

IN THE MATTER OF THE PETITION OF CHUA SIU TING TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES, CHUA SIU TING, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPEL...

G.R. No. L-29499. March 31, 1971

Ponente: FERNANDO, J.

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FERNANDO, J.:

This is an appeal by the oppositor Republic of the Philippines from an order of the then Judge, now Associate Justice of the Court of Appeals, Guillermo S. Santos of November 4, 1964 find-ing appellee Chua Siu Ting, as petitioner in a naturalization proceeding, to have complied with the requirements under Republic Act No. 530, allowing him to take his oath of allegiance as citizen and directing the Clerk of Court to issue the corresponding certificate of naturalization in favor of petitioner. His petition for naturalization was granted as far back as September 16, 1961 in a decision rendered by the then Judge, now Associate Justice of the Court of Appeals, Antonio G. Lucero. The Republic of the Philippines, as oppositor-appellant, filed its brief on December 8, 1969 assigning as the first error committed by the lower court the grant-ing of petition for naturalization despite what it considered as fatal jurisdictional defects, namely, the failure of the petitioner to state his baptismal name, his former residence at Villalobos Street, Manila, where he resided from 1936 to 1945 as well as the failure to attach his certificate of arrival issued by the Commissioner of Immigration. The other error assigned was that the petition should not be granted in view of the applicant's lack of lucrative income.

Subsequently, on January 16, 1971, a motion to remand the case to the lower court for further proceeding was filed by petitioner-appellee alleging that after reading the brief for appellant Republic of the Philippines and taking into account the recent decisions of this Court in several naturalization cases, the objections raised were well-founded and meritorious. He was therefore constrained to request the remand of the case to the lower court for further proceeding to enable him to file an amended petition for naturalization complying with the require-ments of the law and curing the defects as pointed out by the government. By resolution of February 15, 1971, this Court required the Solicitor General to comment on the aforesaid motion. Then on February 23, 1971, the Republic of the Philip-pines, through the Solicitor General, submitted its comment stating "that it has no objection to the petitioner-appellee's motion for the remand of this case to the lower court for further proceedings, provided that the appealed orders be vacated and the petitioner be required to amend the petition in accordance with the opposition of the Government." [1]

Thereafter, by resolution of February 26, 1971, this Court required petitioner-appellee to file a reply to said comment. Such a reply was duly filed on March 6, 1971 and was worded thus: "[Comes] now the petitioner-appellee thru the undersigned counsel and most respectfully manifests that he is in conformity to the comment of the Solicitor General and once the case is remanded to the [lower court], he binds to amend or submit an amended petition for naturalization in accordance with the opposition of the Government and further requests and moves that the appealed orders made by the Solicitor General be vacated." [2]

WHEREFORE, conformably to the above motion, the decision of September 16, 1961 granting the petition for naturalization of petitioner Chua Siu Ting as well as the order of November 4, 1964 finding that he had complied with the requirements under Republic Act No. 530 and allowing him to take his oath of allegiance as Filipino citizen as well as directing the Clerk of Court to issue his certificate of naturalization in his favor after taking such oath of allegiance are hereby vacated and set aside and declared of no further force and effect, without prejudice to petitioner filing a new petition for naturalization. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Teehankee, and Villamor, JJ., concur. Barredo and Makasiar, JJ., did not take part.

[1] Comment.

[2] Reply to Comments.

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