

IN THE MATTER OF THE PETITION OF JESUS ISASI Y LARRABIDE TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. JESUS ISASI Y LARRABIDE, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILI...

G. R. No. L-9823. April 30, 1957

Ponente: ENDENCIA, J.

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ENDENCIA, J.:

This case is before us on appeal interposed by the Government against the decision of the Court of First Instance of Negros Occidental, dismissing petitioner's application for citizenship on the following grounds: (1) that there was already a decision granting him Filipino citizenship in Civil Case No. 1462 of said court and therefore the present petition is superfluous and unnecessary; and (2) that the petitioner failed to adduce evidence about his landing certificate when he arrived in the Philippines for the first time.

Notwithstanding the dismissal of the present case, the petitioner did not appeal therefrom evidently in the belief that in the order of dismissal there was a pronouncement to the effect that the decision rendered in case No. 1462, dated May 17, 1962, was still valid and executory. The Government, in turn, appealed from the dismissal in so far as in said order it was held that the aforesaid decision was still executory.

The record discloses that on October 28, 1949, the petitioner, a Spanish subject, filed with the Court of First Instance of Negros Occidental a petition for naturalization, which was docketed as case No. 1462. After the case was duly heard on May 16, 1950, the court granted the petition.

On May 15, 1950, Republic Act No. 530 was passed, section 1 of which reads as follows:

"Section. 1. The provisions of existing laws notwithstanding, no petition for Philippine Citizenship shall be heard by the courts until after six months from the publication required by law, nor shall any decision granting the application become executory until after¹ two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interests of the nation or contrary to any Government announced policies."

Notwithstanding the foregoing provision of law and the fact that pursuant thereto the decision of May 16 was not yet executory, on June 10, 1950, the petitioner was issued a certificate of naturalization and was allowed to take the oath of allegiance; and immediately thereafter, also in violation of said law, the petitioner left the Philippines together with his family and went to Spain to visit his relatives and for medical treatment of his wife. Consequently, on August 21, 1951, upon petition of the Solicitor General, the oath of allegiance and the certificate of naturalization issued in favor of petitioner were cancelled by the court.

After four months stay in Spain, the petitioner returned to the Philippines but did nothing to secure reconsideration of the cancellation of his oath and the revocation of the certificate of naturalization mentioned above; but desirous to become a Filipino citizen, on April 26, 1954, he filed the petition now under consideration, wherein he alleged all the facts he previously averred in his former petition. After due publication and notices to the parties, the new petition was set for hearing and while it was being heard, the Hon. Judge Francisco Arellano presiding the court, upon learning of the previous application and decision rendered in case No. 1462 granting the petitioner Filipino citizenship, suspended the hearing of the present case and suggested to the herein petitioner to file in the former case a motion to revive the previous grant of naturalization. Accordingly, the herein petitioner did file such motion, but it was later on withdrawn because the Hon. Judge Bduardo D. Enriquez who took cognizance thereof opined that the decision rendered in the former case has already been nullified because the certificate of naturalization and the oath of petitioner were cancelled, and rightly, because the petitioner took that oath against the prohibition of Republic Act 530 and left the Philippines immediately thereafter. Then the present case was continued and, after the parties had presented their respective evidence, the Hon. Judge Francisco Arellano dismissed it on the grounds already mentioned above.

The Solicitor General now contends that the lower court erred in declaring in its order of dismissal that the previous decision, dated May 17, 1950, rendered in case No. 1462, is still executory and therefore the present petition is superfluous and unnecessary. It ia argued that the grant of naturalization in favor of petitioner in that case was completely nullified because the petitioner took his oath and left the Philippines immediately after taking it against the prohibition of section 1 of Republic Act 530. We find this contention to be well taken as it is justified by the facts of the ease, for it is an admitted fact that immediately after the decision in case No. 1462 was rendered and without waiting* for the lapse of two years, the petitioner took his oath on June 19, 1950 and immediately thereafter left the Philippines, in violation of the provisions of the aforementioned Act. Accordingly, whatever right or grant the petitioner might have acquired under the aforesaid decision was lost and therefore said case cannot be revived and declared by the lower court to be still valid and executory.

The petitioner, however, prays that, in view of the evidence presented by him during the trial of the case, which, in his opinion, entitles him to a grant of citizenship, he should be declared with right to obtain it in the present case; but as this case stands, we cannot entertain this prayer for the case was dismissed without any finding of facts of the lower court and so we are not in a position to rule whether the evidence or record justifies the grant of the citizenship prayed for by the petitioner. However, taking into consideration all the facts of the case, we believe that the end of justice would be better served by setting aside the order appealed from and remanding the case for further hearing.

Wherefore, the order of dismissal is hereby set aside and the case remanded to the court of origin for further proceedings as above indicated.

Bengzon, Padilla, Montemayor, Reyes, A., Baubista Angelo, Labrador, Conception, and Felix, JJ., concur.

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