

**IN THE MATTER OF THE PETITION OF TAN HI TO BE ADMITTED A
CITIZEN OF THE PHILIPPINES. TAN HI, PETITIONER AND APPELLEE,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G. R. No. L-3354. January 25, 1951

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

This is an appeal by the Solicitor General from a decision of the Court of First Instance of Manila granting the application for naturalization filed by a Chinese citizen named Tan Hi. The pertinent facts necessary for the determination of this case may be briefly stated as follows:

The appellee Tan Hi was born on April 10, 1902 in Amoy, China. He came to the Philippines on March 1, 1918 and since then has established his residence in this country altho he made frequent trips to his homeland. During his visits in China he seems to have maintained marital relations with a Chinese woman and had by her five children, two of whom are already married while the remaining three, aged 16, 14 and 12 are under the custody of appellee's mother in China. According to him he intends to bring those minor children to this country in about two years because at present, he is not able to finance the trip and besides the immigration authorities are rather strict.

The appellee says that his wife in China, to whom he was never legally married, died sometime before 1941, and thereafter he married one Filipino woman Catalina Lua KabeVte and had by her four children named Lydia, Estrellita, Rogelio and Josephine, aged 6, 5, 4 and 2 years, respectively.

Among the reasons prompting the Solicitor General to object to the naturalization of the applicant is that the latter is said not to possess the good moral character required by the Naturalization Law, and that furthermore, he has not acted in a proper and irreproachable manner in his relations with the constituted Government. After going over the record of this case, we find the evidence for the appellee rather confusing and the attitude and conduct of the applicant to be irregular, if not equivocal. In his application for naturalization he stated that he had only four children, namely, those he had by his alleged legal wife Catalina Lua Kaberte. Also, in his "Declaration of Intention", Exhibit F, in enumerating his children, he mentioned only those in the Philippines; He said nothing, not even a word about his children in China, especially the three who are still minors. Again, as already stated, the appellee in his application stated that he was legally married in the Philippines to Catalina Lua Kaberte. However, when asked to produce his marriage certificate, he failed to do so and although his lawyers promised to bring it before the court and have it marked Exhibit L, it was never produced. Then, during the hearing, his counsel obtained permission from the court to amend paragraph 10 of his application so as to insert the statement "I have natural children in the following schools:

Lydia Tan, 6 years old, in a recognized school since 1947; Estrellita Tan, 5 years old, in a recognized school since 1949."

If this statement is true, then the applicant is not legally married to Catalina for the reason that these two girls Lydia and Estrellita are two of his children by Catalina, born after 1941 when he supposedly married their mother.

Finally, while applicant assured the Court that he never married the Chinese woman who bore him five children, his witness, Hon. Prospero Sanidad, equally told the trial court that applicant's children in China are legitimate.

However, we may well ignore and overlook this confusion, together with the lack of frankness and candor on the part of the applicant because we can base our decision on another point. It will be recalled that the applicant by his own admission has three minor children in China, apparently legitimate. At least he considers them as such and he intends to bring them to the Philippines. If his application for naturalization is approved and he becomes a Filipino citizen, those three children now in China will automatically also become Filipino citizens.

In the case of *Hao. Lian Chu alias Hao Pusoy vs. Republic of the Philippines* (G. R. No. L-3265, November 29, 1950 [1]), the applicant for naturalization therein, a Chinese citizen had nine children, all enrolled in the Philippine schools except one, a minor because she has lived from infancy in China, where she was enrolled in an English school in Amoy. This Court denied his petition for naturalization because he had not complied with paragraph 6 of section 2 of the Revised Naturalization Law requiring that the applicant for naturalization must have enrolled all his minor children of school age in any of the public schools or private schools recognized by the Government where Philippine history, government and civics are taught. In that case this Court through Mr. Justice Bengzon had the following to say:

"This Court believes that such requirement is important. The legislator evidently holds that ail the minor children of an applicant for citizenship must learn Philippine history, government and civics, inasmuch as upon naturalization of their father they ipso facto acquire the privilege of Philippine citizenship."

This doctrine was followed in the case of *Lim Lian Hong alias Ignacio Lim Lian Hong vs. Republic of the Philippines*, (G. R. No. L-3575, Dec. 26, 1950), where this Court through Mr. Justice Tuason quoted with approval the statement in the *Hao Lian Chu* case just above reproduced. In other words, we may not grant the" application for naturalization of the present applicant-appellee for the reason that all his minor children of school age are not enrolled in the Philippine public or private schools recognized by the Government. We deem it unnecessary to discuss the other points raised in the appeal.

In view of the foregoing, the decision appealed from is hereby reversed, with costs against the appellee. So ordered.

Moran, C. J., Paras, Feria, Pablo, Bmgzon, Padilla, Tuason, Reyes and Jugo, JJ., concur.

[1] 48 Off. Gaz., (5) 1780; 87 Phil., 668.

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