

IN THE MATTER OF THE PETITION FOR ADMISSION AS A FILIPINO CITIZEN. TAN AN, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLEE.

G.R. No. L-26290. November 29, 1969

Ponente: CASTRO, J.

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CASTRO, J.:

On October 1, 1964, after more than two years had elapsed from the rendition of a decision (naturalization case N-56) by the Court of First Instance of Southern Leyte admitting Tan An as a Filipino citizen, the latter filed a motion to be allowed to take the oath of allegiance. The court, presided by Judge Numeriano G. Estenzo, denied the motion in its decision of October 26, 1964.

Hence this appeal.

Tan An had been residing in the Philippines continuously for more than 10 years prior to the filing on September 28, 1960 of his application for naturalization. He is employed as purchasing agent and representative of the Jaime Sy Store owned by his brother, at Cabalian, Southern Leyte, receiving a monthly salary of P200, plus free board and lodging worth P100 a month. His wife and four minor children who were born in Hongkong reside in the latter city; the children of school age are enrolled in an elementary school thereat. All efforts exerted by the petitioner to bring his wife and children to the Philippines have proved futile.

For three fundamental reasons, the denial by the court a quo of the petitioner's motion to be allowed to take the oath of allegiance as a citizen of the Philippines must be sustained.

1. With the prevailing high cost of living and the low buying power of the Philippine peso, taken together with the fact that the petitioner has five dependents, his monthly income of P200 obviously cannot be considered lucrative such as would qualify him for admission as a citizen of the Philippines.[1]
2. With regard to his inability to enroll his minor children of school age in a public or private school recognized by the Department of Education, where Philippine history, government and civics are taught as part of the curriculum, this Court has consistently held that this is an effective bar to the acquisition of Filipino citizenship.[2] "It is the policy of the Philippine Government to have the children of prospective citizens learn and imbibe the customs, traditions and ideals of the Filipinos as well as their democratic form of government. The fact that all of the children of school age of the applicant are in China or otherwise outside the Philippines is no valid excuse or reason for non-compliance with this requirement." [3]
3. On cross-examination by the provincial fiscal at the hearing on his petition for oath-taking, the petitioner admitted that although he stated in his petition that he was residing in Masin, Leyte at the time of the filing thereof, he actually never resided there. This tendency to pervert the truth inescapably belies his claim that he has conducted himself in a proper and irreproachable manner.

ACCORDINGLY, the decision appealed from is affirmed, at petitioner's cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Fernando, and Teehankee, JJ., concur. Barredo, J., did not take part.

[1] Uy vs. Republic, L-19578, Oct. 27, 1964; Yap Bun Pin vs. Republic, L-19577, Oct. 30, 1964; Tio Tee Chai vs. Republic, L-19112, Oct. 30, 1964; Ong So vs. Republic, L-20145, June 30, 1965; Chin Bok vs. Republic, L-19111, June 22, 1965; Tan Chong vs. Republic, L-19914, June 23, 1965.

[2] Ang Yee Koc Sengkee vs. Republic, L-3863, Dec. 27, 1951; Ang-lo vs. Republic, L-5104, April 29, 1953.

[3] Yap Chin vs. Republic, L-4177, May 29, 1953; Dy Chuan Tiao vs. Republic, L-6430, Aug. 31, 1954; Si Ne vs. Republic, L-16828, May 30, 1962.

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