

**IN THE MATTER OF THE PETITION OF JIMMY LEE TO BE ADMITTED
A CITIZEN OF THE, PHILIPPINES. JIMMY LEE, PETITIONER AND
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPEL...**

G. R. No. L-15027. January 31, 1964

Ponente: DIZON, J.

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DIZON, J.:

On November 17, 1956, Jimmy Lee, a Chinese national, filed a petition for naturalization with the Court of First Instance of Iloilo (Special Proceedings No. 54), attaching thereto a copy of his declaration of intention to become a Filipino citizen, the original of which was sent, by registered mail, to the Office of the Solicitor General on October 23, 1953; a copy of an order of the Court of First Instance of Iloilo in Special Proceedings No. 1219 authorizing him to change his name from Yip Hap to Jimmy Lee, and the affidavit of his character witnesses.

The Solicitor General, through the City Fiscal of Iloilo, filed an opposition on the general ground that petitioner did not possess all the qualifications requisite for naturalization.

On August 15, 1958, after trial, the Court rendered judgment admitting petitioner to Philippine citizenship upon fulfillment of all the conditions and requisites provided for by law. The same became final and executory for the reason that the Office of the Solicitor General filed the required record on appeal beyond the reglementary period.

Upon a re-examination of the record of the case in his office, the Solicitor General discovered that, although petitioner's declaration of intention appeared to have been sworn to by him and sent to said Office by registered mail on October 23, 1953, the required filing fee of P10.00 was paid only on May 23, 1956 upon demand made on petitioner. In view thereof, the Solicitor General, on October 29, 1958, filed a motion to annul the proceedings in the case on the ground that the one-year jurisdictional requirement provided for in Section 5 of the Naturalization Law, as amended, had not been complied with, because petitioner's declaration of intention was validly filed only on May 23, 1956 when the aforesaid filing fee was remitted, barely 51/2 months prior to the filing of the petition for naturalization. The Court denied the motion in its order of December 6, 1958. Hence, this appeal.

The point raised by the Solicitor General is well taken and should have been sustained by the lower court.

It is not disputed that petitioner's case is one where, according to law, a Declaration of Intention should have been filed with the Office of the Solicitor General at least one year before the filing of the petition for citizenship in court. On the other hand, Section 21 of the Naturalization Law authorizes the Secretary of Justice to issue the necessary regulations for the proper enforcement of said act, while it similarly authorizes the Solicitor General to prepare and furnish the necessary naturalization certificate blanks and other forms required to carry out the provisions of the law, subject to the approval of the Secretary of Justice. One such regulation requires the payment of a filing fee of P10.00 upon the filing of the requisite Declaration of Intention. In this connection, it is not denied that petitioner Lee limited himself to sending his declaration of intention to the Office of the Solicitor

General by registered mail on May 23, 1956, without paying the required filing fee. This obviously was not in compliance with the law and the regulations validly promulgated for the enforcement of its provisions.

We have held heretofore, in pari materia, that if half only of the appellate court's docket fee was deposited and the other half was tendered after the expiration of the period of appeal, no appeal is deemed perfected. (*Lazaro vs. Endencia*, 57, Phil. 552). Stated otherwise, the ruling means that all steps taken by an appellant for purposes of appeal, including the partial payment of the appellate court's docket fee, become of no legal value if the unpaid balance on the latter is not paid before the expiration of the period of appeal. In the light of this ruling, we must conclude that the filing of petitioner's declaration of intention on October 23, 1953 produced no legal effect until the required filing fee was paid on May 23, 1956, that is, about 5½ months before petitioner filed his petition for citizenship on November 17, 1956—obviously not in compliance with the law on the matter.

Wherefore, the order appealed from is set aside. As a result, all proceedings below leading to the rendition of the judgment granting petitioner's application for citizenship are declared null and void. With costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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