

EN EL ASUNTO DE LA SOLICITUD DE QUING KU CHAY PARA SER ADMITIDO CIUDADANO DE FILIPINAS. QUING KU CHAY, SOLICITANTE Y APELADO CONTRA LA REPUBLICA DE FILIPINAS, OPOSITORA Y APELANTE.

G.R. No. L-5477. April 12, 1954

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DIOKNO, M.:

El apelado solicito y el Juzgado a quo le concedio la ciudadania filipina por naturalizacion, no obstante tener un hijo menor de edad nacido en Amoy, China, en 1934 que no ha pisado jamas tierra filipina.

El articulo 2 de la Ley del Commonwealth No. 473 dice:

"Sec. 2. Qualifications—Subject to section four of this Act any person having the following qualifications may become a citizen of the Philippines by naturalization:

"First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

"Second. He must have resided in the Philippines for a continuous period of not less than ten years;

"Third. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living;

"Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

"Fifth. He must be able to speak and write English or Spanish and any of the principal Philippine languages; and

"Sixth. 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 him prior to the hearing of his petition for naturalization as Philippine citizen."

El articulo 15 de la misma ley dice:

"SEC. 15. Effect of the naturalization on wife and children.—Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines.

"Minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens therefor.

"A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a Philippine citizen, and a foreign-born minor child, who is not in the Philippines at the

time the parent is naturalized, shall be deemed a Philippine citizen only during his minority, unless he begins to reside permanently in the Philippines when still a minor, in which case, he will continue to be a Philippine citizen even after becoming of age.

"A child born outside of the Philippines after the naturalization of his parent, shall be considered Philippine citizen, unless within one year after reaching the age of majority, he fails to register himself as a Philippine citizen at the American Consulate of the country where he resides, and to take the necessary oath of allegiance."

La matriculation prescrita en alguna escuela publica o privada reconocida por la Oficina de Education Privada de Filipinas, donde se ensenan o prescriben como parte de la enseianza historia filipina, gobierno y civismo durante el periodo entero de residencia requerido es importante porque el hi jo menor adquiere ipso facto el privilegio de la ciudadania filipina al naturalizarse el padre, y es la politica de la Republica que los nuevos ciudadanos tengan aprendidas y embebidas las costumbres, tradiciones y aspiraciones de los filipinos y sus formas democraticas de gobierno. (Hao Lian Chu vs. Rep. of the Phil., 48 Off. Gaz., 1780; Lim Lian Hong vs. Rep. of the Phil., G. R. No. L-3575, Dec. 26, 1950; Tan Hi vs. Rep. of the Phil., 88 Phil., 117; Francisco Chan Su Hok vs. Rep. of the Phil., 90 Phil., 415; Ang Yee Koe Sengkee vs. Rep. of tfce Phil., 90 Phil., 594; Bangon Du contra Rep. de Filipinas, 92 Phil., 519. No es valida excusa el que el hijo esta fuera del pais; debe traerlo para cumplir con el requisito. Ni la muerte del hijo o su mayoria de edad, durante la epoca escolar requerida sin haberlo matriculado como se requiere. excusa el incumplimiento anterior del requisito.) El cumplimiento del parrafo 6.º del art. 2 no es solo para que el menor este preparado a ser buen ciudadano filipino, sino es tambien una calincacion requerida del solicitante para raerecer la naturalizacion, y en armonia con estos propositos debe leerse el art. 15.

En el presente caso debe observarse ademas que el solicitante pudo haber trafdo a su hijo antes del 17 de Octubre de 1949, en que las tropas del gobierno nacionalista evacuo Amoy (China Handbook 1953-1954, pag. 454).

Se revoca la decision apelada y se deniega la solicitud de naturalizacion del apelado, con las costas, en ambas instancias. Asi se ordena.

Paras, Pres., Pablo, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador y Concepcion, MM., estan conformes.

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