

IN THE MATTER OF THE PETITION OF JOSE GO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. JOSE GO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-11384. December 26, 1958

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of First Instance of Davao, Hon. Enrique A. Fernandez, presiding, in a proceeding for the naturalization of Jose Go.

The trial court found that Jose Go proved that he has all the qualifications necessary for naturalization, but the court a quo instead of merely approving his application expressly declared him to be a Filipino citizen by naturalization, thus:

"El juzgado, pues, accediendo a la peticion de autos, declara al solicitante, Jose Go, para todos los efectos legates, ciudadano filipino por naturalization; transcurridos los dos aios desde la promulgacion de esta decision; firme y ejecutoria la misma, ordena al escribano de este Juzgado expida a favor del solicitante la carta de ciudadania filipina, la misma se inscribira en el registro civil de acuerdo con lo dispuesto en el articulo 10 de la Ley No. 3757."

The appeal to this Court is made by the Solicitor General, who claims that the decision is erroneous because under the present law the judgment granting Filipino citizenship becomes executory only after two years from the date of the promulgation of the final decision and after hearing in which the applicant proves that he has fulfilled the additional requirements enumerated by Sections 1 and 2 of Republic Act No. 530. Some of the requirement contained in this law are that the applicant shall not have left the Philippines; has dedicated himself continuously to a lawful calling or profession; has not been convicted of any offense or violation of any Government promulgated rules and has not committed any act prejudicial to the interest of the nation or to any Government announced policy.

We find the contention of the Solicitor General to be well-founded, and the decision appealed from should be amended in the sense that the petition of Jose Go for naturalization is approved.

We note that the mistake committed by the trial judge, which was very evident, was not brought to the attention of his honor, the trial judge. We believe it is the duty of a party who notices any mistake in any decision to call the attention of the trial judge thereto so that the mistake, if any, may be remedied by him in the said court a quo without the necessity of an appeal. Such procedure is sometimes more expeditious than an immediate appeal, because any judge would or should be only too willing to modify or revise his judgment or order in accordance with law if his attention is properly brought to it.

The decision appealed from is hereby modified as herein- before stated. No costs.

Paras, C.J., Padilla, Montemayor, Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.
Judgment modified.

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