

**PETITION FOR ADMISSION AS A CITIZEN OF THE PHILIPPINES.
JOAQUÍN TAN ALIAS TAN YAM LAI, PETITIONER AND APPELLANT,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. No. L-19897. June 24, 1965

Ponente: REGALA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3695a92a7391/>

REGALA, J.:

Appeal taken by the Government from a decision of the Court of First Instance of Quezon granting the petition of Joaquín Tan alias Tan Yam Lai to be admitted a citizen of the Philippines.

On February 16, 1960, the petitioner applied for naturalization. Nothing was mentioned in the application about petitioner having filed his declaration of intention to become a citizen or that he has the qualifications exempt from the filing of such a declaration. As directed by the Court, the petition was published in the Official Gazette as well as in the Manila Chronicle.

On May 12, 1960, petitioner filed an amendatory petition to add the allegation that he finished his elementary and secondary education and that he readied the sophomore year of the Engineering course, all in schools recognized by the Government. Such amendatory petition, however, was not published.

On August 4, 1960, the provincial fiscal of Quezon opposed the petition on the ground that the record failed to show that petitioner had filed the requisite declaration of intention as required by section 5 of the Revised Naturalization Law. Despite this opposition, the petitioner was allowed to adduce evidence in his favor, and on November 21, 1961, after hearing, the trial court granted the petition. Hence this appeal.

For a resolution of the question of whether the application for naturalization should be granted or not, We need only to discuss the first assigned error of the Solicitor General averring that the amendatory petition of May 8, 1961 is void for lack of publication as required by section 9 of the Revised Naturalization Law.

The circumstances in the case of *Ong Khan vs. Republic of the Philippines*, 109 Phil., 855, promulgated on October 28, 1960, are similar to our case at bar and it was therein held:

"Section 7 of the Revised Naturalization Law (Com. Art -173), enumerates what should be set forth in a petition for naturalization. Among others, it requires that the petition must contain a state-cut that the applicant has complied with the requirements of section of the Act which enjoins the said applicant to file with the office the Solicitor-General, one year prior to the filing of his petition for naturalization, a declaration under oath that it is his bona fide intention to become a citizen of the Philippines; it also requires that the declaration be made part of the petition. The filing of declaration of intention is mandatory and an absolute requisite to naturalization. Failure to file the same, unless exempted under section 6, is fatal to the application for naturalization (*Yu Yap vs. Republic*, G.R. No. L-4270, May 8, 1952; *Yu vs. Republic*, 92 Phil. 804; and *Tan vs. Republic*, 94 Phil. 882. Under the said section 6, in order that an applicant may be entitled to exemption from filing a declaration of intention, either of the following two conditions must exist: (1) that the applicant was born in the Philippines and has received his primary and secondary education in public schools or those

recognized by the Government and not limited to any race or nationality; or (2) that he has resided continuously in the Philippines for a period of thirty years or more before filing his application. To such requirements shall be added that which establishes that the applicant has given primary and secondary education all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality (Sec CA 535); that is, if the applicant's children, if any, are already of school age (Chan Tiao vs. Republic, 95 Phil. 709)"

As in the Ong Khan case, *supra*, the petitioner here did not make any allegation in his original petition that he had complied with section 3 of the Revised Naturalization Law. No declaration of intention was attached to the petition. But there was no claim from exemption from filing such declaration, and neither was there allegation of facts that would entitle petitioner to exemption.

It has been repeatedly held that in cases where the petitioner for naturalization is exempt from filing a declaration of intention, a statement as to his exemption therefrom and the reasons therefor should appear in the petition in order to apprise the public, especially those officers charged with notice of the application, of the reasons advanced in support of the claim for exemption so that they may be prepared, if legally proper and necessary to contest or object to any evidence adduced on that regard. The failure, therefore, of the petitioner to a statement in his original petition about his having or his being exempt from that requirement constitutes fatal defect in his petition and rendered the same void for non-compliance with the law. (See *In re Roberto Cu*, 89 Phil., 473; *Ridelo vs. Republic*, 97 Phil., 632; cited in *Ong Khan vs. Republic*, *supra*.)

In the amendatory petition, the applicant made some additional allegations, but for whatever those additions may be worth, the said amendatory petition was not published. The original petition being void in that it lacked some essential particular, the amendatory petition should have been published anew in accordance with section 9 of the Revised Naturalization Law.

In view of the foregoing, the order granting Philippine citizenship to Joaquín Tan alias Tan Yam Lai is hereby reversed. The petition is dismissed. So ordered, with costs against the petitioner-appellee.

Bengzon, C.J., Concepción, Reyes, J.B.L., Paredes, Dizon, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

Order reversed, petition dismissed.

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.