

IN THE MATTER OF THE PETITION OF CERVERLEON T. DY TO BE ADMITTED A CITIZEN OF THE PHILIPPINES: CERVERLEON T. DY, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOS...

G.R. No. L-5098. November 27, 1953

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal by the Government from a decision of the Court of First Instance of La Union granting the petition for naturalization filed by Cerverleon T. Dy.

The sole contention of the Solicitor General is that the petitioner-appellee had failed to file with the Bureau of Justice, within the statutory period of one year, a declaration of intention to become a citizen of the Philippines, he not falling within the two cases exempted from complying with said requisite because (1) although he was born in the Philippines, he has not finished the secondary education (high school course), and (2) being only 26 years old when he filed his petition for naturalization on March 21, 1949, he could not have resided in the Philippines for 30 years or more.

When asked what year he had reached in the La Union Academy, the appellee testified "fourth year high school." In the opinion of this Court promulgated on March 10, 1953, the appealed decision was reversed on the ground that the petitioner's testimony was construed to mean that he has not completed the full secondary course, and therefore he was not exempted from the filing of the requisite declaration of intention to become a Filipino citizen. Upon appellee's motion for reconsideration, this Court, on July 14, 1953, resolved to set aside the decision of March 10 and to remand the case to the trial court "for the reception of evidence on the question whether or not the petitioner-appellee finished his fourth year and accordingly graduated from the high school."

The case has now been returned by the Court of First Instance of La Union, together with additional evidence consisting in the testimony of the appellee, positively to the effect that he graduated from the high school in the year 1940, and the testimony of Pastor Panay in the sense that he was the Director of La Union Academy, duly recognized by the Government, and that the appellee in fact graduated from the high school in said academy in the year 1940.

In view of this uncontradicted evidence, it follows that the appellee was exempted from filing a declaration of intention to become a Filipino citizen; and it appearing that he is in all other respects admittedly qualified for naturalization, the appealed decision will be, as it is hereby, affirmed without costs. So ordered.

Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo, and Labrador, JJ., concur.

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