

ALEJANDRO KEYSER TAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-2611. July 31, 1951

Ponente: FERIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3a28a5612890/>

FERIA, J.:

This is an appeal by the Solicitor General in behalf of the Republic of the Philippines from the decision of the Court of First Instance of Manila granting the petition for naturalization filed on July 2, 1947, by the appellee Alejandro Keyser Tan.

The appellant makes in his brief the following¹ assignments of error:

I

"The lower court erred in finding that the applicant-appellee Alejandro Keyser Tan is exempted from the prerequisite of filing his declaration of intention to become a citizen of the Philippines with the office of the Solicitor General one year prior to the filing of his petition for naturalization in court.

II

"The lower court erred in not finding that the applicant-appellee Alejandro Keyser Tan is not qualified to become a citizen of the Philippines because he does not own real estate in the Philippines nor has he any lucrative trade, profession, or lawful occupation.

III

"The lower court erred in not finding that the applicant-appellee Alejandro Keyser Tan has failed to establish that during the period of his residence in the Philippines he has mingled socially with the Filipinos or has evinced a sincere desire to learn and embrace the customs, ideals and traditions of the Filipinos.

IV

"The lower court erred in not finding that the applicant-appellee has failed to establish that he possesses all the requisites provided by law for acquiring Philippine citizenship particularly the requisite of being in a position to renounce effectively his Chinese nationality as required in Section 12 of our Revised Naturalization Law.

"The lower court erred in granting Philippine citizenship to the applicant-appellee Alejandro Keyser Tan."

After due consideration, we are of the opinion that the lower court erred in holding that the petitioner was exempted from filing with the office of the Solicitor General his declaration of intention to become a citizen of the Philippines, because "the applicant was born in the Philippines and has resided continuously in this country for more than thirty years up to the date of the hearing of this case," and "he has finished the sixth grade in the Anglo American school which is recognized by the Government.

Section 6 of the Revised Naturalization Law, Commonwealth Act No. 535, provides:

"SEC. 6. Persons exempt from requirement to make a declaration of intention.—Persons born in the Philippines and have received their primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality^f and those who have resided continuously in the Philippines for a period of thirty years or more before filing their application, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act. * * *"

The appellee does not fall under the first exception, because he admitted during the hearing of this case that he had finished only the sixth grade in an Anglo-Chinese School (not Anglo American School). The law requires that the applicant, to be exempt, must have received the primary and secondary education in the public schools, or schools recognized by the government and not limited to any race or nationality. It is obvious that to finish the sixth grade is not equivalent to "have received the primary and secondary education" required at the time the applicant was studying. And there is no evidence in the record to show that the Anglo-Chinese School referred to by the applicant was not limited then to any race and nationality.

Appellee does not also fall under the second exemption. The law provides that the exemption from filing with the Bureau of Justice (now office of Solicitor General), a declaration under oath of applicant's bona fide intention to become a citizen of the Philippines, is extended also to "those who have resided continuously in this country for a period of thirty years or more, prior to the filing of his petition for naturalization in court. According to his own admission or contention, the appellee was born on September 28, 1917 (Exhibit D) in the City of Manila, and has continuously resided in the Philippines. But, as his petition for naturalization was filed on July 2, 1947 (page 1 of Record on Appeal), he had not continuously resided in the Philippines for a period of thirty years or more prior to the filing of his petition for naturalization in court on July 2, 1947.

In view of the foregoing, it is not necessary for us to pass upon the other assignments of error made by the appellant, and we reverse the decision appealed from and deny the applicant's petition with costs.

So ordered.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Tuason, Reyes and Jugo, 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.