

IN THE MATTER OF THE PETITION OF ANG CHUN TO BE ADMITTED TO PHILIPPINE CITIZENSHIP, ANG CHUN, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLEE.*G.R. No. L-22591. April 24, 1967*

Ponente: CASTRO, J.

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This is an appeal from an order of the Court of First Instance of Manila denying the petitioner-appellant Ang Chun's motion that he be allowed to take his oath of allegiance as a citizen of the Philippines.

Ang Chun filed on March 21, 1960 a petition for naturalization with the CFI of Manila (CC 42802). After due trial, the court rendered judgment granting his petition. On January 7, 1963 he filed a motion that he be permitted to take his oath of allegiance. After due hearing, the same court denied the motion on the ground that he "does not have an adequate knowledge of English." His subsequent motion for reconsideration was also denied.

Two basic questions are posed by this appeal, namely, (1) at the hearing of the motion to take oath, could the lower court still inquire into any matter affecting the qualifications of the petitioner to become a citizen of the Philippines? and (2) is he possessed of the requisite language qualification?

The first question is answered in the affirmative. A court which initially granted the petition for naturalization, at the hearing of the motion to take oath, is not limited to inquiring into whether the petitioner (1) has 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; and (4) has not committed any act prejudicial to the interests of the nation or contrary to any Government announced policies (sec. 1, R.A. 530). The court may inquire into "any question affecting the qualification of the applicant" (*Lim Hok Albano, etc. vs. Republic*, L-10912, Oct. 31, 1958, and the cases therein cited; *Ong Ching Guan vs. Republic*, L-15691, March 27, 1961). Indeed, the Government is not estopped to question the petitioner's status as a citizen, even after hearing on his petition for naturalization has been had, for unlike final decisions in actions and other court proceedings, a decision or order granting citizenship does not immediately become executory, and, a naturalization proceeding not being a judicial adversary proceeding, the decision therein is not *res judicata* as to any matter which would support a judgment cancelling the certificate of naturalization (*Republic vs. Go Bon Lee*, L-11499, April 29, 1961).

Upon the second question, we agree that the petitioner is not possessed of the requisite language qualification. When asked to translate into Tagalog the sentence, "I intend to spend the rest of my life in this country", he wrote "Ang Filipinas ay parang bayan ko na." The lower court further found that the petitioner committed many errors and wrote illegible words when asked to write the sentence above-quoted, and the sentence "My children are studying in schools in Manila." Deficiency in "working knowledge" of the English language warrants denial of his motion to take the oath as well as his petition for naturalization itself (*Lim Bun vs. Republic*, L-12822, April 26, 1961).

ACCORDINGLY, the order appealed from is affirmed, and the petition for naturalization is denied, at petitioner-appellant's cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

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