

**IN THE MATTER OF THE PETITION OF BENITO LIM TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES, BENITO LIM,
PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLEE.**

G.R. No. L-30424. January 28, 1971

Ponente: CASTRO, J.

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CASTRO, J.:

Appeal from a decision of the Court of First Instance of Batangas dated March 5, 1969 in its naturalization case 1209, denying Benito Lim's petition for naturalization.

The Solicitor General accepts "as substantially correct" the following facts set forth on pages 2-3 of the brief of the petitioner-appellant Lim:

"Benito Lim was born on August 15, 1943 in Batangas, Batangas, to Lim Chua and Ting Chu Bee, both Chinese citizens (Exhibit M) and has all his life resided in said place. He had his primary and intermediate education in the Chi-nese Kipsi Memorial School and his high school education in the Golden Gate Colleges in Batangas, Batangas wherein he was graduated in 1960 (Exhi-bits AA and BB). After finishing high school, appellant worked in the Batangas Grocery and Dry Goods Store, starting as an employee until he was designated manager in 1967 with a yearly income of Seven Thousand Two Hundred Pesos (P7,200.00) or Six Hundred Pesos (P600.00) monthly (Exhibit DD).

"During his entire residence in the Philip-pines, Benito Lim has been a good moral charac-ter, and has conducted himself in a proper and irreproachable manner in relation to both the government and the community in which he lives. Believing in the principles underlying the Philippine constitution, he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach the doctrine opposing all organized government; he is not defending or teach-ing the necessity or propriety of violence; personal assault, or assassination for the success and pre-dominance of ideas. The petitioner-appellant is single; he is not a polygamist; neither does he be-lieve in moral turpitude nor any other crime. He is not suffering from mental alienation or any in-curable contagious diseases. He has socially mingled with the Filipinos, is a member and director of the Batangas Lions Club and has a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. Benito Lim speaks and writes both Tagalog and English."

Resolving this appeal, it suffices for us to state that the petition for naturalization was correctly denied, and this upon the ground, *inter alia*, that the petitioner has not complied with the requirements of sections 5 and 6 of the Naturalization Law (Commonwealth Act 473 as amended). The Chinese Kipsi Memo-rial School where the petitioner received his primary and inter-mediate education is definitely a Chinese school, as its name imports. And altho Exhibit AA for the petitioner, dated August 28, 1968, which is a certification by Principal Luis G. Uy, states that the school "is recognized by the Philippine Government, and that the enrolment of this school is not limited to any race or nationality and Philippine history, government and civics are also taught as part of the

school curriculum," nevertheless there is no evidence that it was "regularly attended by a sizeable number of Filipino students from whom applicant could have imbibed Filipino customs and traditions," in order to place him within the exemption of the law (*Lee Ng Len vs. Republic*, L-20151, March 31, 1965, 13 SCRA 533; *Te Poot vs. Republic*, L- 20017, March 28, 1969, 27 SCRA 647-648; *Pantaleon Sia vs. Republic*, L-20290, Aug. 31, 1965, 14 SCRA 1009). The petitioner-appellant not being exempt from the filing of a declaration of intention, and having failed to file one his application for naturalization was therefore vitiated by a fatal jurisdictional defect (*Sio Kim vs. Republic*, L-20415, Dec. 29, 1965, 15 SCRA 637-638), which rendered the entire proceeding null and void.

Because of the foregoing, we do not reach the other issues posed in this appeal.

ACCORDINGLY, the judgment a quo, denying Benito Lim's petition for naturalization is affirmed, at petitioner's cost.

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

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