

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

G.R. No. L-5663. April 30, 1954

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal taken by the Republic of the Philippines against a decision of the Court of First Instance of Misamis Occidental approving the application of Pedro Tan for naturalization. The appeal was made directly to this Court, on the ground that the applicant had not filed a declaration of intention to become a citizen of the Philippines as required by Section 5 of the Revised Naturalization Law.

The record shows that the petition was filed on March 18, 1950. In the said petition and in the certificate of birth, as well as in the alien certificate of registration attached thereto, applicant Pedro Tan appears to have been born on August 3, 1928, in Centro, municipality of Jimenez, province of Misamis Occidental. There is no allegation in the petition that a declaration of intention to become a citizen of the Philippines had been previously filed, and no evidence to that effect was presented. The applicant admits that no such declaration of intention had been filed, but it is claimed on his behalf that he is exempt from said requirement because he was born in the Philippines and received his primary and secondary education in public and private schools duly recognized by the Government.

It is true that the applicant has received primary and secondary instruction in schools recognized by the Government, but he has not completed secondary education, as it appears from his application, as well as from his testimony, that he was only a third year high school student at the time of the filing of his amended application on September 3, 1951.

Q.

In what grade are you now?

A.

I am in the third year of high school, (t.s.n., p. 33)

We have held in the case of Florentino Uy Boco vs. Republic of the Philippines,[*] G. R. No. L-2247, promulgated January 23, 1950, that in order that an applicant may be exempted from the obligation of filing his declaration of intention to become a Filipino citizen, it is necessary that he must have finished his secondary education; if "he has actually received (only) a part of the secondary instruction, he has not actually received a full secondary education."

The failure to file a declaration of intention to become a citizen of the Philippines, in accordance with the requirements of Section 5 of the Revised Naturalization Law, is fatal to an application; it may not be overlooked because the period of one year required therein is the time fixed for the State to make inquiries as to the qualifications of the applicant. If this period of time is not given to it, the State will have no sufficient opportunity

to investigate the qualifications of the applicants and gather evidence thereon. An applicant may then impose upon the courts, as the State would have no opportunity to gather evidence that it may present to contradict whatever evidence that the applicant may adduce on behalf of his petition. As the objection of the State is a bar to the granting of the petition, it becomes unnecessary to consider the other questions raised in the appeal.

Wherefore, the decision appealed from is hereby reversed, and the application dismissed, with costs against the applicant.

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, Jugo, Bautista Angelo and Concepcion, JJ., concur.

[*] 85 Phil., 320.

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