

SANTIAGO NG, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-5253. February 22, 1954

Ponente: JUGO, J.

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JUGO, J.:

On October 25, 1949, Santiago Ng filed with the Court of First Instance of Marinduque a petition praying for his naturalization as a Filipino citizen.

The petition was accompanied by the affidavit of Jose Madrigal, Municipal Mayor of Boac, Marinduque, and the affidavit of Filemon Ignacio, Chief of Police of the same municipality, together with two pictures of the petitioner. However, the petition was not accompanied by the declaration of intention to apply for Philippine citizenship presented one year prior to the filing of the petition.

The notice of hearing of the petition had been posted in a conspicuous place in the Capitol Building of Marinduque and published in the newspaper *Nueva Era*, a newspaper of general circulation in said province, on October 31, November 7, and 14, 1949 and in the *Official Gazette* in October, November and December, 1949.

The petition was called for hearing on September 8, 1950, at 9:10 a.m. No opposition was filed, except that of the Provincial Fiscal, which was presented on September 13, 1950.

At the hearing it was established that the petitioner was born on May 28, 1927, at Boac, Marinduque, Philippines, his father being Ng Kin and his mother Ching Kiat, who are still living, both citizens of the Republic of China, the petitioner, therefore, being also a citizen of said country; that the petitioner was 22 years old, single, native and resident of the municipality of Boac, Marinduque, where he had been residing continuously from the time of his birth up to the date of the hearing; that he is of good moral character and believes in the principles underlying the Philippine Constitution; that during his residence he had conducted himself in a proper and irreproachable manner both in his relations with the constituted authorities as well as with the people in the community with whom he mingled; that he has a lucrative and lawful occupation as a trained mechanic; and that he is able to read and write English and Tagalog. He has no children. He has completed the primary and elementary courses and the first and second year high school. After he finished the second year high school he stopped and entered the vocational school known as the National Radio School and Institute of Technology in Manila, Philippines, which is duly recognized by the Philippine Government. He graduated from said school on May 23, 1948, obtaining a diploma.

The Court of First Instance of Marinduque denied his petition on the ground that he had not made declaration of intention to become a Filipino citizen one year before he filed his petition.

The petitioner appealed from said decision, alleging that the trial court erred in not exempting him from the requirement of making his declaration of intention to become a Filipino citizen one year before the filing of his petition by virtue of section 6 of the Naturalization Law, as amended, which among other things, provides as follows:

"Persons exempt from requirement to make a declaration of intention.—Persons born in the Philippines and have received their primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality; and those who have resided continuously in the Philippines for a period of thirty years or more before filing their application, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act. * * *."

It is clear that he has not resided for thirty years in the Philippines. He has finished only the second year of high school.

The question is whether the course that he took in the National Radio School and Institute of Technology is equivalent to the third and fourth year high school. The court below on this point said:

"1. The subjects given in the High School course are entirely different from those given in the vocational school; cultural training is emphasized in the first while scientific and practical training in the second;

"2. The number of unit hours required to finish the first and second year High School is much more than those required in finishing the vocational course.

"The petitioner does not have sufficient knowledge of Philippine history, government and civics.

"In view thereof, the court has come to the conclusion that the vocational course cannot be the equivalent of the third and fourth year High School course. In other words, the petitioner did not complete his secondary education as required by section 6 of the Revised Naturalization Law for exemption from filing a declaration of intention to acquire Philippine citizenship one year before an alien may file a petition for the acquisition of Philippine citizenship by Naturalization."

This Court, in case of *Jesus Uy Yap vs. Republic of the Philippines*, (91 Phil., 89) held as follows:

"Because of petitioner's failure to file his intention to become a citizen of the Philippines, we are constrained to deny his application for naturalization. It would seem rather unfair to do this because outside of his failure to file a declaration of intention, the applicant is clearly entitled to naturalization. According to the findings of the trial court, not impugned by the Government, the applicant was born and raised in the Philippines, resided continuously here up to the time he applied for naturalization, is married to a Filipino, and is now living as a peaceful resident in this country. Besides possessing all the qualifications required of an applicant for naturalization, the evidence shows that during the last war, he clearly identified himself with the Filipinos, even helping in the underground resistance movement. However, the law must be complied with."

The following authorities may be cited:

"* * * It is not within the province of the courts to make bargains with applicants for naturalization. The courts have no choice but to require that there be a full compliance with the statutory provisions" (2 Am. Jr., 577).

"An alien who seeks political rights as a member of this nation can rightfully obtain them only upon terms and conditions specified by Congress. Courts are without authority to sanction changes or modifications; their duty is rigidly to enforce the legislative will in respect of the matters so vital to the welfare" (U. S. vs. Ginsberg,, 243 U. S., 472; 61 L. Ed. 853; 856).

In view of the foregoing, the judgment appealed from is affirmed, with costs against the appellant.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Reyes Bautista Angelo, Labrador, Concepcion, and Diokno, JJ., concur.

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