

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF NEMESIO HUANG (UY), PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20478. June 29, 1967

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Republic of the Philippines from the order of the Court of First Instance of Manila in Civil Case No. 21127 dated October 12, 1962 dismissing its petition to declare null and void the final decision rendered there-in and to cancel the certificate of naturalization issued to Nemesio Huang (Uy) in accordance therewith, on the ground of lack of jurisdiction because the publication of the notice of hearing on the petition for naturalization in the official gazette was made only once.

It is admitted that on November 2, 1953, Nemesio Huang (Uy) filed a petition for naturalization with the Court of First Instance of Manila (Civil Case No. 21127). On November 6 of the same year, the court ordered that the corresponding notice of hearing be published once a week for three consecutive weeks in the Official Gazette. Said notice was actually published only once in the Official Gazette in its No. 11, Vol. 49 monthly issue. After trial, the court rendered its decision admitting appellee to Philippine citizenship, and after the same had become final and executory and due hearing was had, appellee took his oath of allegiance on September 1, 1956.

The present petition for cancellation of appellee's certificate of naturalization was filed on May 10, 1962, the State relying on our ruling in *Ong Son Cui vs. Republic*, G. R. No. L-9858, May 29, 1957, to the effect that one publication in the official gazette was insufficient to confer jurisdiction to the court a quo to try and decide the petition.

IN VIEW of our recent ruling in the *Gan Tsitung* case (G. R. No. L-20819) to the effect that "the doctrine laid down in the *Ong Son Cui* case shall apply and affect the validity of certificates of naturalization issued after, not on or before, May 29, 1957" and that "certificates of naturalization issued on or before May 29, 1957, even if notice of the petition for naturalization had been published once only x x x x x should not be nullified", We find the order appealed from to be in accordance with law. Consequently, the same is hereby affirmed, without costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.

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