

**RE: PETITION FOR PHILIPPINE CITIZENSHIP GAN Y. GUAN,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.***G.R. No. L-26196. July 31, 1970*

Ponente: REYES, J.B.L., J.

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This appeal is by the Republic of the Philippines to seek reversal of the decision of the Court of First Instance of Nueva Ecija (in Nat. Case No. 53), involving the issue of when an applicant for naturalization may claim exemption from filing a declaration of intention.

Gan Y. Guan, also known as Yguan Gan or Yguan G. Gan, applied for naturalization in the Court of First Instance of Nueva Ecija, alleging that he is a Chinese citizen born in Cabanatuan, Nueva Ecija, on 5 December 1936; that he has always resided in Cabanatuan, except during the Japanese occupation when he stayed in Manila; that he is one of the three members of the partnership operating a grocery store in Cabanatuan, of which he is also the assistant manager and purchasing agent, and from which occupation he derives an annual gross income of P5,000.00 more or less; that he is single and has no issue, speaks and writes English and the Philippine national language; that he owns real and personal properties which, including his personal savings in the bank and investments in business, have a total value of not less than P25,000.00; that he has received the degree of Bachelor of Science in Chemical Engineering from the Mapua Institute of Technology, and has attended other government-recognized schools, like the Philippine Statesman College in Cabanatuan City, where Philippine history and government are taught as part of the curriculum; that he believes in the principles underlying the Constitution; he is not opposed to organized government, does not believe in polygamy, is not suffering from any incurable or contagious disease, and has never been convicted of any crime involving moral turpitude. He did not file a declaration of intention, claiming exemption from this legal requirement because of his being born in the Philippines. The petition was duly accompanied by the joint affidavit of 2 witnesses who will testify on his good moral character.

After hearing, the court rendered judgment on 27 January 1966, granting the petition upon the finding that petitioner possesses all the qualifications and none of the disqualifications for Philippine citizenship. The Solicitor General, representing the Republic of the Philippines, thus interposed this appeal on the sole issue of jurisdictional defect in the petition, for failure of petitioner to file a declaration of intention.

We find the appeal meritorious. Under the Revised Naturalization Act, an applicant or petitioner can claim exemption from filing a declaration of intention if he were born in the Philippines, and had received primary and secondary education in public schools or private educational institutions duly recognized by the government and not limited to any race or nationality.[1] In this case, petitioner-appellee himself declared in court that he received his primary instructions at the Nueva Ecija Chinese School in Cabanatuan;[2] finished the elementary grades at the Philippine Chinese High School; completed secondary education at the Philippine Statesman College in

Cabanatuan, and received the degree of Bachelor of Science in Chemical Engineering from the Mapua Institute of Technology.[3] Other than his bare unsupported assertion to the effect that the schools where he finished the primary and elementary grades were attended also by Filipinos, which declaration is inadequate to constitute evidentiary proof of compliance with the requirement of the law,[4] there is nothing in the records to establish that the Nueva Ecija Chinese School and the Philippine Chinese High School are actually institutions of learning not limited to any race or nationality. The fact is that the very names of these schools convey the idea that they are exclusive to Chinese students,[5] and there is no evidence that they were not so. Petitioner's attendance in those schools, therefore, would not have served to exempt him from the provision of the Naturalization Act, which is to give special consideration to applicants for naturalization who, by their association with Filipinos in their youth, could have assimilated and imbibed the cherished traditions and customs of this country. A declaration of intention being necessary in the case, appellee's failure to file the same warrants a denial of the petition.[6]

There is another reason that goes against the granting of the petition: incomplete publication of petitioner's places of residence. As stated in the petition itself and reaffirmed by appellee and one of his character witnesses on the witness stand, the former and his family left Cabanatuan and lived in Manila during the Japanese occupation,[7] which lasted three years. And yet, the petition as published did not contain the address of such Manila residence. As this Court has repeatedly declared, the omission of a former place of residence, even if petitioner was still a minor when he stayed thereat, constitutes an infirmity fatal to the petition.[8]

FOR THE FOREGOING CONSIDERATIONS, the decision appealed from is hereby reversed and set aside, and the petition for naturalization is denied. No pronouncement as to costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, and Villamor, JJ., concur.
Barredo, J., did not take part.

[1] *Lim Cho Kuan vs. Republic*, L-21198, 22 January 1966, 16 SCRA 25; *Lee Ng Len vs. Republic*, L-20151, 31 March 1965, 13 SCRA 532; *Republic vs. Borromeo*, L-26870, 29 May 1970.

[2] Page 44, t.s.n., hearing of 20 January 1965.

[3] Page 46, t.s.n., hearing of 20 January 1965.

[4] *Lim vs. Republic*, L-20804, 22 January 1966, 16 SCRA 12.

[5] *Lee Ng Len vs. Republic*, L-20151, 31 March 1965, 13 SCRA 532.

[6] *Republic vs. Borromeo*, supra; *Lim vs. Republic*, L-27126, 29 May 1970, and cases cited therein.

[7] Page 10, t.s.n., hearing of 14 December 1964; page 16, hearing of 26 March 1965.

[8] *Chua Hai vs. Republic*, L-23515, 27 February 1969, 27 SCRA 75, and earlier cases (see Ed. Note 27 SCRA page 83; 19 SCRA 379).

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