

**IN THE MATTER, OF THE PETITION OF TIU PENG HONG TO BE
ADMITTED AS CITIZEN OF THE PHILIPPINES. TIU PENG HONG,
PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR ...**

G.R. No. L-8550. January 25, 1956

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

On July 30, 1952, the Court of First Instance of Manila rendered judgment No. 11304 thereof, entitled "In the matter of the petition of Tiu Hong admitted as citizen of the Philippines," granting the petition naturalization said Tiu Peng Hong. Over two years later, or, to be exact, on September 27, 1954, the latter asked that a date be set for the reception evidence pursuant the provisions of Republic Act No. 580. As prayed for, said court receive evidence on October 9, 1954, on which date it thereafter, issued an order declaring that petitioner, had complied with requirements of said Act accordingly, authorizing him to take the corresponding oath of allegiance a naturalized citizen of the Philip Petitioner did so on said date, where corresponding certificate of naturalization in his favor was issued. T later, or on October 1954, he filed a motion praying that his daughter, Tiu Lu—who was a minor at the time of the rendition of said decision of; July 30, but had b of age on March 15, 1953—"be allowed to take her own oath of allegiance, as a confirmation of her intention to continue and retain, he inchoate Philippine citizenship, which was impressed upon her when herein petition his application for naturalization on June 9, 1950." Despite the Solicitor opposition thereto, the court, by an order dated October 28, 1954, granted said motion. The Solicitor General now seeks a review of said order of October 23, 1954.

Petitioner maintains that he became a naturalized citizen of the Philippine the expiration of 30 days from notice of the decision of July 30, 1952,. copy of which was received by the Solicitor General on August 9, 1952, in vi the failure of the Government to appeal therefrom within said period, that, inasmuch as his daughter Tiu Siok Lu, born in Amoy, China, on Ma 15, 1932, was on or about September 9, 1952, a minor, she then automatic became a citizen of the Philippines, pursuant to section 15 of Commonwealth Act No. 473, reading:

"A foreign-born minor child, if, dwelling in the Philippines a of the naturalization of the parent, shall automatically become a Philippine citizen and a foreign-born minor child, who is not in the Philippines a time the parent is naturalized, shall be deemed a Philippine citizen only d minority he begins to reside permanently in the Philippines when s minor, in which will continue to be a Philippine citizen even aft becoming of age."

We find no merit in the theory of the petitioner. Section 2 of Republic A provides that, after finding that the applicant for naturalization, whose a favor a judgment had been rendered, has complied with the requirements of section 1 of said statute, "the order of the court granting citizenship shall be registered and the oath provided by existing laws shall be taken by the applicant, whereupon, and not before, he will be entitled all the privileges of a citizen." It is clear, therefore, that for naturalization becomes a Filipino only upon the taking of his oath of allegiance and not before. In other he does not acquire Phi nationality, by reason of the fact that the decision

granting his application naturalization has become final. The, taking of the of allegiance, in conformity with said section 2, determines the beginning new status regular member of our citizenry.

Secondly, pursuant to section 1 of Republic Act No. 530, no decision granting application for naturalization shall become executory "the provisions of notwithstanding * * * until after two years from its promulgation after court, on proper hearing,* * * is satisfied and so finds that, intervening applicant" has complied with the conditions specified provision. In other the decision in favor of petitioner's application not become executory until October 9, 1954, when the lower court issued its order of such date finding that petitioner had complied with said require of Republic Act No. 530. At,that Tiu Siok Lu was over 22 years of age and, hence, she is not entitled to the benefits of section 15 of Common Act No. 473, according to which, upon the naturalization of her father, hi minor children dwelling in the Philippine automatically become citizens thereof.

Thirdly, the theory of petitioner and appellee would lead to the result that whereas petitioner herein did not become a citizen of the Philippines until October 9, 1954, his daughter—whose claim to citizenship is based.upon the naturalization of her father—would become a citizen of the Philippines o about September 9, 1952, or over 2 years before her father had been naturalized. Hence, the accessory would come into existence long before the principal, upon which it is wholly dependent, had become a legal reality.

It is obvious, therefore, that petitioner's contention cannot be sustained court erred in authorizing the taking of oath by Tiu Siok Lu; and that accordingly, the order appealed from, dated October 23,1954, should be, as hereby, set aside and reversed, with costs against petitioner and appellee. so ordered.

Parás, C. J., Montemayor, Reyes, A., Bautista Angelo, Labrador, Reyes, Endencia, JJ., concur.

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