

**IN THE MATTER OF THE PETITION OF JUANITA PO TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES. JUANITA PO,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-27443. July 19, 1971

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6b79a0cb6c2f/>

CONCEPCION, C.J.:

Appeal by the Government from an order of the Court of First Instance of Surigao del Norte.

Judgment having been rendered by said court, on March 11, 1964, granting the petition of appellee Juanita Po for naturalization as citizen of the Philippines, on April 15, 1966, she filed a motion to be allowed to take the requisite oath of allegiance, after the notice and hearing prescribed by law therefor. In due course, said court issued, on November 14, 1966, the appealed order allowing her to take said oath and directing the issuance, in her favor, of the corresponding certificate of naturalization. His motion for re-consideration of said order having been denied, the Solicitor General brought the case to Us, by record on appeal, upon the ground that the lower court: (1) had no jurisdiction to entertain appellee's petition for naturalization because (a) she had failed to file a declaration of intention, although not exempt therefrom, (b) the petition was not published in accordance with law, and (c) is fatally defective; and (2) had erred in issuing the order appealed from, inasmuch as (a) the appellee has "no lucrative income," (b) there are indicia derogatory to her moral character, (c) her character witnesses are not sufficiently qualified therefor, and (d) it has not been duty established that the Chinese government had permitted her to give up her Chinese nationality.

As regards the jurisdiction of the lower court, it appears that, in her petition for naturalization, appellee claimed to be exempt from the requirement of making a declaration of intention, upon the ground that she had been born in the Philippines "and received my primary education in the City of Manila and secondary education in San Nicolas College in Surigao, Surigao del Norte, Philippines, and my college education in the University of Sto. Tomas, Manila, private institutions which are not limited to any race or nation or nationality and duly recognized by the Government of the Philippines where Philippine history, government and civics are taught or prescribed as part of the school curriculum." It should be noted that the school in which she received her primary education in Manila was not named in her petition for naturalization. Neither is said school identified in the decision of the lower court. In short, the records do not show that she took her primary education in a school "recognized by the Government and not limited to any race or nationality," a condition essential to the exemption from filing a declaration of intention, which, accordingly, she can not invoke.[1] It is well settled that failure to file said declaration is fatal to the application for naturalization.[2]

Moreover, section 9 of Com. Act No. 473 requires that the "petition" for naturalization be published "in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides x x x." In the case at bar, what was published was not appellee's "petition" for naturalization, but a "notice"

summarizing the allegations of said pleading. The publication of such notice is insufficient to vest, in the trial court, jurisdiction to hear and decide this case. Besides, said notice was published in the "Nueva Era," and the records do not show that this newspaper is of general circulation in Surigao del Norte, the province in which the appellee resides.[3]

Inasmuch as appellee has not filed the declaration of intention, required in section 5 of Com. Act No. 473, as amended by Com. Act No. 535, from which requirement she does not appear to be exempt,[4] and her petition for naturalization has not been published, in violation of section 9 of said Act, the trial court had no jurisdiction to entertain and hear said petition, much less to grant the same.[5] Consequently, its decision, rendered on March 11, 1964, and the order appealed from are invalid, as well as null and void ab initio, and it is unnecessary for Us to pass upon the other issues raised by the Solicitor General.

WHEREFORE, said decision and the order appealed from should be, as they are hereby declared null and void ab initio, and the petition for naturalization of appellee Juanita Po is dismissed with costs against her.

IT IS SO ORDERED.

Reyes, J.B.L., Makalintal, Zaldivar, Fernando, Barredo, and Villamor, JJ., concur.
Dizon, Ruiz Castro, Teehankee, and Makasiar, JJ., took no part.

[1] Po Chu King v. Republic, L-20810, May 16, 1967; Ting v. Republic, L-13896, Aug. 10, 1966; Uy Chin Hong v. Republic, L-21219, May 20, 1966; Lim v. Republic, L-20804, Jan. 22, 1966; Lim Cho Kuan v. Republic, L-21198, Jan. 22, 1966; Yap v. Republic, L-12938, July 31, 1961.

[2] Yap v. Republic, supra; Ong Khan v. Republic, 109 Phil. 855; Tan v. Republic, 94 Phil. 882; Yu v. Republic, 92 Phil. 804; Yu v. Republic, L-3808, July 29, 1952.

[3] Yap v. Republic, L-23656, May 15, 1967; Dy v. Republic, L-20709, April 29, 1966; Tan Ten Koc v. Republic, L-18344, Feb. 28, 1964.

[4] Ng v. Republic, L-26242, Oct. 25, 1968; Lim v. Republic, supra; Yap v. Republic, L-12938, July 31, 1961.

[5] Sio Kim v. Republic, L-20415, Dec. 29, 1965; Quinga Chua v. Republic, L-19695, Oct. 31, 1964; Tan Ten Koc v. Republic, supra; Co v. Republic, 104 Phil. 889; Ong Khan v. Republic, supra; Tan v. Republic, supra; Yu v. Republic, supra.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.