

IN THE MATTER OF THE PETITION OF: BETTY PO (BETTY PO LIM-MARITAL NAME) TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSIT...

G.R. No. L-30669. July 31, 1970

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Republic of the Philippines from an order of the Court of First Instance of Iloilo dated September 13, 1968 allowing Betty Po Lim to take the oath of allegiance as a citizen of the Philippines after the lapse of thirty (30) days from the promulgation thereof.

On July 31, 1965 appellee, a native born Chinese woman married to Lim Son Hue, also a registered Chinese subject, filed with the lower court a petition for admission as citizen of the Philippines under Commonwealth Act No. 473, as amended.

After due hearing the lower court granted the petition on August 30, 1966. The Republic's motion for re-consideration was denied on December 12 of the same year.

On August 7, 1968 appellee filed a motion praying that she be allowed to take the oath of allegiance under the provisions of Republic Act 530, and on September 13 of the same year the lower court, notwithstanding the opposition filed by the Republic, issued the appealed order.

The only question now raised by the Republic is whether a Chinese woman may be lawfully naturalized as a citizen of the Philippines separately from her husband - also a citizen of the Republic of China.

It is not disputed that appellee was married to Lim Son Hue in Iloilo City on December 25, 1960, that is, four years and a half prior to the filing of her application for naturalization. Out of their marriage they begot two children, the first born on October 11, 1962 and the second on May 8, 1963.

It is clear, therefore, that upon her marriage, appellee, aside from being a Chinese citizen by birth and parentage, became a Chinese citizen by marriage in accordance with the provisions of Article 2, Chapter 2 of the Chinese Law of Naturalization.

Upon the other hand, under Commonwealth Act No. 63, a Filipino woman loses her citizenship upon contracting marriage to an alien if by virtue of the laws in force in her husband's country she acquires the latter's nationality.

Appellant being a Chinese citizen by birth and marriage can not become a citizen of the Philippines during coverture, because, as long as her marriage to an alien subsists, she must by our laws have the same citizenship as that of her husband.

It is true, as appellee contends, that our Naturalization Law does not say that only male alien persons may seek

citizenship by naturalization, but in construing this provision We must necessarily take into account other legal provisions on the subject of citizenship, one of them being the one mentioned heretofore, according to which a Filipino female citizen who marries an alien acquires the latter's citizenship by the mere fact of her marriage. The granting of citizenship by naturalization to a female alien applicant while her marriage to another alien is subsisting would, therefore, be inoperative for the reason that, such grant notwithstanding, she would still be deemed to be a citizen of the country of her husband. The result would be dual citizenship which, it is believed, is not contemplated by our laws.

WHEREFORE, the appealed order is reversed and set aside, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Teehankee, Barredo, and Villamor, JJ., concur.

Castro and Fernando, JJ., in the result.

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