

## **IN THE MATTER OF THE PETITION OF ANG PUE (ALIAS VICENTE TAN) TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ANG PUE (ALIAS VICENTE TAN), PETITIONER AND APPELLEE.**

*G. R. No. L-16459. July 26, 1966*

Ponente: DIZON, J.

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### **DIZON, J.:**

Appeal taken by the Republic of the Philippines from the decision of the Court of First Instance of Iloilo in Civil Case Ho. 77 admitting Ang Pue, alias Vicente Tan, to Philippine citizenship, contending that the latter had not complied with the mandatory provisions of Section 2, paragraph 6, of Commonwealth Act No. 473, as amended.

On September 24, 1958, appellee filed his petition for naturalization alleging, among other things, that he was born on September 21, 1920 in Ching kang, China, a citizen of Nationalist China, and arrived in the Philippines on December 1933 on board the vessel "An King"; that he had lived here ever since, and particularly In the City of Iloilo for at least one year immediately preceding the date of the petition; that he was married to "Koo" Siok Tuan, Who wi a resident of 344 Lockhart Road, Hongkong, together with their children, Pedro Ang Ian (alias-Tan Teik Chay), age 17, and Eduardo Ang Tan (alias-Tan Teik Kong), age 13, all born In Ching kang, China; that his two sons never had an opportunity to stay in the Philippines as he came to this country alone.

After due publication of the petition and proper hearing where the City Fiscal of Iloilo, in representation of the Solicitor General, filed an opposition thereto, the court rendered the appealed judgment.

Section 2, paragraph 6 of Commonwealth Act No. 473 provides that an applicant for naturalization must have 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 his residence in the Philippines required of him prior to the hearing of his petition. We have construed this provision to be mandatory so that failure to comply with it constitutes a valid ground for denying the petition (Chan vs. Republic, 90 Phil., 415; Tan vs. Republic, 92 Phil., 915; 49 Off. Gaz. p. 1409). We have further held that the fact that the children of the applicant could not be brought to the Philippines due to the civil war In China or to the strictness of Philippine Immigration Laws do not constitute valid excuses for non-compliance with this requirement (Lian Chua vs. Republic, 48 Off. Gaz. p. 1780; Ng Sin vs. Republic, G. R. No. L-7590, September 29, 1955; Sy Kiap vs. Republic 48 O. G. p. 3362). Moreover, the petition for naturalization itself shows that applicant's son named Pedro Ang Tan was born on October 2, 1941 at Ching kang, China, and that his other son Eduardo was born on September 15, 1945 at the same place. If this is true, it is very doubtful, to say the least, that appellee had truly resided in the Philippines continuously since his arrival In the month of December 1933.

WHEREFORE, the decision appealed from is reversed, with the result that appellee's application for naturalization is dismissed, with costs.

Concepcion C. J., Reyes, J.B.L., Barrera, Regala, Makalintal, Bengzon, J.P., Zaldivar and Sanchez, JJ., concur.

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