

IN THE MATTER OF THE PETITION FOR ADMISSION AS A CITIZEN OF THE PHILIPPINES. EMMANUEL YU NAM, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20016. April 29, 1966

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

The Republic challenges the correctness of the decision of the Cebu Court of First Instance granting the petition for naturalization of Emmanuel Yu Nam.

Several errors are assigned in its printed brief, the most important of which refers to petitioner's use of aliases without judicial authority.

Indeed the petition alleges that applicant's full name is Emmanuel Yu Nam; and such petition was published under such name. However, his birth certificate show that he is Emmanuel Ong, and his school records listed him as Manuel Ong y Lim. These other names were not mentioned in his petition; and under our rulings, such omission taints the whole proceeding, to such extent as practically to deprive the court of jurisdiction over the matter.

In a case [1] where the petition was filed in the name of Celerino Yu Seco, although the petitioner's real name was Celerino S. Yu, and the publication referred to the former name, this Court declined to approve the grant of naturalization explaining, through Mr. Justice J. B. L. Reyes.

"* * * his petition was, however, filed in the name of Celerino Yu Seco and accordingly, the publication of the notice of the filing of said petition shows the name of Celerino Yu Seco as the applicant and not Celerino S. Yu. We think this publication does not afford sufficient notice of the filing of the petition and is misleading to the public. The purpose of the requirement of publication is "to apprise the public of the pendency of the petition so that those who may know of any legal objection to it might come forward with the information in order to determine the fitness of petitioner for Philippine citizenship" (Ng Bui Kui vs. Republic, G. R. No. L-11172, Dec. 22, 1958). If petitioner's true name is Celerino S. Yu, while the notices published give his name as Celerino Yu Seco, persons who might have derogatory information against Gelerino S. Yu might not come forward with it in the belief that Celerino S. Yu Seco, the applicant, is some one else. The purpose of the publication would thus be defeated, and the road would be laid open to fraudulent subterfuges through the use of aliases. * * *"

The foregoing considerations are self-evident; and proper publication of the petition being a primordial step in proceedings of this nature, we are impelled to reverse the judgment. Without further going into the merit of the other objections raised by the Republic.

Accordingly, the petition for citizenship is denied, with costs.

Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, and Makalintal, JJ., concur.

[1] Yuseco vs. Republic, L-13441, June 30, 1960.

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