

**IN THE MATTER OF THE PETITION FOR NATURALIZATION OF TAN
TEK CHIAN ALIAS JOSE TAN, TAN TEK CHIAN ALIAS JOSE TAN,
PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-...**

G.R. No. L-21035. January 22, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

A problem that had bothered the Court arising from the failure to satisfy the statutory requirement in naturalization proceedings of the publication of a notice in three consecutive issues in the Official Gazette, a defect jurisdictional in character, was laid to rest in a resolution on a motion for reconsideration in *Gan Tsitung v. Republic*.^[1] The *Ong Son Cui v. Republic*^[2] decision required a literal adherence to the above requirement failing which the infirmity deprived the Court of its jurisdiction. Chief Justice Concepcion, in *Gan Tsitung*, made clear why it is the date of the certificate of naturalization that is crucial: "After mature deliberation, and in the light of the reasons adduced in appellant's motion for reconsideration and in the reply thereto of the Government, as well as of the data contained in the letter, the Court holds 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."^[3] To quote further from *Gan Tsitung*: "In this connection we find that there can be no plausible issue on the applicability of the *Ong Son Cui* doctrine to cases pending decisions on May 29, 1957, when said doctrine was adopted, even if the corresponding notices may have been published prior thereto. No right is vested before the rendition of judgment, and, hence, could be affected thereby. Neither does the Court find any cogent reason for not applying said doctrine to cases in which the certificate of naturalization has been issued after said date, even if the corresponding decision may have been rendered prior thereto. Indeed, such decision does not become executory until after an order shall have been issued, not less than two years later, finding, after due notice and hearing, that the applicant for naturalization has complied with the additional requirements prescribed in Republic Act No. 530. Besides, the status of a naturalized citizen of the Philippines does not attach except upon issuance of the corresponding certificate of naturalization, subsequently to the order aforementioned; and the taking of the requisite oath."^[4] In *Chan Tek Lao v. Republic*,^[5] the *Gan Tsitung* ruling was reaffirmed. It is now the settled law.

Consequently, the appealed order of then Judge, now retired Associate Justice, Guillermo S. Santos declaring null and void the decision granting the naturalization of petitioner, now appellant, Tan Tek Chian, and cancelling his certificate of citizenship, must be affirmed. As was carefully pointed out in such order: "Incidentally, the *Ong Son Cui* case was promulgated on May 29, 1957 while Tan Tek Chian @ Jose Tan took his oath only on July 20, 1957, or some two (2) months later."^[6] It would be a departure from *Gan Tsitung* to reverse such a conclusion. As was observed by Justice Holmes, law like morality consists in drawing a line somewhere. This Court is committed to the view that it is the issuance of the corresponding certificate of naturalization that is the decisive date. In view of the undisputed fact that such certificate of naturalization of petitioner, now appellant, Tan Tek

Chian was after Ong Son Cui, the conclusion reached by the lower court must be sustained.

WHEREFORE, the appealed order is affirmed. The decision of June 9, 1955 granting the petition for naturalization of appellant Tan Tek Chian is annulled and set aside and his certificate of citizenship cancelled.

Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

[1] L-20819, February 21, 1967, 19 SCRA 401.

[2] G.R. No. L-9858, May 29, 1957.

[3] 19 SCRA 401, 403-404.

[4] Ibid, 404-405.

[5] L-25300, January 4, 1974, 55 SCRA 1.

[6] Appealed Order of September 26, 1962.

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