

IN THE MATTER OF THE PETITION OF CONCEPCION ANG BAN GIOK TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. CONCEPCION ANG BAN GIOK, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILI...*G.R. NO. L-26949. February 22, 1974*

Ponente: ANTONIO, J.

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Appeal by the Government, thru the Solicitor General, from the order, dated February 15, 1966, of the Court of First Instance of Catanduanes, Tenth Judicial District, in its Naturalization Case No. 12, granting the petition of Concepcion Ang Ban Giok, herein petitioner-appellee, to take the oath as a Filipino citizen and denying the reconsideration of said order.

Petitioner-appellee, the daughter of Ang Ban Giok and Lu Ho, who are citizens of the Republic of China and residents of the Municipality of Virac, Province of Catanduanes, was born on November 30, 1940 at Salvacion Street of said municipality and since then has resided continuously in the Philippines (Exh. N). She is the holder of a Native Born Certificate of Residence issued by the Bureau of Immigration (Exh. F) and is registered with the Embassy of the Republic of China (Exh. W, X and X-1). She is also registered as an alien with the Bureau of Immigration and is the possessor of an Alien Certificate of Registration (Exh. O). She completed her primary and secondary education, as well as collegiate course in business administration, in private schools recognized by the government, as follows: Grades one and two in Philippine Catanduanes College, a private school in Virac (Exh. Q); grade three in Virac Elementary School, now known as the Division Pilot Demonstration Center, a public school in Virac (Exh. R); grade four in Philippine Catanduanes Chinese School in Virac (Exh. S); grade five to first year at the Westminster High School of Zaragosa Street, Tondo, Manila, also a private school (Exh. T); second, third and fourth years in the Philippine Chinese High School, another private school in Tondo, Manila (Exh. U); and she obtained the degree of Bachelor of Business Administration in 1962 from the University of the East, Manila (Exh. V). She is at present employed by her father, Ang Ban Giok, as treasurer of the "Ang Ban Giok" business establishments and as officer-in-charge of the "South Sea Shipping Lines" in Virac, Catanduanes, with compensation of P4,800.00 per annum since January, 1962 (Exh. G.; T.s.n. p. 55, Session of September 23, 1963).

On January 8, 1963, petitioner-appellee filed with the Court of First Instance of Catanduanes a petition for naturalization without previously filing a declaration of intention under Section 5 of the Revised Naturalization Law. After due notice, publication and hearing, the said court rendered its decision, dated December 24, 1963, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing considerations, the Court hereby finds that the petitioner has all the qualifications and none of the disqualifications to be naturalized as a Filipino citizen and the said petitioner, Concepcion Ang Ban Giok, is hereby admitted as a citizen of the Republic of the Philippines and she may take the corresponding oath of allegiance upon compliance with the requirements provided in Republic Act No.

530."

No appeal from this decision was interposed by the Government.

On January 7, 1966, or after the lapse of the two-year probationary period required by Republic Act No. 530, petitioner-appellee filed with the same court a petition to take oath praying that the order granting her Philippine citizenship be ordered registered in the Local Civil Registry; that she be allowed to take her oath of allegiance; and that she be issued the corresponding certificate of naturalization.

After due hearing, the lower court issued an order dated February 15, 1966 granting her petition to take the oath of allegiance, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing considerations, the Court finds that during the two-year period after the promulgation of the decision, the applicant (1) has not left the Philippines, (2) has dedicated herself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government-promulgated rules, (4) or committed an act prejudicial to the interest of the nation or contrary to any Government-announced policies and pursuant to the provisions of Republic Act 530, the said applicant is hereby allowed to take her oath as a Filipino citizen."

On March 18, 1966, petitioner-appellee filed with the lower court an ex parte petition praying that she be allowed to take the oath as Filipino citizen. This petition was granted by the lower court in its order dated March 19, 1966 authorizing her to take her oath as a Filipino citizen on March 21, 1966, at 8:30 o'clock in the morning, on which latter date she actually took her oath of allegiance and received the corresponding certificate of naturalization.

The motion for reconsideration and the supplementary motion for reconsideration of the order of February 15, 1966 having been previously denied by the lower court, the Government, thru the Solicitor General, interposed the present appeal contending that any of the following circumstances should have been sufficient for the denial of the petition:

- The failure to disclose her former places of residence in her petition for naturalization;
- The failure to file a declaration of intention;
- Absence of a lucrative income; and
- Failure of petitioner-appellee to secure permission from the Ministry of Interior of China to renounce her Chinese Nationality.

Upon a review of the records, We find that the Government's appeal is well-taken.

1. With respect to the first assigned error, petitioner-appellee, in her petition for naturalization, specifically stated that her only "place of residence is at Virac, Catanduanes". However, the records show that she also resided at 322 Caballeros Street in Binondo, Manila, for more than eight years when she was studying in the Westminster High School, the Philippine Chinese School and the University of the East (Exhs. T, U & V, Folder of Exhibits, pp. 49-51; t.s.n., p. 29, Session of Sept. 25, 1963).

Section 7 of Commonwealth Act No. 473 expressly requires, among others that a petitioner should set forth in his petition for naturalization his present and former places of residence. The rule is well-settled that the failure of the petitioner to allege in his petition for naturalization all of his former places of residence is a fatal defect that not only warrants dismissal of the petition but also affects the jurisdiction of the court to hear and decide the case.[1] The reason for such a requirement is to facilitate the verification of the different activities of the petitioner bearing on his petition for naturalization, especially as to his qualifications and moral character, either by private individuals or by government agencies, by indicating to them the localities or places in which to make the

appropriate inquiries or investigations.[2] Moreover, such omission amounts to falsehood, indicating lack of good moral character which disqualifies her from admission to Philippine citizenship.[3]

2. As regards the second assigned error, it is not disputed that petitioner-appellee did not file any declaration of intention to become a citizen of the Philippines. The explanation given in her petition for naturalization was her alleged exemption from filing the same, as she was born in the Philippines and completed her primary, secondary and collegiate education in schools duly recognized by the Philippine Government and not limited to any race or nationality.

While it is true that she was born in the Philippines, nevertheless, birth alone does not suffice to comply with the statutory requirements to warrant exemption. Aside from proof of birth, petitioner-appellee should likewise prove that she received her primary and secondary education in public schools or those recognized by the Government, and not limited to any race or nationality.[4]

As above stated petitioner-appellee was enrolled in the Philippine Catanduanes Chinese School in Virac, Catanduanes; the Westminster High School at Zaragosa Street, Tondo, Manila; and the Philippine Chinese School at 1253 Jose Abad Santos Street, Tondo, Manila, whose principals were Ng Ching Kiok, Elizabeth Kho and Go Seng Guan, respectively. Although those principals issued certifications (Exhs. T, U & V) to the effect that their schools are duly recognized by the Government of the Republic of the Philippines and are not limited to any race or nationality and that Philippine history, government and civics are taught as part of the school curriculum, no competent evidence has been presented to show that those schools are regularly attended by a sizeable number of Filipino students from whom petitioner-appellee could have imbibed Filipino customs and traditions.[5] In fact, petitioner-appellee herself testified that the students enrolled in said schools were all "Filipino-Chinese mestizos and pure-blooded Chinese," strongly indicating that said schools are operated by and for Chinese nationals.[6]

The petitioner-appellee not being exempt from the filing of a declaration of intention, and having failed to file one, her application for naturalization was, therefore, vitiated by a fatal jurisdictional defect,[7] which rendered the entire proceedings null and void.[8]

In view of the foregoing, We deem it unnecessary to pass upon the last two assigned errors.

WHEREFORE, the appealed order of February 15, 1965 is hereby reversed, and the case dismissed, with costs against petitioner-appellee Concepcion Ang Ban Giok. The oath of allegiance taken by her and the certificate of naturalization, if any, issued to her, are hereby nullified, and petitioner-appellee is, accordingly, directed to forthwith surrender the aforesaid certificate of naturalization, for its cancellation, to the Clerk of Court of First Instance of Catanduanes. It is so ordered.

Zaldivar, (Chairman), Fernando, Fernandez, and Aquino, JJ., concur.
Barredo, J., took no part.

[1] Go vs. Republic, L-20558, March 31, 1965, 13 SCRA 548; Alfredo Tan vs. Republic, L-22077, Feb. 18, 1967, 19 SCRA 367; Tan Tian vs. Republic, L-19897, March 18, 1967, 19 SCRA 606; Tan Chua vs. Republic, L-22310, April 24, 1967, 19 SCRA 797; Syson vs. Republic, L-21199, May 29, 1967, 20 SCRA 268.

[2] Keng Giok vs. Republic, L-13347, Aug. 31, 1961, 2 SCRA 1090.

[3] Tan Chua vs. Republic, *supra*.

[4] Sec. 6, Com. Act No. 473, as amended by Com. Act No. 535.

[5] Lee Ng Len vs. Republic, L-20151, March 31, 1965, 13 SCRA 533; Te Poot vs. Republic, L-20017, March 28, 1969, 27 SCRA 647-648; Go Ay Koo vs. Republic, L-23652, April 25, 1969, 27 SCRA 988; Lim vs. Republic, L-30424, Jan. 28, 1971, 37 SCRA 96.

[6] T.s.n., pp. 100-101, Session of Sept. 25, 1963.

[7] Sio Kim vs. Republic, L-20415, Dec. 29, 1965, 15 SCRA 637-638.

[8] Lim vs. Republic, L-30424, Jan. 28, 1971, 37 SCRA 96.

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