

IN THE MATTER OF THE PETITION TO BE ADMITTED AS FILIPINO CITIZEN ANECITO SING, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-30149. August 28, 1969

Ponente: FERNANDO, J.

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FERNANDO, J.:

At present pending appeal, the Republic of the Philippines being the oppositor-appellant, is the above naturalization case, petitioner, now appellee, being successful in the lower court. On August 1, 1969, a motion to dismiss the case without prejudice to filing an amended petition, was filed by petitioner-appellee.

There is an allegation in the above motion that this petition for naturalization started on January 27, 1965 in the Court of First Instance of Negros Occidental was decided on September 27, 1968, petitioner prevailing. Then came the allegation that the Solicitor General "in representation of the Government has appealed said decision to this Hon. Court on two fundamental grounds, namely, petitioner's real name Niceto Sing was not published and included in the original petition as well as failure to submit petitioner's birth certificate in order to show that he has been residing in the Philippines continuously for more than 30 years so as to entitle him to be exempt from the filing of a declaration of intention to become a citizen of the Philippines as required by Sec. 6 of Commonwealth Act No. 473 as amended; * * *."

It was further stated in the above motion that counsel for petitioner-appellee discovered that in the petition for naturalization filed by him there was no allegation of "good moral character." Then came the reason for petitioner-appellee seeking the dismissal of the case. Thus: "That petitioner-appellee herein believes that the grounds of appeal are well-taken and to avoid unnecessary delay, anxiety and expense to be incurred in this appeal, he has consented to the dismissal of the above entitled case without prejudice to file an amended petition for naturalization in the Court of origin in order to cure the defects of his original petition for naturalization, obviating the filing of briefs for both the Government and petitioner-appellee and saving the precious time of this Hon. Court."

In view of the above, the plea of petitioner-appellee for the dismissal of the case without prejudice to his filing an amended petition for naturalization in the lower court is granted. Without pronouncement as to costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Capistrano and Teehankee, JJ., concur.

Barredo, J., did not take part.

Reyes, J., is on official leave.

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