

LIM LIAN TENG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-5661. November 13, 1952

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal from the decision of the Court of First Instance of Marinduque dated December 17, 1951, the dispositive part of which reads as follows:

"In view of all the above considerations, this court hereby renders judgment finding that the petitioner has all the qualifications and none of the disqualifications provided for by the Revised Naturalization Law, which entitle him for admission to a naturalized citizen of the Republic of the Philippines. Thirty days after this decision becomes final let the necessary naturalization certificate be issued by the Clerk of Court upon previously taking the prescribed oath the form of which appears in section 12 of the statute."

The appellant is the Government. In the brief filed by the Solicitor General, the only contention raised is that the appealed decision, in so far as its execution is concerned, should be subject to Republic Act No. 530 which provides that any decision granting the application for Philippine citizenship shall become executory only after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds, that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any government announced policies.

After the Solicitor General had filed his brief, counsel for the petitioner-appellee presented a motion praying that the appellee be excused from filing his brief and that the case be considered immediately submitted for decision, it being alleged that the appellee concurs in the contention of the Solicitor General. This motion, to which the Solicitor General agreed, was granted by this Court in its resolution of October 27, 1952.

Republic Act No. 530 took effect on June 16, 1950, but section 4 thereof expressly makes the Act applicable to "cases pending in court and to those where the applicant has not yet taken the oath of citizenship." It appearing that the petition for naturalization was filed on June 12, 1950, the appealed decision was rendered only on December 17, 1951, and the appellee has not yet taken the oath of citizenship, the Solicitor General's contention—as admitted by counsel for the appellee—is absolutely correct.

Wherefore, the appealed decision is modified in the sense that its execution shall be subject to the provisions of Republic Act No. 530. So ordered, with costs against the petitioner-appellee.

Pablo, Bengzon, Padilla, Montemayor, Jugo, Bautista Angelo, and Labrador, JJ., concur.

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