

IN THE MATTER OF THE PETITION OF EUSEBIO MANZANO DY CHAN TIAO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. EUSEBIO MANZANO DY CHAN TIAO, PETITIONER AND APPELLEE, VS. REPUBLIC OF...

G.R. No. L-6430. August 31, 1954

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of First Instance of Iloilo approving the petition of Eusebio Manzano Dy Chan Tiao for naturalization. The evidence submitted by petitioner shows that he came to the Philippines on June 10, 1909, and since then has continuously resided in the Philippines; that he is married to Irene Gonzales, with whom he has nine children, namely, Elena, Felipe, Felisa, Ricardo, Lourdes, Loreto, Federico, Virginia, and Teresita, all of whom were born in the Philippines in the years 1927, 1929, 1930, 1933, 1935, 1937, 1938, 1943, and 1946, respectively; that he has enrolled their children in schools recognized by the Government, wherein Philippine Government is taught; that he knows how to speak and write English and Ilongo; that he has lived and mingled with Filipinos; that he has an annual income of more than P3,000 obtained through business; that he believes in organized government, and is opposed to the principle of the necessity of force or violence in asserting the success and predominance of political ideas and principles; and that he is a Catholic, and does not believe in polygamy. In the course of his cross-examination he admitted having another daughter by the name of Fanny Dy, whom he and his wife had brought to China when only two years of age, and who has not come to the Philippines, but has studied in Fusan, Amoy, China, where she has lived since then, but who is now married there (Exhibit 2).

The original opposition of the Solicitor General was based on the ground that the petitioner had not filed a declaration of intention as required by section 5 of the Revised Naturalization Law, and has not complied with the requirement of section 6 thereof as to the education to be received by his children. After trial, in a supplementary opposition, the Solicitor General further opposed the petition on the ground that petitioner is not of good moral character, as he has deliberately omitted the name of one of his children, Fanny Dy, from his application.

The lower court approved the petition over the opposition of the Solicitor General, who now prosecutes this appeal, contending that the petitioner has not given primary and secondary education to all his children in the private schools recognized by the Government, and that petitioner does not, in addition, possess good moral character.

The contention that petitioner has not educated all his children in schools recognized by the Government is well founded. It is admitted by petitioner himself that his daughter Fanny Dy studied in Hosan, Amoy, China (Exhibit 2), where she has always lived since she was brought there at the age of two. She was not, therefore, educated in schools approved or recognized by the Government of the Philippines. The fact that Fanny Dy was outside of the Philippines at the time she was a minor does not excuse her father-applicant from complying with the law as to

her education when she was of school age (*Quing Ku Chay vs. Republic of the Philippines*, 94 Phil. 736). Neither does the fact at the time of the filing of the application she had already reached the age of majority release him from said obligation (*Ibid.*). The petitioner claims exemption from the obligation of filing his declaration of intention under section 6 of the law. This section requires the applicant to have enrolled all his children in public or private schools recognized by the Government. Whereas section 5 requires the applicant to have given education to his minor children of school age (in public or private schools recognized by the Government), such is not the case with an applicant claiming exemption under section 6. Whatever reason may have impelled the Legislature to make a distinction, it is not for us to state. All that we are called upon to do is to apply the law, and since the petitioner claims an exemption from the general rule, the provision should be interpreted strictly against him.

The second ground of opposition to the approval of the petition is also well founded. The application was filed on June 30, 1948. Petitioner made an admission of the existence of his tenth child, Fanny Dy, in an affidavit made by him on September 12, 1948 (Exhibit 2). Petitioner did not amend his application to insert therein this additional child, and neither did he make mention of her until he was forced to admit it on cross-examination. The existence of this child is a material matter in the consideration of his application, as the applicant would have succeeded in proving that he possesses all the requirements of the law had not this matter been elicited at the time of the trial. No explanation has been made why this fact was omitted by petitioner in his application or in his testimony, and the fact that it would disqualify him were it known, is sufficient to destroy the presumption of good faith that would ordinarily be indulged in in his favor. We are not prepared to find the petitioner a man of good moral character, in view of this suppression of a material fact in his application, and we hold that the applicant has not proved that he possesses this moral qualification.

The decision appealed from is, therefore, reversed, and the petition for naturalization denied. With costs against the petitioner.

Paras, C. J., Pablo, Bengzon, Padilla, Reyes, A., Jugo, Bautista, Angelo, Concepcion and Reyes, J. B. L., JJ., concur.

MONTEMAYOR, J., concurs in the result.

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