

WILFREDO GO BON LEE, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-21981. May 19, 1966

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioner seeks Philippine citizenship in a petition filed before the Court of First Instance of Cebu.

It appears that on August 15, 1951, the Solicitor General filed with the same court a petition for the cancellation of the certificate of naturalization previously granted petitioner on the ground that he has not enrolled his minor children in any public or private school recognized by our government. On appeal from the order denying said petition, this Court rendered decision revoking said certificate of naturalization.

After said decision had become final, petitioner, in an obvious attempt to cure the defect found in his first petition for naturalization and go around the schooling requirement of our Naturalization Law, filed on June 23, 1961 the instant petition with the Court of First Instance of Cebu.

In due time, the City Fiscal of Cebu filed an opposition reiterating the same ground that petitioner had failed to send his minor children to any public or private school recognized by the government, and after the parties had presented their evidence, the court a quo rendered decision denying said petition. Petitioner interposed the present appeal.

Petitioner was born on June 9, 1884 in Amoy, China of Chinese parents. He came to the Philippines on December 17, 1919 where he was issued a landing certificate. In 1917, he was married in Amoy, China to Sy Hong with whom he has six children all of whom were already married and were no longer under his parental authority. His children were Go Kian Giap who was born on January 20, 1923 in Amoy, China; Go Kian Ti who was born on July 21, 1925 in Amoy, China; Pacita alias Juanita Baby Go who was born on March 13, 1929 in Cebu City; Go Kian Guan who was born on October 10, 1930 in Amoy, China; Go Kian Sing who was born on July 7, 1934 in Amoy, China; and Go Kian Tai who was born on June 6, 1938 also in Amoy, China.

Before the war petitioner tried his best to bring his children to the Philippines but his mother-in-law objected giving as reason the fact that they were sickly and could not travel without endangering their health. In 1939, his mother-in-law promised to send his children to the Philippines but it was not fulfilled because of the outbreak of the war between China and Japan. In 1948 or 1949, he applied for the admission of his children to the Philippines but the Department of Foreign Affairs found defect in his petition and did not allow their admission. With the exception of his daughter Pacita Go who is living with him in Cebu City, his other children are still in Amoy, China. His daughter Pacita graduated from the University of San Carlos with a commerce degree. She finished her high school course in the same university where Philippine history, civics and government are taught. Pacita is married to Manuel Yap, a Filipino citizen.

Petitioner claims that his petition for naturalization should have been granted by the court a quo because he is

exempt from the requirement of sending his children to a public or private school recognized by our government because of the difficulty he was confronted with in bringing them to the Philippines. He argues that he had exerted utmost efforts to bring his children to the Philippines but due to circumstances beyond his control he was not able to do so which accounted for his failure to enrol them in a school recognized in this country.

We find no merit in this contention. In the first place, the mere fact that his mother-in-law allegedly objected to the sending of his children to the Philippines on the dubious ground that they were sickly and the travel might endanger their health does not constitute an insurmountable barrier to bring them to the Philippines. It should be observed that petitioner, by his own admission, went to China on five different occasions. He made the trips successively in 1924, 1933, 1937, 1938 and 1947 and in any of these trips particularly before the outbreak of the Sino-Japanese war there could certainly have been an occasion where his children were not sickly and therefore, could have been taken to the Philippines had he wished them to come and live in this country. This he failed to do, and no satisfactory explanation was given to justify his failure. In fact, he did not give any for which reason this Court, in revoking his previous certificate of naturalization, made the following comment:

"* * * Moreover, according to appellee's own testimony, in 1930 he took his daughter Juanita—who was born in Cebu—to China where she remained until she was brought back to the Philippines in 1938. No satisfactory proof has been presented to show that Go had exerted efforts at that time to bring into the Philippines his other four minor children." (Republic of the Philippines, vs. Go Bon Lee, L-11499, April 29, 1961.)

Indeed, if petitioner were able to bring his daughter Juanita to stay with his mother-in-law in Amoy, China in the early 1930 and thereafter to come here in the Philippines in 1938 he could have also brought to this country his other minor children if he only wanted them to come and be educated in the Philippines. This matter, therefore, can now be considered as *res judicata* in view of the finding above adverted to.

Wherefore, the decision appealed from is affirmed. Petition is denied, with costs against petitioner.

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

Decision affirmed.

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