

FRANCISCO CHAN SU HOK, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-3470. November 27, 1951

Ponente: BENGZON, J.

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BENGZON, J.:

Having opposed the petition for naturalization of Francisco Chan Su Hok, in the Manila court of first instance, the Solicitor-General appealed in due time from a decision granting the petition.

Grounds of his appeal are: (1) non-compliance with the legal requirements relative to publication of the petition; (2) applicant did not previously file in the office of the Solicitor-General a sworn declaration of his intention to become a citizen; (3) applicant has not enrolled all his children of school age in Philippine schools and (4) applicant cannot speak and write Spanish nor English nor anyone of the principal local dialects.

Finding the third ground to be meritorious, we deem it superfluous to discuss the others.

According to the testimony of the applicant he has five legitimate children named Corazon, Johnson, Helen, Watson and Lilian; Corazon, 13, is in China; Johnson, .11, is enrolled in the Anglo Chinese school in Manila, recognized by the Government; the other three are not yet of school age.

It does not appear that Corazon has ever been enrolled in any local recognized school where Philippine History, Government and Civics are taught. Wherefore this petitioner has failed to establish compliance with all the requisites of section 2 of the Revised Naturalization Law, specially the sixth paragraph thereof. Under that provision it is the duty of the applicant affirmatively to show that he has enrolled all his minor children of school age in one of the schools already mentioned.

On this point the appellee makes the following argument: "It is established by the uncontradicted evidence for the petitioner that petitioner's eldest daughter, Corazon Chan, on April 6, 1949, date of the petition herein, was 13 years old; that she went to China before the war and has not come back because of the war; that before the outbreak of the war when the petitioner had to live in Cebu, his wife remained in Manila because their children were then studying here (pp. 25-26, 34, 45, t.s.n.) It is also established that the two children, Johnson and Helen, of the petitioner were on the same date of the petition for naturalization only 11 and 5 years old respectively (p. 31, t.s.n.). Consequently, when the petitioner had to live in Cebu, leaving his wife in Manila because their children were studying here, the children referred to were and most have been Corazon, 13 years old and Johnson, 11 years old, because the third child, Helen, was not yet born before the last war. Thus, contrary to the allegation of appellant's brief that there is no indication of record that Corazon has ever been enrolled in any school of this country is incorrect."

Granting that the inference as to studies is accurate, it only demonstrates that Corazon was then studying here. No more. It does not prove that she was then enrolled in one of the schools where Philippine History. Government and Civics are taught. As stated in previous decisions, this Court believes such schooling to be important, because

"The legislator evidently holds that all the minor children of an applicant for 'citizenship must learn Philippine history, government and civics, inasmuch as upon naturalization of their father they ipso facto acquire the privilege of Philippine citizenship [1]."

Wherefore inasmuch as the petitioner does not fulfill one of the essential conditions for admission to Philippine citizenship, the appealed decision will be reversed and the application for naturalization denied. Costs against appellee. So ordered.

Paras, C. J., Feria, Pablo, Padilla, Tuason, Reyes and Jugo, JJ., concur.

[1] Tan Hi vs. Rep. L-3354 Jan, 25, 1951; Hao Lian Chu vs. Rep. L-3265 Nov. 29, 1950; Lim Lian Hon vs. Rep. L-3575, Dec. 26, 1950.

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