

ROQUE PARADO ALIAS ROQUE V. SOINGCO, PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-2628. May 06, 1950

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for naturalization.

It is alleged and proved that the petitioner, whose name is Roque Parado alias Roque V. Soingco, was born on 11 September 1912 in the municipality of Asingan, province of Pangasinan, of Chinese father and Filipino mother. From the time he was born to the date of the filing of the application, he lived in the town of his birth. He enrolled and completed the elementary education in the public school of his town; enrolled and finished his high school at the Jose Rizal College, and his college education at the University of Manila, and is now enrolled in the Philippine Law School where he is a junior. He speaks and writes English, Pangasinan, Ilocano and Tagalog. He owns real estate in Solano, province of Nueva Vizcaya, and in Asingan, province of Pangasinan, valued at not less than P5,000. He is married to Ruth Virginia M. Vibat, a native, who bore him four (4) children, namely, Rebecca, seven (7) years of age; Rolando, five (5); Virgilio, three (3); and Arturo, one (1). Rebecca is enrolled in the public school of the town of Asingan. He is of good moral character and believes in the principles underlying the Philippine Constitution, and has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he lives. He has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. He possesses all the qualifications required by section 2, and none of the disqualifications provided for in section 4, of Commonwealth Act 473. It is his intention to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the Chinese Republic, of which he is a citizen at the time of the filing of the application.

The petitioner claims that he is exempt from filing a declaration of intention, as required by section 5 of Commonwealth Act 473, because he was born in the Philippines and received the primary and secondary education in public schools and those recognized by the government and not limited to any race or nationality; because he has resided continuously in the Philippines for a period of more than thirty (30) years before the filing of his application; and because he has given his eldest daughter of school age elementary education in the public school of the town of Asingan, pursuant to section 1 of Commonwealth Act 535, amending section 6 of Commonwealth Act 473.

The opposition of the Government rests on the failure of the applicant to file a declaration of intention, as provided for in section 5 of Commonwealth Act 473.

After the applicant had presented his evidence and rested his case, the Government did not introduce any

evidence. Upon the facts alleged and established, the court granted the petition for naturalization filed by the applicant. The Government has appealed.

It is contended that the applicant failed to show that the naturalization laws of the Republic of China, of which country the applicant is a citizen, likewise grant to citizens of the Republic of the Philippines the same privilege of becoming naturalized citizens thereof. This point has already been passed upon and decided against the contention of the Government.[1]

It is also contended that, even if the applicant possesses all the qualifications, and none of the disqualifications, provided for in Commonwealth Act 473, as amended by Commonwealth Act 535, and even if he is not required to file a declaration of intention, as provided for in section 5 of Commonwealth Act 473, because he was born in the Philippines and has received his primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality, or because he has resided therein for more than thirty (30) years, the petition cannot be granted, because he has not shown that the Ministry of the Interior of the Republic of China has permitted him to renounce his nationality, under and pursuant to article 11, chapter III of the Chinese Law of Nationality, promulgated by the National Government on 5 February 1929. It is argued that, if the applicant has to renounce, in open court, his allegiance to the Republic of China, he could not make such renunciation, as required by section 12 of Commonwealth Act 473, unless he had been granted the permission to make it by the Minister of the Interior of the Republic of China.

We are not dealing with the case of a citizen of the Republic of China who was born there and immigrated to this country. The applicant was born here and ever since his birth he has lived and resided in this country. Technically, he is a Chinese citizen because of the citizenship or nationality of his father. To settle once and for all his status he applied for naturalization. Doubt may be entertained as to the right of the Republic of China to claim him as its citizen owing allegiance to it. Loyalty, fealty, or allegiance of an individual is revealed by deeds performed and words uttered in the community where he lives and moves around. That feeling is hard to conceal. It cannot be controlled by laws, nay, even by force. So that when a person applying for citizenship by naturalization takes an oath that he renounces his loyalty to any other country or government and solemnly declares that he owes his allegiance to the Republic of the Philippines, the condition imposed by law is satisfied and complied with. The determination whether such renunciation is valid or fully complies with the provisions of our Naturalization Law lies within the province and is an exclusive prerogative of our courts. The latter should apply the law duly enacted by the legislative department of the Republic. No foreign law may or should interfere with its operation and application. If the requirement of the Chinese Law of Nationality were to be read into our Naturalization Law, we would be applying not what our legislative department has deemed it wise to require, but what a foreign government has thought or intended to exact. That, of course, is absurd. It must be resisted by all means and at all cost. It would be a brazen encroachment upon the sovereign will and power of the people of this Republic.

Decree affirmed, without costs.

Moran, C.J., Ozaeta, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

Pablo, J., no part.

[1] Yap vs. The Solicitor General, 81 Phil., 468; supplement No. 1 to 46 O. G., 250; Yee Bo Mann vs. Republic of the Philippines, 46 O. G. 201; 83 Phil., p. 749; Lock Ben Ping vs. Republic of the Philippines, 47 O. G., 176; 84 Phil., p. 217; Leelin vs. Republic of the Philippines, 47 O. G., 694; 84 Phil., p. 352;; and Go vs. Anti-Chinese-league of the Philippines and Felipe Fernandez, 47 O. G., 716; 84 Phil., p. 468.

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