

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. ANDRES REYES, AS JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, BRANCH VI AND LIM BEK KENG, RESPONDENTS.***G.R. No. L-23075. August 19, 1970*

Ponente: MAKASIAR, J.

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The records disclose that on November 20, 1957, respondent Lim Bek Keng filed with the Court of First Instance of Rizal a petition for naturalization docketed as Case No. 308. On January 31, 1959, respondent trial Judge rendered a decision on the merits admitting him to Philippine citizenship. On February 15, 1961, after due hearing, respondent trial Judge issued an order allowing respondent Lim Bek Keng to take his oath of allegiance as a Filipino citizen and directing the issuance of the corresponding certificate of naturalization in his favor. On February 16, 1961, respondent Lim Bek Keng took his oath of allegiance.

On October 11, 1962, the petitioner Republic of the Philippines through the Solicitor General filed a motion in the same case before the same court praying that the decision dated January 31, 1959 granting the petition for naturalization of respondent Lim Bek Keng, and the order dated February 15, 1961 allowing respondent Lim Bek Keng to take his oath of allegiance, be declared null and void and the certificate of naturalization issued pursuant thereto as well as its registration in the Civil Registry be cancelled, on the grounds:

"(a) That the naturalization certificate of Lim Bek Keng was obtained illegally and/or through fraud consisting of the following: (1) petitioner's misrepresentation that he was a resident of Tenejeros, Malabon, Rizal at the time of, and at least one year immediately before he filed his petition for naturalization when in truth and in fact he had never resided in the said place, his evident purpose being to mislead this Honorable Court to give due course to his petition; (2) He and his lawyer's act of offering in evidence a certificate of change of residence purporting to show that petitioner transferred his residence from 846 Ilaya, Manila to Tenejeros, Malabon, Rizal effective May 24, 1956, in order to support the false allegation in the petition that petitioner was a resident of Tenejeros, Malabon, Rizal, when in fact he was not; and a medical certificate which states that petitioner was personally examined by Dr. Evelyn T. Perez and found not to be suffering from any incurable and contagious diseases when the said doctor could not have performed the examination or subscribed and sworn to the certificate before the notary public because she was abroad at the time; (3) Alleging in his petition and making it appear that his three alleged children were studying at the Dr. Kwangson Young Memorial School at the time he filed his petition on November 20, 1957, when in truth and in fact his children arrived only on September 12, 1958 for a three month's temporary stay, petitioner's evident purpose being to deceive this Honorable Court and make it believe that petitioner is exempt from the filing of a declaration of intention; (4) Falsely alleging that he has all the qualifications and none of the disqualifications of an applicant for Philippine citizenship when he was not qualified to become a Filipino citizen at the time of the petition;

"(b) That this Honorable Court has never acquired jurisdiction to hear the above-entitled petition, petitioner Lim Bek Keng not being a resident of Rizal province at the time of and at least one year immediately

preceding the filing of his petition;

"(c) That the failure to file a declaration of intention is fatal to the application for naturalization unless petitioner is exempt which is not the case under consideration (Uy Yap vs. Republic, G.R. No. L-4270, May 8, 1962; Yu vs. Republic, G.R. No. L-3808, July 29, 1952; Chua vs. Republic, G.R. No. L-4112, Aug. 28, 1952). One of the grounds for cancellation of a certificate of naturalization is 'if the petition was made on an invalid declaration of intention' (Sec. 18, par. (c), Commonwealth Act No. 473, as amended)." (pp. 30-31, rec.; pp. 15-16, rec. on appeal.)

After hearing, the aforesaid motion for denaturalization was amplified by a memorandum filed on December 9, 1963 by the Solicitor General (pp. 32-40, rec.; pp. 17-25, rec. on appeal), in opposition to which respondent Lim Bek Keng filed on January 15, 1964 his memorandum (pp. 41-48, rec.; pp. 26-33, rec. on appeal).

On April 13, 1964, petitioner Republic of the Philippines received through the Solicitor General the resolution of the respondent trial Judge dated March 30, 1964, denying the motion of the Solicitor General for the nullification of the decision dated January 31, 1959 and the cancellation of the certificate of naturalization of respondent Lim Bek Keng as well as its registration in the Civil Registry (pp. 48-51, rec.; pp. 33-36, rec. on appeal).

On May 5, 1964, petitioner filed a notice of appeal from the aforesaid resolution of the respondent trial Judge dated March 30, 1964 (p. 51, rec.; p. 36, rec. on appeal). On May 7, 1964, petitioner filed a motion for the approval of the record on appeal (p. 52, rec.).

On May 19, 1964, respondent trial Judge issued an order dismissing the appeal interposed by the Solicitor General on the ground that, in line with his opinion in the case of Ang To, No. 326[1], there is no statutory provision conferring the right to appeal from any resolution of the court in a denaturalization proceeding (Annex "B", p. 53, rec.).

Petitioner Republic of the Philippines now files this petition for mandamus and certiorari to annul and set aside the respondent trial Judge's order of May 19, 1964, to command respondent Judge to approve petitioner's record on appeal, and to compel the elevation of said record on appeal together with the original record and testimonial as well as documentary evidence submitted.

Well settled is the principle that the judgment directing the issuance of the certificate of naturalization is a mere grant of a political privilege by the government to an alien applicant. Equally well imbedded is the rule that neither estoppel nor res judicata may be set up to bar the State from initiating appropriate proceedings for the cancellation or nullification of the certificate of naturalization thus issued.[2]

The question as to whether the State can appeal from an order or decision denying its petition for denaturalization, was squarely and categorically answered in the affirmative by the Supreme Court in Republic vs. Reyes, et al.[3] This Tribunal, thru Mr. Justice Conrado Sanchez, in nullifying the order of respondent trial Judge, ruled in said case thus -

"Adverting to the opinion below, we repeat that denial of the appeal was predicated solely upon the view that since Section 11 providing for appeals is placed well ahead of Section 18 giving the grounds for the cancellation of a certificate of naturalization, said Section 11 does not apply to the cancellation of a naturalization certificate.

"Section 11 of the Naturalization Law reads:

""Sec. 11. Appeal - The final sentence may, at the instance of either of the parties, be appealed to the Supreme Court."

"That a decision denying the State's right to cancellation of a naturalization certificate is a final sentence, need not be essayed. Said decision disposed of the conflicting claims of the Republic on one hand and the naturalized citizen on the other. Nothing more need be done in the trial court with respect to the merits of the controversy.

"The happenstance that Section 11 providing for appeals was placed immediately after Section 10 (which deals with the judgment upon an application for naturalization) and is way ahead of Section 18 (which refers to a decision on the question of the cancellation of a naturalization certificate), does not mean that appeal may be had only from a decision on a naturalization application. The language in Section 11 does not limit appeals to a decision on an application for citizenship. It speaks of final sentence in general. Surely enough, a decision on denaturalization proceedings is also a final sentence. We have to take the thought conveyed by the statute as a whole; construe the constituent parts together; ascertain the legislative intent from the whole act; consider each and every provision thereof in the light of the general purpose of the statute; and endeavor to make every part effective, harmonious, sensible. Thus combining the diverse parts of the Naturalization Law with the obvious legislative intent, i.e., to give the State ample opportunity to make effective its statutory right to withdraw the privilege of citizenship theretofore granted, we find ourselves unable to discern, in the placement of Section 11, a legislative intent to deny the government's right to appeal under Section 18. The implication that "final sentence" may "be appealed" in Section 11 includes an appeal from a final sentence under Section 18, is so strong that the contrary theory cannot reasonably be supposed.

"Besides, a common sense approach to statutory interpretation deserves consideration here. If a decision granting naturalization by a lower court may be the subject of review by this Court, equal reason there is to say that a decision denying the State's right to withdraw such privilege may likewise be appealable. If because of fallibility a judgment of the Court of First Instance in the first case may be corrected, certainly the stamp of infallibility cannot be placed upon a decision of the same court in the second. And this because denaturalization proceedings are infused with public interest, and the State should not be rendered helpless in the legitimate exercise of its right. Really, to effectively shackle the hands of the State from appealing a decision under Section 18 may well, in the long run, import a situation whereby the government is rendered impotent to withdraw the privilege of citizenship to an alien unworthy thereof."[4]

We reaffirm the wisdom and validity of the foregoing pronouncement.

As stated in the said case of *Republic vs. Reyes*, as early as 1932, the Supreme Court had occasion to pass upon an analogous question in the case of *Bell vs. Attorney General*[5] where this Supreme Tribunal sustained the right of an alien to appeal from an order or judgment directing the cancellation of his naturalization certificate. There is no justification to deny the State the same right to appeal from an order or decision dismissing its petition for denaturalization.

WHEREFORE, the order of respondent trial Judge of May 19, 1964 dismissing the appeal interposed by the petitioner Republic of the Philippines is hereby set aside; and the respondent trial Judge or his successor is hereby directed to give due course to the appeal and to elevate the same together with the original record as well as the testimonial and the documentary evidence, and to approve the record on appeal, with costs against respondent Lim Bek Keng.

### **IT IS SO ORDERED.**

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

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[1] Appealed as *Republic vs. Hon. Andres Reyes and Ang To*, L-22550, May 19, 1966, Vol. 17 SCRA, pp.

169-176.

[2] Republic vs. Andres Reyes, et al., L-22550, May 19, 1966 Vol. 17, SCRA, pp. 169-176; Republic vs. Reyes, et al., L-20602, Dec. 24, 1965; Republic vs. Go Bon Lee, L-11499, April 29, 1961.

[3] L-22550, May 19, 1966.

[4] Republic vs. Reyes, et al., L-22550, pp. 172-174, SCRA, Vol. 17.

[5] 56 Phil. pp. 667, 668-669.

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