

**IN RE: PETITION FOR NATURALIZATION TO PHILIPPINE
CITIZENSHIP OF LU BENG GA. LU BENG GA, PETITIONER AND
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPELLANT.**

G.R. No. L-18005. November 29, 1963

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of First Instance of Davao, Hon. Honorio Romero, presiding, approving the petition of Lu Beng Ga for naturalization.

The record discloses that Lu Beng Ga filed a petition for naturalization on August 6, 1958, which petition was published in the newspaper "Mindanao Barometer" on August 23 and 30, 1958 and September 6, 1958. Opposition to the petition was filed by the provincial fiscal on the ground that the petitioner does not possess all qualifications required by the Naturalization Law for naturalization. At the hearing it was proven that the petitioner is a Chinese citizen born in Amoy, China, on May 30, 1924, and came to the Philippines thru the Port of Manila as a son of a merchant for permanent residence on May, 1927; that he resided in Manila from May 1927 to the year 1946 when he moved to Davao City; that he has resided in the Philippines continuously until the present; that he is a merchant and manager of the Peng Peng Store located at Sta. Ana, Davao City, with a salary of of P300.00 a month, and has a wife by the name of Salud Te, also a Chinese citizen, by whom he has five children, namely: Violet, born May 9, 1949; Linda, born August 29, 1950; Chin Bon, born October 24, 1952; Jesus Lu, born December 25, 1953; and Emilio Lu, born August 21, 1957.

The ground invoked by the Solicitor General for prosecuting the appeal against the decision granting Lu Beng Ga the right to be naturalized as citizen of the Philippines are: that the petitioner did not secure the permission of the government of the Republic of China to renounce his Chinese citizenship; that the lower court did not acquire jurisdiction to take cognizance of the petition because the petitioner did not file a declaration of intention to become a citizen of the Philippines; that one of the character witnesses of the petitioner is not a competent and credible witness; that the petitioner has not conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines, and is actually living maritally with a woman without the benefit of a valid marriage.

On the first question it appears that the petitioner has not filed an intention to file a petition for naturalization, and the Solicitor General argues that the petitioner has not complied with Section 6, paragraph 2, of the Naturalization Law, which requires an -applicant for naturalization to give primary and secondary education to all his children in the public schools or in private schools recognized by the Government. The record shows that of the five children of petitioner only two are enrolled in a private school in Davao City. His third child by the name of Chin Bon born October 24, 1952 does not appear to have been registered in any school for instruction. Since this child was born on October 24, 1952 he had not yet reached the age of seven in 1958 when petitioner filed his petition for

naturalization. The requirement of sending an applicant's children to school should be interpreted reasonably, so that although the law says that the applicant must enroll all his children in the public school or private schools recognized by the Government, the requirement should only apply to children of school age. It appears from the record that when the petition was heard about June 24, 1959 the said child, Chin Bon, was already seven years old and was therefore of school age. Although petitioner did not, at the time of the filing of his petition August 6, 1958, clearly appear to have the obligation to send his third child to school he should have already done so at the same time of the hearing on June 24, 1959, as his said son was then already about seven and one-half years old.

Assuming, however, under the said circumstances that the appeal of the Solicitor General can not be sustained on the issue of petitioner not having sent all his children to the public schools, in order to be exempt from filing an application to declare his intention to file a petition for naturalization, We find that the third ground of the appeal, i.e., that the petitioner has not conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines has not been justified by the evidence submitted at the hearing; for it appears, and it is not denied, that the petitioner has failed to register his children under the Alien Naturalization Law, Republic Act No. 562, Section 10 of which in part reads as follows:

"SEC. 10. Every alien subject of the provisions of this Act shall, within the first sixty days of every calendar year, report in person to the Bureau of Immigration, if residing in the City of Manila, or to the office of the respective city or municipal treasurer, if residing in another locality. The official in charge shall thereupon make a proper notation to that effect on the registration certificate, to which notation a fifty-centavo documentary stamp furnished by the alien shall be affixed. The parents or legal guardian of an alien who is less than fourteen years of age, shall have the duty of reporting for such alien. * * *

In the case of *In re Chung Hong vs. Republic*, G.R. No. L-17391, promulgated November 29, 1962, We held that the failure of an applicant for naturalization to register his children in violation of the Alien Registration Act commits an offense which is considered a sufficient ground for denial or disapproval of his petition for naturalization. This case is based on Our decision in the case of *Benjamin Go vs. Republic*, promulgated May 26, 1960. In view of this resolution on Our part, that the petitioner is not entitled to naturalization because he has violated the Alien Registration Act, it is unnecessary to decide the other grounds raised by the Solicitor General in this appeal.

Wherefore, the petition for naturalization is hereby dismissed, with costs against petitioner. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Paredes and Makalintal, JJ., concur.

Reyes, J. B. L., Barrera, Dizon and Regala, JJ., took no part.

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