

**LEE CHO ALIAS SEM LEE, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.***G. R. No. L-12408. December 28, 1959*

Ponente: BAUTISTA ANGELO, J.

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This is a petition for naturalization filed by Lee Cho alias Sem Lee before the Court of First Instance of Cebu.

After the reception of the evidence, the court on August 30, 1956 rendered decision finding petitioner qualified to be a Filipino citizen. However, on October 2, 1957, the government filed a motion for new trial on the ground of newly discovered evidence which if presented may affect the qualification of petitioner, and finding the same well founded, the court entertained the motion. After the re hearing, where the newly discovered evidence was presented, the court again rendered decision reaffirming its holding that petitioner is qualified to become a Filipino citizen, whereupon the government interposed the present appeal.

Petitioner was born in Amoy, China, on September 22, 1907, of Chinese parents. He came to the Philippines sometime in February, 1921 and was given the corresponding alien certificate of residence and registration. He settled in the City of Cebu where he has continuously resided up to the present time. On December 8, 1929, he married one Sy Siok Bin with whom he had 13 children, all born in the City of Cebu. All these children had been issued the corresponding alien certificate of registration, With the exception of Lourdes Lee who married a naturalized Filipino citizen named Lim Kee Guan. With the exception of William Lee who is not of school age, Angelita who reached only grade five and Lourdes who stopped in third year high school, the other children are at present studying in private schools and colleges recognized by the government.

Petitioner studied from first grade to seventh grade in the Cebu Chinese High School, a private institution recognized by the government. He and his family profess the Roman Catholic faith. He speaks and writes English and the Cebu dialect. From 1921 to the outbreak of the last war, petitioner was engaged in corn business in the City of Cebu and from 1946 was engaged in lumber business, having been associated with some Filipinos. He invested P5,000.00 capital in the business and at present the actual worth of his share is about P20,000.00. Petitioner is receiving a monthly salary of P400.00 and realizes a profit share worth P10,000.00 every year. He has no tax liability to the government. In other respects, he possesses all the qualifications and none of the disqualifications prescribed by law.

Before an applicant may apply for Philippine citizenship, the law requires that he file a declaration of intention to become a Filipino citizen one year prior to the filing of his application unless he is exempt from complying with said requirement (Section 6, Naturalization Law). This section exempts one from filing a declaration of intention in two cases: (a) if he is born in the Philippines and has received primary and secondary education in any school recognized by the government; and (b) if he has continuously resided in the Philippines for a period of 30 years or more provided that he has given primary and secondary education to all his children either in a public school or in private schools recognized by the government.

In the instant case, petitioner has not filed any declaration of intention to become a Filipino citizen because, as he claims, he has resided continuously in the Philippines for a period of more than 30 years and has given primary and secondary education to all his children in private schools recognized by the government. This claim is, however, disputed by the government who contends that petitioner has failed to comply with the requirement of the law regarding his duty to afford primary and secondary education to all his children because he failed to give such education to his daughters Angelita Lee and Lourdes Lee.

We find merit in this contention. In the first place, the evidence shows that Angelita Lee has only reached grade five and no explanation was given why no secondary education was afforded her which requires the teaching of Philippine Civics, Philippine History and Philippine Government, subjects that are precisely required of aliens who desire to embrace Philippine citizenship for their indoctrination on matters concerning our history, government and nationalism. The reason advanced that she was not able to complete her studies because she got married is not only not satisfactory but betrays the sincerity of petitioner in embracing our citizenship.

The case of Lourdes Lee is even more significant. It appears that she studied only as far as third year high school and then stopped allegedly because of poor health. But, by her own admission in open court, it was shown that in spite of her alleged sickness she continued her studies, not in the high school proper, but in a Chinese school which employs strictly Chinese curriculum where Philippine Civics, Philippine History and Philippine Government are not taught. This circumstance also betrays the sincerity of petitioner to become a Filipino citizen for if his motive were proper he should not have tolerated such deviation from the educational requirement of the law.

Considering that the provisions of the Naturalization Law should be strictly construed in order that its laudable and nationalistic purpose may be fully fulfilled,^[1] we are persuaded to conclude that petitioner has failed to qualify to become a Filipino citizen and so his petition should be denied.

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Paras, C. J., Padilla, Montemayor, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David JJ., concur.

[1] *Ang Yee Koe Sengkee vs. Republic of the Philippines*, 90 Phil.,

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