

IN THE MATTER OF THE PETITION OF KU E ALIAS TAN TO BE ADMITTED TO A CITIZEN OF THE PHILIPPINES.

G.R. No. L-11364. May 28, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

This appeal from the decision of the Manila Court of First Instance granting naturalization to Ku E alias Tan turns out to be meritorious.

One of his sons, Ku E Tao born February 21, 1927, and brought here from China in 1938, never attended school in the Philippines. This constitutes a legal obstacle to naturalization, argues the Solicitor-General, because the statute requires every applicant for naturalization to prove that he has "enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him, prior to the hearing of his petition for naturalization as Philippine citizen." (Sec. 2 Sixth par. Revised Naturalization Law.)

Answering the point, the applicant invites attention to his son's majority status at the time he applied for citizenship in July 1954.

The question is not new. We have decided it in previous cases. Inasmuch as "the entire period" of Philippine residence required of Ku E was the ten-year^[1] period from 1944 to 1954 (Sec. 2 second par. Revised Naturalization Law) and inasmuch as in 1944 this son (Ku E Tao) had only 17 years and was of school age, it is evident that this applicant "did not enroll all his minor children of school age" in the schools indicated herein "during the entire period of his required Philippine residence." Therefore, he failed to meet the statutory condition above quoted.

"Ng Sin vs. Republic, G. R. No. L-7590, Sept. 20, 1955.- The application of Ng Sin alias Lucio Hernandez, a Chinese, to be naturalized a Filipino citizen was denied on the ground that two of his children, Vicente and Domingo Yan, aged at the time the petition was filed, 25 and 22 years, respectively, were never enrolled in Government-recognized schools where Philippine history, government and civics are prescribed subjects, as required by par. 6, Sec. 2 of the Naturalization law, Commonwealth Act No. 473 (Rec. App. p. 16-13), Held: The provision of law invoked by the trial Court clearly and expressly requires of the applicant that 'during the entire period of residence required of him' (ten years in this case) he should enroll his minor children of school age in recognized schools. It is not denied that within the 10 years preceding the hearing of his application, petitioner's sons Vicente and Domingo were of school age but were not so enrolled. Hence, the correctness of the appealed decision appears evident. (Dy Chan Tiao v. Republic, L-6430, Aug. 31, 1954; Quing Ku Chay v. Republic, L-5477, April 12, 1954.)

The law demands the enrollment of applicant's children in our schools not only to insure that they are trained in our own way of life, but also as evidence of the petitioner's honest and enduring intention to assume the duties and obligation of Filipino citizenship." (Padilla, Civil Law 1956 Ed. Vol. I p. 134.)

Accordingly the appealed decision is hereby revoked, and the application for citizenship is denied, with costs against appellee.

Paras, C.J., Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ., concur.

[1]He was born in Amoy, China.

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