

IN THE MATTER OF THE PETITION OF ANG TEE YEE TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ANG TEE YEE, PETITIONER AND APPELLEE, V.S. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND A...

G.R. No. L-20305. March 31, 1965

Ponente: PAREDES, J.

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PAREDES, J.:

On December 27, 1960, Ang Tee Yee presented with the CFI of Manila, a petition for naturalization, accompanied by the Joint Affidavits of character witnesses, German Esguerra, Jr., Teofilo Abrigo and Carlos Sy; Declaration of Intention; Certificate of Arrival, Immigrant Certificate of Residence; Alien Certificate of Registration and photograph. The petition and the scheduled hearing thereof were published in the Daily Mirror, and the Official Gazette, for three consecutive weeks. After due hearing, the trial court rendered judgment, of the following tenor:

"* * * that he has been presently residing at 825 N. Padilla Street, San Miguel, Manila, since February 4, 1958, and before that he resided at 728 Camba Street, San Nicolas, Manila, since 1953; that he has been employed in the Main Street Store, 239 Escolta, Manila, since 1917, his average annual income being P4,500.00 * * *; that they have three children all born in the City of Manila; and has all 'the qualifications necessary to become a citizen of the Philippines and not in any way disqualified under the provision Commonwealth Act No. 473, * * *

"* * * * *"

'WHEREFORE, the petition of ANG TEE YEE to be admitted a citizen of the Philippines is hereby granted, and let the proper naturalization certificate be issued in his favor and the registration thereof in the proper civil registry, this decision to become executory in accordance with the provisions of Suction 1 of Republic Act No. 530."

the Commission cites no provision expressly supporting

In its brief and its resolution now subject to review, Lots Nos. 1689, 1G9G and 1704; and on the NW. by Lots Nos.

Petitioner thru counsel, on June 20, 1962, moved for a reconsideration of the above judgment, insofar as it did not make a finding that his income has gone up during the pendency of the case, from P1,500.00 per annum to P7,200.00, as per exhibits presented. The motion was denied, the court a quo stating:

"* * * but he complains that this Court has not made a finding from the said exhibits that petitioner's average income is P7,200.00. This Court, however, did not fail to make mention of the said exhibits in its decision, and for its purposes this is believed to be sufficient, * * *. In any event, this Court, is of the opinion that petitioner is not disqualified from the standpoint of income from a lucrative calling * * *."

The Office of the Solicitor General brought this instant appeal on six (G) counts, to wit: the lower court erred in not finding:

- (1) that the applicant's petition is invalid;
- (2) that the petitioner is not a person of good moral character;
- (3) that the petitioner alias not conducted himself in an irreproachable manner during the entire period of his residence in the Philippines;
- (4) that the petitioner does not speak and write Tagalog;
- (5) that the petitioner does not have a lucrative trade or occupation and
- (6) that the petitioner's witnesses are not credible persons;

An examination of the records reveals that petitioner had been known by another name, so much so that in his Alien Registration Certificate he was also called LIM TEE J (Exh. C). This name was likewise designated as an alias in petitioner's clearances (Exhs. L, L-1, L-2). However, it has not been shown that he was authorized to use such alias. In recent cases, this Court has ruled that the unexplained and unauthorized use of an alias was sufficient to deny a petition for naturalization (*Celerino Yu Seco vs. Republic*, 108 Phil., 807; *Ong Khan vs. Republic*, L-19709, Sept. 30, 1964). Furthermore, in the publication of petitioner's application, his other name (Lim Tee Yee) as appearing in his Alien Registration Certificate, was not included therein. Having used such other name, the same should have been included in the said publication, so that anybody who knew him by that name would and/ or could have been properly informed that an application for citizenship had been filed by him. As it is, the said publication was insufficient, because people who knew him as him Tee Yee did not have a chance to come forward with anything which might have affected the granting of Philippine citizenship. And the applicant's petition not having been properly or sufficiently published, the trial court did not validly acquire jurisdiction of the case. (*Celestino Co vs. Republic*, 104 Phil., 889; 55 Off. Gaz., 9224; *Ong Khan vs. Republic*, supra.) In view of the conclusions reached anent the first assigned error which is jurisdictional in character; further discussion of the other issues raised, is deemed unnecessary.

Wherefore, the decision appealed from should be, as it is hereby reversed, and another entered denying petitioner the right to Philippine citizenship. Costs taxed against petitioner-appellee.

Bengzon, C. J., Bautista Angelo, Conception, Reyes, J. B. L., Barrera, Dizon, Regain, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

Decision reversed.

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