

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

G. R. No. L-21218. December 24, 1965

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by the Government from a decision of the Court of First Instance of Isabela granting the petition for naturalization of appellee Lim Yuen.

Appellant maintains that said decision should be reversed upon the ground: (1) that appellee has not evinced a sincere desire to embrace the customs, traditions and ideals of the Filipinos; and (2) that one of his character witnesses is not a credible person, within the purview of our Naturalization Law.

With reference to the first ground of the appeal, the record shows that, when appellee filed his petition for naturalization (November 11, 1960), he had the following children, whose date of birth is given after their respective names, to wit:

Lolita Lim February 14, 1950
Henry Lim November 20, 1951
Purita Lim April 2, 1953
Lucia Lim March 26, 1954
Charles Lim May 20, 1955
Moises Lim May 25, 1956
Elizabeth Lim November 19, 1957 and
Abraham Lim May 20, 1959;

that at the time of the hearing of this case in the lower court (from August 9, 1961 to July 7, 1962), Lolita Lim was enrolled at the St. Theresa's Chinese Academy, in Dagupan City, whereas Henry, Purita and Lucia Lim were enrolled at the Santiago Chinese School, in Santiago, Isabela; and that, although there were a few Filipinos studying in these schools, the enrollment therein is predominantly Chinese.

We have already held that from the enrollment of the children of an applicant for naturalization in Chinese Schools it may be inferred that he has not evinced a sincere desire to embrace our customs, traditions and ideals, which is a disqualification to be naturalized as citizen of the Philippines.[1]

It is true that the enrollment of Charles, Lucia and Henry Lim was later transferred from the Santiago Chinese School to the Northeastern College, in Santiago, Isabela. This transfer took place, however, after the Solicitor General had moved the lower court to reconsider its aforementioned decision, because of said disqualification of herein appellee.

Again, said transfer does not detract from the fact that, prior to and at the time of the filing of his petition for naturalization, as well as of the hearing thereof and the rendition of said decision, appellee's behavior had not evinced a sincere desire to embrace the Filipino customs, traditions and ideals, which can hardly be imbibed by his children in a Chinese school, the student population of which is almost entirely Chinese.

At any rate, appellee's daughter Lolita Lim, has seemingly remained enrolled at the St. Theresa's Chinese Academy, in Dagupan City, to which the Bureau of Private Schools had granted the "Government Recognition to operate the Elementary Course for Chinese since 1958." In this connection, it should be noted that our law requires the applicant to show, by positive, overt and convincing acts, that he earnestly wishes to embrace our customs, traditions and ideals. In the case at bar, the aforementioned acts of appellee herein suggest otherwise.

In view of the foregoing, we deem it unnecessary to pass upon the second ground of the appeal and the decision appealed from should be, as it is hereby reversed, with costs against petitioner-appellee. It is so ordered.

Bengzon, C. J., Bautista Angelo, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

Decision reversed.

[1] Sec. 4, par. (f), Commonwealth Act No. 473; *Orig Chin Guan vs. Republic*, L-15691, March 27, 1961; *Wang I. Fu vs. Republic*, L-16919, September 29, 1962; *Garchitorena & Dy Boon Beng vs. Republic*, L-15102, April 20, 1961; *Haw Su Siongr & Ramon Cuenco vs. Republic*, L-13045, July 30, 1962.

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