

IN THE MATTER OF THE PETITION OF SY TIAN LAI ALIAS RUPERTO SY TANGCO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. SY TIAN LAI ALIAS RUPERTO SY TANGCO, PETITIONER AND APPELLANT, ...

G.R. No. L-5867. April 29, 1954

Ponente: PARAS, C.J.

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PARAS, C.J.:

On September 19, 1951, the Court of First Instance of Camarines Sur rendered a decision denying the petition for naturalization filed by Sy Tian Lai alias Ruperto Sy Tangco, on the sole ground that the petitioner was not of good moral character, in that he was keeping a Filipino woman in his house with whom he has three children, without the benefit of marriage. On October 31, 1951, or before the decision had become final, the petitioner filed a motion for reconsideration, alleging that, on October 20, 1951, he married the woman with whom he was living, and praying that a new trial be granted to allow the petitioner to prove such marriage; that thereafter the decision be reconsidered in petitioner's favor; and that, in case of denial of the motion for reconsideration, the decision be made without prejudice. The court, in its order of November 8, 1951, set aside the decision of September 19, 1951, and permitted the petitioner to present additional evidence. On December 21, 1951, the court rendered a supplementary decision, reiterating the decision of September 19, 1951 and denying the petition for naturalization, on the ground that the immoral life of the petitioner for a period of five years was not removed by his subsequent marriage. The petitioner has appealed.

In *Yu Lo vs. Republic of the Philippines*,[*] G. R. No. L-4725, decided on October 15, 1952, we affirmed the appealed decision denying the petition for naturalization, because "the conduct and behavior of appellant in cohabiting with Francisca Amable and begetting children by her without the benefit of marriage, from the standpoint of morality and decency, does not meet with the approval not only of this Court but of the community where he lives and the country whose citizenship he applied for, which country by the way is mostly Christian and of the Catholic faith." But we pointed out that "this denial of appellant's petition for naturalization is without prejudice to a renewal thereof if and when the petitioner shall have seen his way clear to mending his ways such as for instance, legalizing his relations with the mother of his children by marriage, civil or religious, so as to comply with requisites of the law on naturalization. In such a case, the evidence in this case may be availed of and utilized in addition to any other evidence that may be introduced by petitioner or by the Government, favorable or adverse."

The Solicitor General, in his manifestation dated March 9, 1953, expressed the belief "that the instant petition for naturalization could have been granted considering that appellant saw his way clear to mending his ways by legalizing his relation with the mother of his children by marriage so as to comply with the requisites of the law on naturalization, in line with a suggestion made by this

Honorable Court in its decision in the case of *Yu Lo*, petitioner-appellant, vs. Republic of the Philippines,

oppositor-appellee, G. R. No. L-4725, promulgated October 15, 1952."

While technically the case at bar is distinguishable in the sense that the petitioner herein is already married and proof thereof is already on record, we are still inclined (indeed as alternatively prayed for by the petitioner in his motion for reconsideration of October 31, 1951) to affirm the appealed decisions without prejudice, however, to the filing of another petition for naturalization. The petitioner obviously intended to nullify the effect of the decision by hastening to marry before it had become final, thereby avoiding the formalities and delay ensuing from a renewal of his petition. It is to ward off and forestall any suspicious design that we have chosen to follow the procedure indicated in the case of *Yu Lo*, supra. An alien who earnestly wants to embrace Philippine citizenship will overlook all delays and difficulties incident to naturalization proceedings.

Wherefore, the appealed decision is affirmed without prejudice to the filing by the petitioner, if he desires, of a new petition, reserving to the parties the right to utilize the evidence already presented in this case in addition to any other evidence that they may introduce. So ordered, with costs against the petitioner.

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

[*]92 Phil., 105.

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