

IN THE MATTER OF THE PETITION OF JOVENCION CHI TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, JOVENCIO CHI, PETITIONER AND APPELLE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND A...

G. R. No. L-18207. June 20, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

The Republic appeals from a decision of the Court of First Instance of Manila granting a petition for naturalization.

The Solicitor General, for the appellant, contends that applicant's failure to state in his petition all his former places of residence is fatal thereto.

Appellant's contention is well taken.

In his petition for naturalization filed May 23, 1959, applicant Jovencio Chi stated that his present place of residence is at 1028-G Benavides, Manila. As his former place of residence he stated the municipality of Tabaco, Province of Albay, Philippines. In his testimony, however, the applicant said that from 1952 to 1955 he resided at 1078 Padre Algue, Manila.

Save only in exceptional cases, such as the situation obtaining in *Pelegrina Tan vs. Republic*, L-20710, April 29, 1966, (evacuation during the war), the settled rule holds true that failure, in good faith or otherwise, to specify all former places of residence in the petition for naturalization—even those situated within the same city—is a fatal defect in said application, not curable by supplying the data at the trial.[1]

In the present case, the applicant, who was born on 1 June 1928, failed to state his place of residence from 1952 to 1955, a duration of three years, when he was from twenty-four to twenty-seven years of age. Applicant's case, is, therefore, altogether different from *Pelegrina Tan*, *supra*. In that case the place not stated in the petition was one where applicant, at the tender age of fourteen years, was taken by her parents when they evacuated during the war. The transfer was therefore held not conceivably very material for purposes of any investigation that the State might make in order to check on the conduct or activities of the petitioner therein at the aforementioned tender age.

Appellee would argue that, notwithstanding the omission, the authorities could have investigated his activities at 1078 Padre Algue, Manila. For, according to him, said place of residence was noted on his Alien Certificate of Registration (Exh. F). It will suffice here to reiterate that the reason Section 7 of the Revised Naturalization law requires former places of residence to be stated in the petition, is so that upon its publication, the authorities as well as those among the public at large who may have anything relevant to say on applicant's conduct in his different places of residence, will be accorded the opportunity to investigate said conduct or to come forward with pertinent facts thereon.[2] Said purpose is not satisfied by what appears in the Alien Certificate of Registration.[3]

It becomes unnecessary to discuss the other points raised by appellant herein, whether petitioner's income is lucrative or not, and so forth.

WHEREFORE, the judgment appealed from is hereby reversed and the petition for naturalization is hereby denied. So ordered.

Concepcion, C.J., Reyes, Barrera, Dizon, Regala, Makalintal, Zaldivar and Sanchez, JJ., concur.

[1] Failure to specify all former places of residence is fatal to the application. *Lo vs. Republic*, L-15919, May 19, 1961; *Ngo vs. Republic*, L-18379, May 31, 1963; *Go Bon The vs. Republic*, L-16813, December 27, 1963; *Dy Pek Long vs. Republic*, L-18758, May 30, 1964; *Gaw Ching vs. Republic*, L-19419, September 30, 1964; *Qua vs. Republic*, L-19834, October 27, 1964; *Ong tai vs. Republic*, L-19418, December 23, 1964; *Ong Ping Seng vs. Republic*, L-19575, February 26, 1965. Failure due to good faith is equally fatal. *Go Bon The vs. Republic*, supra. Places not stated found within same city, in nearby street, as places stated, still omission is fatal. *Go Bon The vs. Republic*, supra; *Gaw Ching vs. Republic*, supra. *Cheng vs. Republic*, L-20013. March 30, 1965. Said defect can not be cured by the evidence. *Lo. vs. Republic*, supra; *Qua vs. Republic* supra; *Yu ti vs. Republic*. L-19913, June 23, 1965.

[2] *Lo vs. Republic*, supra: "Said facts are required to be stated in the petition in order that, upon its publication, the public as well as the investigating agencies of our government may be given the needed opportunity to be informed thereof and voice their objection, if any, to petitioner's desire to become a Filipino citizen." (*Italics supplied*)

[3] Furthermore, contrary to the assertion, the Alien Certificate of Registration (Exh. F) does not mention the address at 1078 Padre Algue, Manila.

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