

CHUA CHIAN, IN HER CAPACITY AS WIDOW OF HER DECEASED HUSBAND NG YOC SIU, AND IN BEHALF OF HER CHILDREN WITH SAID DECEASED, NG SIU HONG AND MARCELINO NG SIU LIM, PETITIONER, VS. ...

G.R. No. L-8697. May 31, 1956

Ponente: REYES, A., J.

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REYES, A., J.:

On July 28, 1953, Chua Chian, in behalf of Ng Siu Hong, Marcelino Ng Siu Lim, and herself, filed a petition in the Court of First Instance of Manila for the reconstitution of the record of a naturalization case entitled "In the Matter of the Petition for .Naturalization of Ng Yoc Siu, Case No. 681" alleged to have been decided in 1941. The record, so it is alleged, was destroyed during the war. Acting on the petition, the court declared the record of the case reconstituted with the admission of the following exhibits:

"A—A notice sent to Attorney Mendoza by the Clerk of Court advising the former that a copy of the decision of the Court in the Citizenship Case No. 681 was furnished the Office of the Civil Registrar;

"B—A letter sent by the local civil Registrar requiring Ng Yoc Siu to pay the amount of P20 for the registration of the copy of the decision;

"C—Official Receipt for P20 for 'registration for petition for. Philippine citizenship Case No. 681';

"D—A copy of a page of a Docket book for Naturalization Case No' 681."

In a subsequent petition filed in the same case, Chua Chian prayed that she be allowed to take the oath of allegiance for the said Ng Yoc Siu and that thereafter the court order the issuance of the corresponding certificate of naturalization of said Ng Yoc Siu for the benefit of his widow and children. In support of this prayer, Chua Chian alleged that in the naturalization case above mentioned a decision was rendered on November 28, 1941, granting Philippine citizenship to Ng Yoc Siu but that due to the outbreak of the last war Ng Yoc Siu was not able to take the required oath of allegiance; and that before a certificate of naturalization could be issued to him, he died on December 28, 1944, leaving a widow, who is herself, and two minor children, the aforementioned Ng Siu Hong and Marcelino Ng Siu Lim.

The second petition was opposed by the Solicitor General on various grounds, and the court having denied it, Chua Chian and her two alleged children filed the present petition for "certiorari and mandamus," praying that this Court order the judge below—

"to immediately issue an order allowing the petitioner, as widow of the deceased Ng Yoc Siu, to give the oath of allegiance in his behalf in Case No. R-681, entitled 'In the Matter of the Petition for Reconstitution of the Case Entitled "In the Matter of the Petition for Naturalization of Ng Yoc Siu, Case No. 681," Chua Chian, Petitioner', and after giving said oath of allegiance, to order issuance of the corresponding certificate of naturalization of Ng Yoc Siu, for the benefit of the widow and her children above-named."

Without need of going into all of the questions raised by the parties, we think that the petition must be denied.

The taking of an oath is a personal matter. It is one of those things which by their very nature cannot be done by one person for another. As the one required to take the oath in this case is already dead, it would be absurd to allow any other person to take it for him. This becomes more apparent when one examines the form of oath provided by the Naturalization Act. In that oath the candidate for naturalization solemnly declares that he renounces his allegiance and fidelity to his former sovereign, accepts the supreme authority of the Government of the Philippines and promises to support and defend its constitution and observe its laws. How, we may ask, could a dead person be bound to do the things stipulated in the above oath?

The petition asks that the court below allow petitioner to do that which, it is obvious, cannot legally be done. The petition must be, as it is hereby, denied. With costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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