

IN THE MATTER OF THE PETITION OF MIGUEL CHUN ENG GO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. MIGUEL CHUN ENG GO, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPO...*G.R. No. L-21054. July 18, 1967*

Ponente: ANGELES, J.

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Miguel Chun Eng Go appeals from a decision of the Court of First Instance of Cebu dismissing his petition for admission to Philippine citizenship.

The petition alleges that the petitioner, a subject of Nationalist China, was born in Manila on October 26, 1935; that he has continuously resided in the Philippines for 24 years since birth; that at the time of the filing of the petition, his residence was at No. 71 R.R. Landon St., Cebu City and his former residence was at Sikatuna St., same city; that he is a purchasing agent of a certain company where he derives an income of P2,400.00 a year; that he is single, and can speak and write English and the Cebu-Visayan dialect; that, having been born in the Philippines, he is entitled to the benefit conferred by Section 3 of Commonwealth Act 473, which reduces the 10-year continuous residence requirement under paragraph 2, section 2 of said law to 5 years; that he has all the qualifications for naturalization and none of the disqualifications.

The evidence discloses that at the outbreak of the last World War, when petitioner was about 6 to 7 years of age, he and his family evacuated to D. Jakosalem, then moved to Catmon, and finally to Pakna-an, Mandaw, all of the province of Cebu. After liberation, petitioner resided at Sikatuna Street, Cebu City, but in 1957, he came to Manila as a student in an agricultural school and stayed with his grandparents at Antonio Rivera Street, Manila for four years. Petitioner, however, did not state all of the aforementioned places of former residence in his petition. With regard to residence, only "No. 71 R.R. Landon St.", present residence, and "Sikatuna Street", former residence, were alleged. In view of petitioner's failure to allege all of his former places of residence, the court quashed his petition.

At this instance, petitioner contends that the lower court incurred in error and urges the reversal of the appealed judgment. The Solicitor General, who, in the court below, opposed the petition, now joins the petitioner and recommends the grant of Philippine citizenship.

A careful consideration of the facts and the law has persuaded us to reject the petition and affirm the decision of the trial court. In a petition for naturalization, petitioner should set forth not only his present place of residence but also his "former places of residence". (Section 7, Revised Naturalization Law) The statement of all the places of residence, past and present, is required to inform the general public and to enable it to register its protest through the administrative agencies of the Government, if warranted, against petitioner's desire to embrace citizenship. For petitioner to omit some of his previous residences is to withhold full opportunity for intelligent objection and virtually to defeat the purpose of the law. (Lo vs. Republic, G. R. L-15919, May 19, 1961; Qua vs.

Republic, G. R. L-19834, October 27, 1964; Go vs. Republic, G. R. L-20558, March 31, 1965; Tan vs. Republic, G. R. L-22207, May 30, 1966)

Nor would petitioner be right by his contention that the provision of Section 7 of the Revised Naturalization Law refers merely to legal residence and not to physical or actual residence as well. Bearing in mind the purpose of the law, which is to accord a fair opportunity for protest against naturalization by those who know the applicant, it is not difficult to see that actual or physical residence merits the same importance, if not indeed more, as legal residence. For, in whatever place the applicant establishes his actual residence, there he evinces his conduct and exhibits his acts. The people around him or those with whom he mingles, acquire an intimate knowledge of his genuine personality and become better judges of his fitness for citizenship. On the other hand, legal residence could be the place where the applicant seldom stays. As a gauge of his real self, information yielded by the legal residence could be illusory, for the people in such place may gain but a superficial knowledge of the subject's conduct and activities, which could be just an inkling of a few of the many facets of his life. Considerations such as these have impelled this Court to underscore the importance of alleging the actual or physical residence. "It is important that petitioner's actual, physical residence be likewise set forth and published since information regarding petitioner and objection to his application are apt to be provided by people in his actual physical surrounding." (Qua vs. Republic, supra)

In recommending the grant of citizenship to petitioner, the Solicitor General urges that petitioner, by omitting to state all the places of his former residence, did not falsify the truth or purposely try to conceal vital information concerning his life. To be sure, no such imputations can be hurled at petitioner. However, his failure to state all of his previous residences has deprived the trial court of jurisdiction to hear and decide the case. Differently stated, the inclusion of present and former places of residence in the petition is a jurisdictional requirement, without which the petition suffers from a fatal and congenital defect which cannot be cured by evidence on the omitted matter at the trial. (Vide Lo vs. Republic, supra)

WHEREFORE, finding no error in the decision subject of appeal, the same is hereby affirmed.

Reyes, JBL, Acting C.J., Makalintal, Bengzon, Zaldivar, Sanchez, Ruiz Castro and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., are on official leave.

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