

**IN THE MATTER OF THE PETITION FOR NATURALIZATION AS
FILIPINO CITIZEN. HAO SU SIONG, ALIAS RAMON CUENCO,
PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
DEFENDANT AND A...**

G. R.No. L-13045. July 30, 1962

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal taken by the Government from a decree granting appellee's petition for admission to Philippine citizenship.

On May 23, 1956, Hao Su Siong alias Ramon Hao Cuenco filed with the Court of First Instance of Leyte his petition for naturalization. No declaration of intention was filed as required by section 5 of the Revised Naturalization Law, the petitioner claiming exemption from compliance therewith inasmuch as he has resided continuously in the Philippines for more than thirty years.

The record discloses that the petitioner was born in Amoy, China, on January 1, 1901; came to Manila in 1918; went to the province of Leyte the following year and later, in 1922, moved to Cebu; went back to Leyte in 1924, in the town of Inopacan where he has continued to reside up to the present.

In 1925 he went for vacation to China and there he married Ng Chen. Six months thereafter, he brought home his wife to the Philippines.

Petitioner has twelve children by his wife, namely, Filomena, Constancio, Manuel, Pablo, Jose, Patrick), Eulalia, Pedro, Rodolfo, Gregorio, Corazon and Lourdes all born in Inopacan, Leyte. During the Hearing, petitioner adduced evidence to show that his daughter Filomena was a third year high school student in the Colegio de San Jose in Cebu City in 1951 when she stopped studying by reason of marriage; that Constancio was also in the third year high school at the Inopacan Institute in 1952 when he stopped for the same reason; that Manuel graduated from the four-year collegiate commercial course at the Colegio de San Jose; that Pablo graduated from high school at the Inopacan Institute; that Jose reached only Grade II and quit schooling because of His dullness; that Patricio is presently a second year student at the Inopacan Institute; that Eulalia is in the second year at the Cebu Chinese High School; that Pedro is Grade III also at the Cebu Chinese School; that Rodolfo is also in Grade III at the Inopacan Central School; that Gregorio is in the Grade II at the Inopacan Central School; while Corazon and Lourdes are still below school age.

Petitioner is a merchant by occupation doing business at Inopacan, Leyte. According to him, his annual income from this business is P1,000.

In addition to the above stated facts which petitioner sought to establish, he and his witnesses testified as to his possession of the other qualifications and none of the disqualifications to become a citizen of the Philippines.

The petition having been granted, the Government has¹ appealed assigning the following errors: (1) in not finding that the petitioner is not exempt from filing a declaration of intention; (2) in finding that the petitioner possesses all the qualifications required by law to become a citizen; and (3) in granting the petition.

The appeal is tenable.

Section 5 of the Revised Naturalization Law (Commonwealth Act No. 473, as amended) requires as a condition precedent to the consideration of any petition for naturalization that petitioner file a declaration of intention with the Solicitor General at least one year prior to the institution of the proceedings. This requirement is dispensed with, however, where the applicant has resided continuously in the Philippines for at least thirty years before the filing of the application, provided that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government, and not limited to any race or nationality (sec. 6, Com. Act 473, as amended.). The same law also provides:

"SEC. 2. Qualifications.—Subject to section four of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

* * * * *

"Sixth: He must have enrolled his minor children of school age, in any of the public schools or private school recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen.

Apparently, from the above cited provisions, the education requirement for the children is not only for petitioner's exemption from filing a declaration of intention, but it is also one of the qualifications that he should meet in order to become a citizen.

After going over the record, We find that petitioner has not satisfactorily shown that he has complied with the requirement just mentioned. While there is testimony which tends to prove that all, except two of his children, Corazon and Lourdes, have received primary and secondary education, evidence is wanting to support the reason why these two children have not gone to school. The justification advanced by petitioner is that they were not yet of school age. If this were true, it is difficult to see why petitioner, during the trial, could not say the ages of his children. This is how he testified.

"Q.

You said you are married, do you have any children?

"A.

Yes, sir.

"Q.

Can you name them?

"A.

Filomena, Constancio, Manuel, Pablo, Jose, Patricio, Eulalia, Pedro, Rodolfo, Corazon, Gregorio and Lourdes.

"Q.

Now, are all these children alive?

"A.

Yes, sir.

"Q.

Where are they residing?

"A.

Inopacan.

"Q.

Where were they born?

"A.

All of them were born in Inopacan.

"Q.

Do you remember the dates of their births?

"A.

Some I remember and some I do not remember.

The best evidence to show the respective ages of petitioner's children would be their birth certificates. This is also essential to show the place or places of their births and whether or not these children, claimed by petitioner as his own, are legitimate. Petitioner's failure to submit these certificates is, in the mind of the Court, fatal.

Again, while it is stated that petitioner's son, Manuel, is a college graduate, it was not shown where he received his primary and secondary education. The requirement, as already stated, is that he should have pursued his primary and secondary education in the Philippines, in schools where Philippine history, government and civics are part of the curriculum.

Attention is invited to the fact that two of petitioner's children, Eulalia and Pedro, have been studying at the Cebu Chinese High School. The name of the school conveys to Us the impression that it is a school exclusively for Chinese. If this surmise is correct, then petitioner has chosen to place these two younger children in a school not run by Filipinos, but in one where those studying are not associated with Filipino children. As we have insinuated in a previous case (*Garchitorena vs. Republic*, 111 Phil., 590, this circumstance affects the sincerity of petitioner's intention to become a Filipino.

We also find in the record that petitioner has an income of only P1,000.00, yearly. We have our doubts whether this alleged income would be lucrative enough, insofar as the Naturalization Law is concerned, considering the size of petitioner's family (consisting of a wife and twelve children, only two of whom are married). In *Ngo Bun Ho vs. Republic*, G. R. No. L-15518, November 29, 1961, this Court has denied naturalization to the applicant therein, a merchant whose annual income is P3,000 and who has seven children, aside from himself, to support (citing *Lo Chicombing vs. Republic*, 111 Phil., 413; and *Almonte Uy vs. Republic*, 109 Phil., 696).

In naturalization cases, the burden is on the applicant to prove by competent and satisfactory evidence that he has all the qualifications and none of the disqualifications specified by law. The naturalization law should be strictly construed, and doubts resolved, against the applicant (*Yap Joco vs. Com.*, 40 Off. Gaz., 1235; *Cho vs. Republic*, 57 Off. Gaz., [47] 8477; *Karam Singh vs. Republic*, 97 Phil., 622; 51 Off. Gaz., 5172. Without objection by the

government, the Court may motu proprio deny the application if the evidence fails to prove that all the requirements have been met. (Arsenio G. Pe vs. Republic, L-16980, November 29, 1961.)

Wherefore, the petitioner in this case not having met all the requirements for Philippine citizenship, the decision of the lower court granting his application therefor is hereby reversed. Let the petition for naturalization be dismissed, with costs against the petitioner-appellee.

Bengzon, C. J., Padilla, Labrador, Concepcion, Barrera, Paredes, Dizon and Makalintal, JJ., concur.

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