

APPLICATION OF RAFAEL ROA YROSTORZA TO BE ADMITTED AS FILIPINO CITIZEN, PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-1394. May 27, 1949

Ponente: TUASON, J.

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TUASON, J.:

Rafael Roa Yrostorza, a Spanish citizen born in the Philippines of Spanish parents on March 13, 1895, applied for Philippine citizenship in the Court of First Instance of Cagayan without having filed a declaration of his intention as provided in section 5 of the Naturalization Law. The application having been granted, the Government has brought this appeal to reverse the decision. It is the contention of the appellant that an applicant, to be exempt from the necessity of filing a declaration of intention to apply for Philippine citizenship, must allege and prove that he "has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality."

The applicant alleged in his application that he had five children, three girls and two boys, all of whom were born in Tuguegarao, Cagayan, the eldest in 1919 and the youngest in 1928. He alleged that the three girls had been enrolled in the Sacred Heart Academy of Tuguegarao and the two boys in the San Jacinto College of the same municipality. The two oldest girls appear to have already married.

In his opposition the provincial fiscal made absolutely no reference to the four oldest children of the applicant. His objection was limited to the fact that Salud, the youngest child, was still in the second year high school at Sta. Escolastica College in Manila. This information, according to the provincial fiscal, was furnished to him by the National Division of Investigation and the chief of police of Tuguegarao. This allegation and the fiscal's silence regarding the other children are an implicit admission that these had finished the secondary or high school course.

The following are the pertinent provisions of the Naturalization Law:

"SEC. 5. Declaration of intention.—One year prior to the filing of his petition for admission to Philippine citizenship, the applicant for Philippine citizenship shall file with the Bureau of Justice a declaration under oath that it is bona fide his intention to become a citizen of the Philippines. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft, if any, in which he came to the Philippines, and the place of residence in the Philippines at the time of making the declaration. No declaration shall be valid until lawful entry for permanent residence has been established and a certificate showing the date, place, and manner of his arrival has been issued. The declarant must also state that he has enrolled his minor children, if any, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen. Each declarant must furnish two photographs of himself.

"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, 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. To such requirements shall be added that which establishes that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality. The same shall be understood applicable with respect to the widow and minor children of an alien who has declared his intention to become a citizen of the Philippines, and dies before he is actually naturalized."

If the applicant's children have gone through high school and one of them is in the process of completing it, we think he may be considered to possess the additional requirement of section 6. The clause "has given primary and secondary education to his children etc." should be construed in relation to other provisions of the Naturalization Law; and thus construed, the phrase means that the applicant has enrolled his minor children in school, which is all that is required of an applicant who has filed a declaration of intention to become a Philippine citizen. The law would not have intended to impose on an applicant who was born or has lived for more than 30 years in the Philippines a more stringent condition than on one who was born outside the country and has not resided therein so long. There is nothing in the filing of a declaration of intention which makes the declarant a more desirable citizen or gives greater assurance of his loyalty to his prospective new country. The courts are not to give words a meaning which would lead to absurd or unreasonable consequences or a meaning which would render compliance with the provision impossible in many cases.

The conclusion that the requirement of section 6 as to education is no different from that of section 5 results not only from a consideration of the entire law but also from the application of the rules of grammar. The pronoun "that" in the clause, "To such requirements that which establishes that the applicant has given primary and secondary education to all his children," relates, in our opinion, to the requirement in section 5, that "the declarant * * * has enrolled his minor children, if any, in any of the public schools etc." In the phrase "that which" the first word is "used when the reference is emphatically to what precedes." (Webster's New International Dictionary.)

Another requirement for naturalization is that the laws of the applicant's country "grant Filipinos the same rights to become naturalized citizens or subjects thereof." There is no proof that Spain has such laws. But neither is there proof showing positively that such reciprocal legislation does not exist. The parties and the court do not seem to have given this phase of the case much attention. The probabilities are that there are laws in Spain permitting the naturalization of Filipinos. To avoid the necessity of filing a new application and the consequent repetition of the proceedings already had, we think it is to the best interest of all the parties concerned that this case be remanded to the court of origin with instruction to reopen the hearing and give the parties new opportunity to establish or disprove the existence of laws under which Filipinos are granted the privilege of applying for Spanish citizenship.

It is so ordered without costs.

Ozaeta, Paras, Feria, Pablo, Perfecto, Bengzon, Montemayor, and Reyes, JJ., concur.

OZAETA, J.:

I certify that the Chief Justice voted in favor of this decision.

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