language in this country. The contention is untenable, for while the Filipino national language has been declared to be one of the official languages of the Philippines, it has not as yet been made the exclusive official language (Commonwealth Act No. 570). And the Constitution (section 3, Article XIV) ordains that "Until otherwise provided by law, English and Spanish shall continue as official languages."

The law requires that a petitioner for naturalization must be able to speak and write English or Spanish and any of the principal Philippine languages. The courts have no choice but to require full compliance with this statutory provision. Of application here is the following pronouncement of the U. S. Supreme Court:

"An alien who seeks political rights as a member of this nation can rightfully obtain them only upon terms and

conditions specified by Congress. Courts are without authority to sanction changes or modifications; their duty is rigidly to enforce the legislative will in respect of the matters so vital to the public welfare." (U. S. vs. Ginsberg, 243 U. S., 472; 61 L. ed. 853, 856.)

Wherefore, the decision appealed from is reversed and the applicant's petition for naturalization denied, with costs.

Moran, C.J., Pablo, Bengzon, Padilla, Tuason, Montemayor, and Jugo, JJ., concur.

**MOEAN, C.J.:**

Mr. Justice Paras and Mr. Justice Feria voted for reversal.

Judgment reversed.

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