

HAO LIAN CHU (ALIAS HAO PUSOY), PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-3265. November 29, 1950

Ponente: BENGZON, J.

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BENGZON, J.:

Despite the opposition submitted by the provincial fiscal, the court of first instance of Marinduque approved the petition for naturalization of Hao Lian Chu alias Hao Pusoy, admittedly a Chinese resident in the Philippines for more than forty years.

The Solicitor-General claims error because: (a) Petitioner has not submitted a certificate of the Ministry of Interior of the Chinese Government permitting him to renounce his Chinese nationality and (b) Petitioner has not enrolled all his minor children in Philippine schools as required by law.

The first ground has no merit.[1]

As to the second ground, it appears that of the nine children of petitioner, only one, Magdalena, a minor, has not studied in the Philippines because she has lived from infancy in China; that she is actually enrolled in an English school in Amoy; and that all the other eight children of petitioner have attended public schools and schools, recognized by the Philippine Government.

Paragraph 6, section 2 of the Revised Naturalization Law provides that the 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 * * *".[2] The trial judge declared that as petitioner could not enroll Magdalena in the Philippines, because she was absent and was not under parental care, the requirement of the law as to children's education may be deemed to have been substantially fulfilled.

This court believes that such requirement is important. The legislator evidently holds that all the minor children of an applicant for citizenship must learn Philippine history, government and civics, inasmuch as upon naturalization of their father they ipso facto acquire the privilege of Philippine citizenship.[3] To excuse the applicant from this requirement it must be shown that there was physical impossibility for him to bring Magdalena here[4]—impossibility which has not been shown in this case.

Needless to say, an applicant for naturalization must comply with the requirements and conditions specified by law.

The decision will be reversed and the application for naturalization denied, with costs.

Moran, C.J., Paras, Feria, Pablo, Padilla, Tuason, Montemayor, Reyes, and Jugo, JJ., concur.

[1] Parado vs. Republic of the Philippines, (G. R. No. L-2628, May 6, 1950; 86 Phil., 340).

[2] Commonwealth Act No. 473 as amended by Commonwealth Act No. 535.

[3] See 15, Commonwealth Act 473.

[4] Ad impossibilia nemo tenetur. Nicanor Tan vs. Republic of the Philippines 84 Phil., 829.

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