

IN THE MATTER OF PETITION OF TAN HUY LIONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.

G.R. No. L-21671. February 28, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Tan Huy Liong, a citizen of Nationalist China, came to the Philippines in 1916. On December 24, 1959 he filed a petition for naturalization with the Court of First Instance of Manila without previously filing a declaration of intention to become a citizen of the Philippines. The lower court found him to possess all the qualifications and none of the disqualifications for naturalization provided for in Commonwealth Act 473, as amended. Consequently, his petition was granted on October 21, 1960.

On October 6, 1963 he moved that he be allowed to take his oath as a Filipino citizen pursuant to Republic Act 530. The Solicitor General opposed the motion on the grounds that (1) the judgment granting Tan Huy Liong's petition for naturalization is null and void because the applicant did not file a declaration of intention one year prior to the institution of the naturalization proceedings, and that (2) applicant did not meet the required qualifications in paragraph 6, Section 2 of Commonwealth Act 473, having failed to enroll all his minor children of school age in any of the schools specified in the law.

Acting on the motion to take oath, the lower court found the following: Tan Huy Liong left the Philippines in 1918 and stayed in China for about a year. In 1925 he again went to China to get married. Every year from 1928 through 1941 he visited his family in China. In 1948 he once more visited his family in China and stayed for 10 months. From 1963 to 1960 he left the Philippines every year. His last trip abroad was in 1960, after he filed his petition for naturalization.

Said court, moreover, found that Tan Huy Liong has eight living children. Five of them entered the Philippines in 1947. One, a resident of Hongkong, came to the Philippines in 1957 only as a temporary visitor. His two youngest children, minors at the time he filed the petition for naturalization, arrived in the Philippines in 1960 and since then have been residing with him here. Out of the eight children only one completed primary and secondary education here in the Philippines and one never studied here at all.

On February 21, 1963 said court declared Tan Huy Liong (1) not exempt from filing a declaration of intention for lack of the 30-year continuous residence prior to applying for naturalization and for failure to give all his children primary and secondary education in Philippine public schools or private schools recognized by the government not limited to any race or nationality, and (2) disqualified for naturalization due to his omission to enroll his minor children of school age in any of the public or private schools mentioned in paragraph 6, Section 2 of the Revised Naturalization Law. Accordingly, it denied the motion to take oath.

His motion for reconsideration and rehearing to present further evidence on the education of his children having been denied, the applicant brought the case to us on appeal.

As stated, Tan Huy Liong left the Philippines in 1960 after he filed his petition for naturalization. This constituted a violation of Section 7 of the Revised Naturalization Law and of his promise in paragraph 12 of his own sworn petition to reside continuously in the Philippines from the date of filing of said petition up to the time of his admission to Philippine citizenship.

From the records we likewise find applicant to have testified that during his stay in the Philippines he resided at 16 Felipe Segundo St., Manila (Tsn., p. 20), and later at his present residence in 1888 M. H. Del Pilar St., Manila. In his petition for naturalization, however, he omitted to mention the former address—another violation of Section 7 of the Revised Naturalization Law.

In two previous cases we denied naturalization to applicants who left the country after the date of filing of their petitions for naturalization.[1] And, in more numerous instances, we ruled that failure to state in the petition all the petitioner's former places of residence is fatal to his application.[2] Following said rulings, we are impelled to deny naturalization from the applicant in this case. The fact that the aforesaid grounds were not raised by the Solicitor General does not matter. Petitions for naturalization involve public interests; hence, on appeal, the entire record is open to scrutiny, whether objection is made or not.[3]

We deem it unnecessary to discuss the remaining issues.

Wherefore, the orders appealed from are affirmed and applicant is denied naturalization as a Filipino citizen. With costs. So ordered.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal, Zaldivar and Sanchez, JJ., concur.

Orders affirmed.

[1] Uytengsu vs. Republic, 95 Phil. 890; Bun Tho Khu vs. Republic, 119 Phil. 291.

[2] De Lara vs. Republic, L-18203-04, May 29, 1964; Dy Pak Long vs. Republic, L-18758, May 30, 1964; Gaw Ching vs. Republic, L-19419, September 30, 1964; Ong Tai vs. Republic, L-19418. December 23, 1964.

[3] Kuan Kwock How vs. Republic, L-18521, January 30, 1964.

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