

IN THE MATTER OF THE PETITION OF EMMANUEL LAI TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, EMMANUEL LAI, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLEE.

G.R. No. L-22619. March 28, 1969

Ponente: BARREDO, J.

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BARREDO, J.:

Appeal from the order of the Court of First Instance of Manila in its Naturalization Case No. 43024, denying the petition of Emmanuel Lai to take his oath as a naturalized citizen of the Philippines after the probationary period of two (2) years from the issuance of the original decision of the court a quo in the said proceeding declaring petitioner eligible for naturalization.

The antecedent facts are not disputed.

On May 3, 1961, the Court of First Instance of Manila, the Honorable Judge Conrado M. Vasquez, presiding, rendered a decision in the above-mentioned case, declaring petitioner-appellant eligible for naturalization. A little more than two (2) years thereafter, after the lapse of the probationary period provided for by Republic Act 530, petitioner filed the petition aforesaid for purposes of showing that he was ready and qualified to take his oath of allegiance to the Republic. This was opposed by the Solicitor General on the grounds, inter alia, (1) that petitioner failed to apply or register his daughter, Felisa Lai,[1] "within thirty days after the birth of the child", in violation of the "regulations governing registration of aliens in accordance with the Alien Registration Act of 1950"; and (2) that petitioner "failed to allege in his petition all his previous addresses and residences", in violation of Section 7 of the Naturalization Law. After due hearing, the trial court, the Honorable Judge Jose N. Leuterio, then presiding, issued the order of October 17, 1963 appealed from, denying appellants petition to take his oath on the ground that his failure to register his daughter within thirty days from the birth of the child was a violation of government promulgated rules and regulations. Petitioner moved for reconsideration of the order but the same was denied by the trial court in its subsequent order of January 7, 1964; hence, the instant appeal from said orders.

The appeal is completely devoid of merit. On the basis of established precedents, Judge Leuterio was perfectly right in sustaining the Solicitor Generals opposition to petitioner-appellant's motion to take his oath as a naturalized citizen. This Court has ruled beginning way back in 1960, that in naturalization cases the failure of a petitioner to comply with his obligation to register his wife and children with the Bureau of Immigration as required by the Alien Registration Act, constitutes failure to conduct himself in a proper and irreproachable manner in his relation with our Government,[2] a ground sufficient for the dismissal or disapproval of his petition for naturalization. That rule has been reiterated in subsequent cases.[3] We concede that in the earlier case[4] heavily relied upon by herein appellant, this Court held that failure of an applicant for naturalization to register his wife and children with the Immigration Office is not of such gravity as to disallow his petition, but

this Court has likewise pointed out that such earlier view had been abandoned. Thus, in *Koa Heng vs. Republic*, supra, it was so declared to dispel any further doubt on this point, viz:

"Petitioner also admits that at least one of his seven children is not registered, pursuant to the Alien Registration Act, with the Bureau of Immigration Appellee however invokes *Chay Guan Tan vs. Republic*, L-9682, April 23, 1957, to the effect that failure of an applicant to register his wife and child with the immigration Office, as aliens, is not of such gravity as to disallow his petition for naturalization. Suffice it to state that at the time petitioner, applied for naturalization this Court has subsequently ruled that such failure to register constitutes reproachable and improper conduct which precludes naturalization (*Co vs. Republic*, L-12150, May 26, 1960; reiterated in *Chung Hong vs. Republic*, L-17391, November 29, 1962)." [Underscoring supplied]

Petitioner-appellant would try to distinguish his case from the above-cited precedents in the circumstance that while there, this Court dealt with the failure to register in violation of law, Republic Act 562, otherwise known as the Alien Registration Act of 1950; here, there is merely a case of "late registration of a newly born child" which, appellant argues, is a minor infraction of an implementing regulation of the Commissioner of Immigration. Overlooked by appellant is the fact that his having registered his daughter tardily on April 26, 1963, or even March 1, 1963, as he contends, involved not only a violation of immigration regulations but the Alien Registration Act.

The rules and regulations of the Government violated by him read as follows:

"Article 1 - PERSONS REQUIRED TO REGISTER AND FINGER-PRINTED.-

x x x x x

"(5) Every parent or legal guardian or any alien child, born in the Philippines subsequent to June 17, 1950, and who will remain in the Philippines for thirty days or longer, must apply for the registration of such child within thirty days after the birth of the child." [5]

On the other hand, the pertinent provisions of the Alien Registration Act violated are these:

"Section 1. Aliens residing in the Philippines shall, within thirty days from the approval of this Act, apply for registration, in the case of those residing in the City of Manila, at the Bureau of Immigration, and in the case of those residing in other localities, at the office of the city or municipal treasurers, or at any other office designated by the President.

"The parent or legal guardian of an alien who is less than fourteen years of age, shall have the duty of registering such alien: x x x.

x x x x x

"Section 10. Every alien subject to the provisions of this Act shall, within the first sixty days of every calendar year, report in person to the Bureau of Immigration, if residing in the City of Manila, or to the Office of the respective city or municipal treasurer, if residing in another locality, or to the Chief Immigration Officer should there be an immigration office in such locality. x x x The parent or legal guardian of an alien who is less than fourteen years of age, have the duty of reporting for such alien: x x x." [Underscoring Ours]

That is not all. As he registered his daughter for the first time only on April or March of 1963, the inevitable conclusion is that he did not report for her within the first sixty days of January 1962 and, if in fact, the registration was April, again within the same period in 1963.

It cannot be validly said then that appellant committed only a minor infraction of a regulation. In truth, he violated the Alien Registration Act in two ways. It is obvious that such violations constitute improper and

re-proachable conduct in his relation with the Government, which renders him disqualified to be a naturalized citizen.

With this view We take, this case should write finis to any further move of appellant to be a naturalized citizen of the Philippines, his infirmity above-pointed being incurable. Accordingly, We find it unnecessary to make any express finding as regards the other ground inter-posed by the Solicitor General in his opposition - that petitioner also failed to allege in his petition all his previous addresses and residences - which, albeit fatal, is technical and curable in character.

WHEREFORE, We find herein petitioner-appellant not qualified to be a naturalized citizen of the Philippines and the denial of his petition to be allowed to take the oath as such by the order appealed from is hereby affirmed, with costs against said petitioner-appellant.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, and Teehankee, JJ., concur.

[1] Felisa Lai was born on November 19, 1961 or during the probationary period of two years, i.e., subsequent to the date of issuance of the original decision but prior to the filing of the petition to take the oath.

[2] Benjamin Co vs. Republic, L-12150, May 26, 1960.

[3] Chung Hong vs. Republic, L-17391, November 29, 1962; Lu Beng Ga vs. Republic, L-18005, November 29, 1963; Lim Guan vs. Republic, L-20622, January 31, 1966; Koa Heng vs. Republic, L-21079, February 28, 1966.

[4] Chay Guan Tan vs. Republic, L-9682, April 23, 1957.

[5] Regulations governing the Registration of Aliens in accordance with the Alien Registration Act of 1950, issued June 21, 1950 (Espina, Immigration & Alien Registration Laws of the Philippines, 1965 Ed., p. 83).

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