

IN THE MATTER OF THE PETITION OF ROBERTO TING TONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ROBERTO TING TONG, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPP...*G.R. No. L-21138. November 27, 1965*

Ponente: CONCEPCION, J.

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A decision having been rendered on November 8, 1960 granting his petition for naturalization, Roberto Ting Tong filed, on November 19, 1962, a motion praying that, after due hearing, he be allowed to take his oath of allegiance as citizen of the Philippines. After said hearing the Court of First Instance of Manila issued on February 1, 1963, an order refusing to allow petitioner to take said oath. A reconsideration of this order having been denied, Petitioner interposed the present appeal.

The order appealed from is based upon the fact that, when petitioner initiated these proceedings, on December 29, 1959, he had, among others, a ten year old son, named Ting Chuan Lu, who was not enrolled in any public or private school in the Philippines, for said child was then residing in Hong Kong and did not come to the Philippines until May 24, 1960. In other words, petitioner lacks the qualification prescribed in paragraph 6 of Sec. 2 of the Naturalization Law (Commonwealth Act No. 473, namely, that "he must have enrolled his minor children of school age in any of the public schools or private schools 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 the petitioner prior to the hearing of his petition for naturalization as Philippine citizen".

Petitioner assails the order appealed from upon the ground that in *Pritchard vs. Republic*, (81 Phil, 244) this legal provision was interpreted to mean that the enrollment therein required "must be made any time during the entire period of the residence required of the applicant for Philippine citizenship", and that, soon after his arrival in the Philippines and before the issuance of the order appealed from, Ting Chuan Lu was enrolled in one of the schools above referred to. This contention is untenable, for it is contrary, not only to the explicit tenor of said par. 6 of Sec. 2 of the Naturalization Law, pursuant to which the enrollment in such school must take place "prior to the hearing" of the petition for naturalization, not subsequently thereto, as in the case of Ting Chuan Lu, but, also, to our rulings in *Yrostarga vs. Republic*, 83 Phil. 727; *Lim Lian Hong vs. Republic*, L-3575 (December 26, 1950); *Tan Hi vs. Republic*, 88 Phil. 117; *Ang Yee Kee Sangikee vs. Republic*, 90 Phil. 595; *Bangon Du vs. Republic*, 92 Phil. 519; *Yee Bo Maure vs. Republic*, 92 Phil. 915; *Tan Kay Ko vs. Republic*, 92 Phil. 915; *Chua vs. Republic*, 94 Phil. 700; and *Dy Chan Tiao vs. Republic*, 95 Phil. 709, which must prevail over the *Pritchard* case, insofar as inconsistent therewith.

Wherefore, the order appealed from should be, as it is hereby affirmed, with costs against the petitioners. It is so ordered.

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

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