

**IN THE MATTER OF THE PETITION OF TIU TO KIAT TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, TIU TO KIAT,
PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND APP...**

G.R. NO. L-28169. March 25, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

In the light of the adjudicated cases, hereinafter to be mentioned, it would appear that the Republic had no choice except to file the appeal from a lower court order denying a petition for the cancellation of the certificate of naturalization of petitioner, now appellee Tiu To Kiat. The lower court failed to accede to the plea of the Republic notwithstanding that such petition carefully pointed out the grave jurisdictional defects that vitiated the application, which unaccountably was granted, foremost among which were the failure to state therein his present as well as the former places of residence and the failure to comply with the educational requirement as to the minor children. It is not denied that applicant, now appellee, made mention only of his then residence, the former place of residence being ignored. Thus, the then Solicitor-General, now Associate Justice, Antonio P. Barredo, assisted by Assistant Solicitor-General Bernardo P. Pardo, stressed in his well-written and exhaustive brief what he referred to as its fatal flaw. As set forth therein: "It cannot be disputed that the petition mentioned only the present residence of the applicant * * *, although during the hearing, petitioner disclosed his former places of residence * * *. By such revelation, the lower Court ruled 'this defect of the petition has been cured * * *, [it] unassailably negates any intention of the applicant to conceal his former residences * * * for any ulterior, improper motive.' * * * It was pointed out by the trial Court that 'the omission was just an oversight of his (petitioner's) former counsel * * *,' and that the omitted addresses were known to the Solicitor General, and finally, that this question is not involved in any of the requisites enumerated in Republic Act No. 530 * * *. The ruling is totally erroneous. It is too well settled, as to be conceivably unknown to the lower Court, that failure to state all places where petitioner actually and physically resided is fatal to the application. (Li Siu Liat vs. Republic, L-25356, November 25, 1967)."[1] Without having to pass then on the second jurisdictional infirmity relative to the non-compliance with the educational requirement, this Court cannot sustain the denial of the petition for the cancellation of the certificate of naturalization.

As far back as *Lo vs. Republic*, [2] a 1961 decision, it was held: "Section 7 of the Revised Naturalization Law expressly requires that the petitioner should set forth in his petition, besides his name and surname, 'his present and former places of residence; * * * the approximate date of his or her arrival in the Philippines, the name of the port of debarkation and, if he remembers, the name of the ship on which he came.' The fact that he was able to present evidence proving the above-mentioned facts does not necessarily mean that he has not transgressed the above requirements because his ulterior proof cannot have the effect of curing such transgression. The reason behind such requirement is obvious: said facts are required to be stated in the petition in order that, upon its publication, the public as well as the investigating agencies of our government may be given the needed

opportunity to be informed thereof and voice their objection, if any, to petitioner's desire to become a Filipino citizen. By omitting said facts from the petition the public and said agencies are deprived of such opportunity thereby defeating the purpose of the law. The fact that petitioner presented several clearances from different agencies of the government does not entirely eliminate the possibility of not having been able to cover certain clues that might lead to petitioner's disqualification precisely because of such omission. Hence, the importance of this requirement of the law." [3] In *Koa Gui vs. Republic*, [4] decided a year later, this Court was much more emphatic: "This address is not stated in his petition for naturalization, nor was it mentioned at the trial. Such omission or failure * * * disqualifies him for naturalization." [5] An indication of the gravity of such an omission appears in *De Lara vs. Republic*: [6] "Finally, the petition fails to mention the different places of residence of petitioner in Manila where he studied for sometime, and this is another flaw which seriously affects his claim of citizenship." [7]

Then, to cap it all, in 1964, came *Gaw Ching vs. Republic*. [8] This time, the court indicated the fatal character of such a flaw. As set forth in the opinion of the then Justice, later Chief Justice, Concepcion: "Pursuant to Section 7 of said law (Commonwealth Act No. 473, as amended), an application for naturalization shall state not only petitioner's present but, also, his 'former places of residence.' Petitioner admits that the latter data are not given in his petition herein, but, he alleges that this was due to sheer inadvertence on his part. He, moreover, maintains that such omission should not be considered fatal, for his present residence is No. 699 Asuncion Street, Manila, and his old address was No. 512 of the same street, which, he now claims, is nearby, and, hence, could not have affected materially the investigation that the authorities must have undertaken in connection with the present case. However, this argument is based upon a mere supposition, which, as such, has very little weight." [9] Less than three months later, in *Ong Tai vs. Republic*, [10] this Tribunal, in an opinion by Justice Bautista Angelo, was even more categorical. Thus: "Petitioner stated in his petition that his present place of residence is No. 634 Carvajal Street, Manila, while his former residence was No. 1131 Sta. Elena St., Manila. However, in his immigrant certificate of residence issued to him by the Commissioner of Immigration it appears that he had been a resident of 509 Nueva St., Manila and, on the witness stand, he admitted that he had resided in the latter address from 1940 to 1949, which address he omitted to mention in his petition for naturalization. This failure is fatal as it involves a violation of Section 7 of our Revised Naturalization Law, which requires that a petition for naturalization shall set forth not only the present but also the former places of residence of petitioner. The reason for such requirement is 'to facilitate checking up on the different activities of petitioner bearing on his petition for naturalization (especially as to his qualifications and moral character) either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or investigations thereon.' (*Keng Giok vs. Republic*, L-13347, August 31, 1961). Needless to say, by such omission, petitioner in effect falsified the truth, indicating lack of good moral character on his part, which disqualifies him from admission to Philippine citizenship." [11]

As of the date of the appealed order then, denying the petition for cancellation of the certificate of naturalization of Tiu To Kiat, there are thirty-three cases, including *Ong Tai vs. Republic*, in which such defect is characterized as not only grave but fatal. [12] Since then, there are twenty-six more decisions reiterating such a ruling. [13] It would be to overturn, then, a host of decisions impressive for their number and unanimity for us if we uphold the lower court order. That we are not inclined to do.

WHEREFORE, the appealed order of July 6, 1967 is hereby reversed and set aside. As prayed for by the Republic of the Philippines, the certificate of naturalization No. 3301, issued on February 16, 1963 to petitioner Tiu To Kiat, is hereby cancelled. As a consequence thereof, the decision on his application dated July 30, 1960 and the order dated January 11, 1963 allowing him to take the oath are likewise vacated and set aside, the oath of allegiance administered to petitioner on February 16, 1963 being declared null and void. Petitioner is likewise

required to surrender his certificate of naturalization. No costs.

Zaldivar, (Chairman), Antonio, Fernandez, and Aquino, JJ., concur.

Barredo, J., took no part.

[1] Brief for Oppositor-Appellant, 7.

[2] L-15919, May 19, 1961, 2 SCRA 13.

[3] Ibid, 15.

[4] L-13717, July 31, 1972, 5 SCRA 679.

[5] Ibid, 683. Cf. Ngo Liong Siu vs. Republic, L-18319, May 31, 1963, 8 SCRA 232; Go Bon The vs. Republic, L-16813, Dec. 27, 1963, 9 SCRA 812; Serwani vs. Republic, L-18219, Dec. 27, 1963, 9 SCRA 821; Chieng Yen vs. Republic, L-18885, Jan. 31, 1964, 10 SCRA 180.

[6] L-18203, May 29, 1964, 11 SCRA 123.

[7] Ibid, 126. The petitioner is named Manuel. The next decision to the same effect is Pio de Lara vs. Republic, L-18204, May 29, 1964, 11 SCRA 127.

[8] L-19491, September 30, 1964, 12 SCRA 112.

[9] Ibid, 114.

[10] L-19418, December 23, 1964, 12 SCRA 550.

[11] Ibid, 552.

[12] Ong Tai vs. Republic, L-19418, Dec. 23, 1964, 12 SCRA 550; Ong Ping Seng vs. Republic, L-19575, Feb. 26, 1965, 13 SCRA 249; Tan vs. Republic, L--19694, March 30, 1965, 13 SCRA 434; Cheng vs. Republic, L-20013, March 30, 1965, 13 SCRA 437; Lee Ng Len vs. Republic, L-20151, March 31, 1965, 13 SCRA 532; Ng vs. Republic, L-19646, May 31, 1965, 14 SCRA 207; Yu Ti vs. Republic, L-19913, June 23, 1965, 14 SCRA 382; Lim Uy vs. Republic, L--19916, June 23, 1965, 14 SCRA 396; Tan Nga Kok vs. Republic, L-16767, June 30, 1965, 14 SCRA 537; Uy vs. Republic, L-20208, June 30, 1965, 14 SCRA 596; Yao Long vs. Republic, L-20910, Nov. 27, 1965, 15 SCRA 266; Republic vs. Reyes, L-20602, Dec. 24, 1965, 15 SCRA 538; Pe vs. Republic, L-20375, Jan. 31, 1966, 16 SCRA 99; Yu An Kiong vs. Republic, L-21333, Jan. 31, 1966, 16 SCRA 129; Koa Heng vs. Republic, L-21079, Feb. 28, 1966, 16 SCRA 232; Chan Kiat Huat vs. Republic, L-19579, Feb. 28, 1966, 16 SCRA 243; Go vs. Republic, L-21895, April 29, 1966, 16 SCRA 709; Chang vs. Republic, L-20715, April 29, 1966, 16 SCRA 718; Tan vs. Republic, L-22207, May 30, 1966, 17 SCRA 339; Chi vs. Republic, L-18207, June 20, 1966, 17 SCRA 388; Yu vs. Republic, L-19110, July 30, 1966, 17 SCRA 793; Republic vs. Co Keng, L-19829, July 30, 1966, 17 SCRA 383; Yap vs. Republic, L-19832, Aug. 23, 1966, 17 SCRA 956; Yong Sai vs. Republic, L--20483, Sept. 30, 1966, 18 SCRA 264; Dy Bu Si vs. Republic, L-22076, Oct. 29, 1966, 18 SCRA 580; Tan Tiu vs. Republic, L-21018, Nov. 29, 1966, 18 SCRA 824; Uy Tian Hua vs. Republic, L-20813, Nov. 29, 1966, 18 SCRA 855; Tan vs. Republic, L-22077, Feb. 18, 1967, 19 SCRA 367; Tan Tian vs. Republic, L-19899, March 18, 1967, 19 SCRA 606; Tan Chua vs. Republic, L-22310, April 24, 1967, 19 SCRA 797; Law Tai vs. Republic, L-20623, April 27, 1967, 19 SCRA 852; Syson vs. Republic, L-21199, May 29, 1967, 20 SCRA 268; Ong Chian Suy vs. Republic, L-21739, May 30, 1967, 20 SCRA 302.

[13] Chun Eng Go vs. Republic, L-21054, July 18, 1967, 20 SCRA 679; Ao San vs. Republic, L-21128, Aug. 19,

1967, 20 SCRA 1091; O Ku Phuan vs. Republic, L-23406, Aug. 31, 1967, 20 SCRA 1219; Ho Ngo vs. Republic, L-24335, Nov. 18, 1967, 21 SCRA 967; Tan Khe Shing vs. Republic, L-22390, Feb. 29, 1968, 22 SCRA 896; Chua Bok vs. Republic, L-24286, April 25, 1968, 23 SCRA 209; Yap Puey Eng vs. Republic, L-24805, May 23, 1968, 23 SCRA 681; Cu King Nan vs. Republic, L-20490, June 29, 1968, 23 SCRA 1313; Chua Chu vs. Republic, L-24951, July 20, 1968, 24 SCRA 83; Ng vs. Republic, L-26242, Oct. 25, 1968, 25 SCRA 574; Choa Hai vs. Republic, L-23515, Feb. 27, 1969, 27 SCRA 75; Sy Suan vs., Republic, L-23470, Feb. 28, 1969, 27 SCRA 182; Go Ay Koc vs. Republic, L-23652, April 25, 1969, 27 SCRA 988; Chua Lian Yan vs. Republic, L-26416, April 25, 1969, 27 SCRA 1024; Zabaleta vs. Republic, L-25401, June 30, 1969, 28 SCRA 654; Lim Siong vs. Republic, L--26601, June 30, 1969, 28 SCRA 687; Tan Tiu vs. Republic, L-21558, Jan. 30, 1970; 31 SCRA 124; Guan vs. Republic, L-26196, July 31, 1970, 34 SCRA 22; Choa Tion Chong vs. Republic, L-25608, Aug. 31, 1970, 34 SCRA 540; Dy vs. Republic, L-21958, Sept. 28, 1970, 35 SCRA 65; Yao Mun Tek vs. Republic, L-23383, Jan. 28, 1971, 37 SCRA 55; Chiu Tek Ye vs. Republic, L-22302, Jan. 30, 1971, 37 SCRA 184; Tan vs. Republic, L-28706, Jan. 30, 1971, 37 SCRA 353; Peh Lay Ben vs. Republic, L-22314, May 29, 1971, 39 SCRA 60; Que Tiac vs. Republic, L-20174, Jan. 31, 1972, 43 SCRA 56; Watt vs. Republic, L--20718, Aug. 30, 1972, 46 SCRA 683.

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