

**LU LUAN CO, PETITIONER VS. HON. HILARION U. JARENCIO, ET AL.,
RESPONDENTS.***G.R. No. L-21521. October 29, 1965*

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2d26e2ec56da/>**DIZON, J.:**

In the early part of 1960, petitioner filed with the Court of First Instance of Laguna an application for naturalization (Case No. B-2), at the hearing of which the Office of the Solicitor General authorized the Assistant Provincial Fiscal of Laguna to represent the government. After the hearing, the court, presided by the Hon. Francisco Arca, on April 25, 1961, rendered judgment admitting petitioner to Philippine citizenship but providing that it "shall not become executory until after two years from its promulgation and after the Court on proper hearing with the attendance of the Solicitor General or his representative, is satisfied, and so finds that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself to a lawful calling or profession, (3) has not been convicted of any offense or violation of any government promulgated rules (4) or committed any act prejudicial to the interests of the nation or contrary to any government announced policy."

Notice of judgment was served on petitioner on April 27, 1961, while the Solicitor General and the Provincial Fiscal of Laguna received the corresponding notice on May 8 and 4, 1961, respectively. No appeal was taken by the State.

On May 3, 1963, after Judge Arca had gone on leave, petitioner filed a motion to be allowed to take his oath of allegiance as a Filipino citizen. Copy thereof was furnished the Provincial Fiscal of Laguna but not the Solicitor General. On May 8, 1963, the Clerk of Court notified the Provincial Fiscal of Laguna and petitioner's counsel that the hearing on petitioner's motion would be held in Branch IV at Sta. Cruz, Laguna, on May 11, 1963. Again, this notice was not served upon the Solicitor General. After the hearing on petitioner's motion, Judge Arsenio Nañawa, presiding as vacation judge of the Biñan Branch of the Court of First Instance, entered the following order:

"From the evidence submitted by the petitioner this morning, it appears, inter alia, that since the promulgation of the decision in this case sometime on April 27, 1961, he has not left the Philippines; he dedicated himself to a lawful calling or profession, that is being an employee of the La Confianza and the Liberty Sawmill, earning P1,050.00 a month; he has not been convicted of any offense or violated any government promulgated rules; he has not committed any act prejudicial to the interest of the nation or contrary to any government announced policies.

"Wherefore, the petitioner Lu Luan Co is hereby allowed to take his oath of allegiance as a Filipino citizen."

On the same date (May 11, 1963) Lu Luan Co took his oath of allegiance and on May 17 of the same year, the corresponding Certificate of Naturalization was issued to him.

In a communication dated May 20, 1963, the Provincial Fiscal of Laguna advised the Office of the Solicitor General of the allowance of the petition for oath-taking and recommended that no appeal be taken therefrom.

On June 3, 1963, the respondent judge, then presiding over the Biñan Branch of the Court of First Instance of Laguna, entered an order on June 3, 1963, setting aside the above-mentioned order of Judge Nañawa, upon the following grounds: (1) that the Solicitor General was not furnished a copy of the motion to take oath; (2) that the Solicitor General was not notified of its scheduled hearing; (3) that petitioner and his counsel were too much in a hurry to obtain petitioner's citizenship papers; and (4) that as far as the Solicitor General was concerned, the two-year period had not yet expired when the motion for hearing and oath taking was filed on May 3, 1963, said office having received copy of the decision on May 8, 1961. The respondent judge set the rehearing of the petition to take the oath for July 10, 1963.

Petitioner's motion for reconsideration of the above-mentioned order having been denied, he filed the present petition for certiorari and prohibition with preliminary injunction to set aside the order of the Court of June 3, 1963, and prohibit it from rehearing the petition for oath-taking.

The pertinent portions of the order complained of read as follows:

"The foregoing chronology of events leaves an impression in the mind of the Court that the petitioner and his counsel were too much in a hurry to obtain the petitioner's citizenship papers even at the risk of circumventing the intent and purpose of the law which requires a careful scrutiny of petitioner's actuations and behavior during the two-year period after the decision was rendered. There is also the impression in the mind of the Court that the petitioner and his counsel were reluctant to have the proprietary Judge of the Court to inquire into his conduct and behavior during the Past two years. Furthermore, the petitioner did not like that the Office of the Solicitor General will appear at the hearing because his counsel did not even furnish the Solicitor General's Office with a copy of his motion to set the case for hearing. He furnished a copy of said motion to the Provincial Fiscal.

"The notice of hearing was issued by the Clerk of Court only on May 8, 1963 and the hearing was set for May 11, 1963, which was only three (3) days thereafter. What time has the Government to inquire and verify whether the petitioner has really behaved properly during the past two years in the manner required by law? The Assistant Provincial Fiscal who attended the hearing on May 11, 1963 was not the one who attended the case when the petition was originally heard. It is, therefore, safe to infer that the Assistant Provincial Fiscal was not very familiar with the case and could not conduct his examination of the petitioner with the same efficiency as one who had ample time to prepare the case and make the necessary investigation of the conduct of the petitioner from competent official sources.

"It should also be pointed out that the copy of the decision of this Court was sent by registered mail to the Solicitor General on May 8, 1961. Therefore, as far as the Solicitor General is concerned the two-year period has not yet expired when the petitioner filed his motion for hearing and oath taking on May 3, 1963.

"In the light of the foregoing considerations, the Court is of the considered opinion that these proceedings should be re-opened and that the Solicitor General be given full and ample opportunity to investigate and inquire into the conduct and behavior of the petitioner during the past two years after the decision in this case has been rendered.

"The order of this Court authorizing the petitioner to take his oath as a Filipino citizen was issued on May 11, 1963. The said order is not yet final and this Court has the inherent power to amend and control its process and orders so as to make them conformable to law and justice (Sec. 5 (g), Rule 124, Rules of Court).

"WHEREFORE, the Court reconsiders and sets aside the order dated May 11, 1963 allowing petitioner Lu Luan Co to take his oath of allegiance as Filipino citizen. The Court sets aside and cancels the 'Oath of Allegiance' of said petitioner on May 11, 1963 and the 'Certificate of Naturalization' issued by the Clerk of Court dated May 17, 1963.

"The Court orders that the motion of the petitioner for hearing and oath taking dated May 3, 1963 be set for hearing on July 10, 1963, at 8:30 in the morning. The Solicitor General or his duly authorized representative is ordered to cause the necessary verification and inquiry as to whether or not petitioner has complied with the requirements of the law during the past two years in a manner as will entitle said petitioner to take his oath of allegiance as prayed for in his motion and inform the Court of his findings on or before the date of the hearing."

The present being an action for certiorari and prohibition, the question to be determined is whether, upon the undisputed facts of the case, the respondent judge acted without or in excess of his jurisdiction or with grave abuse of discretion in issuing the order mentioned above. That the subject matter thereof is one within the jurisdiction of His honor's court is obvious. The only remaining question, therefore, is whether or not His Honor committed a grave abuse of discretion in issuing the order under consideration.

The authority - mentioned heretofore - given by the office of the Solicitor General to the Assistant Provincial Fiscal of Laguna to represent the Government authorized the latter only to represent the State at the hearing held on April 25, 1961. That it is so and was so construed by the lower court itself is shown by the circumstance that notice of the judgment rendered was served not only on the Provincial Fiscal of Laguna but also upon the office of the Solicitor General. Therefore, when petitioner filed on May 3, 1963 his motion to be allowed to take his oath of allegiance as a Filipino citizen, he should have served copy thereof to the office of the Solicitor General - which he did not. Similarly, when the Clerk of Court sent out the notice of hearing to be held on May 11, 1963 in connection with said motion, he should have served said notice upon the office of the Solicitor General which he did not.

Moreover, as the notice of judgment was received by the office of the Solicitor General on May 8, 1961, it is obvious that, as far as the Solicitor General was concerned, the two-year period had not yet expired when petitioner filed his motion of May 3, 1963.

In the view of foregoing, it seems beyond question that the respondent judge did not commit any abuse of discretion in issuing the order complained of.

Wherefore, the writs prayed for are hereby denied, with costs.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.