

IN THE MATTER OF THE PETITION FOR ACQUISITION OF FILIPINO CITIZENSHIP BY MARRIAGE AND CANCELLATION OF ALIEN CERTIFICATE OF REGISTRATION. LO BENG HA ONG, PETITIONER-APPELLEE, VS...

G.R. No. L-24503. September 28, 1968

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

Appeal by the Republic of the Philippines from a decision of the Court of First Instance of Camarines Norte, in its Special Proceeding No. 282, the dispositive portion of which decrees as follows:

"WHEREFORE, the Court hereby renders judgment declaring the petitioner Lo Beng Ha a Filipino citizen by reason of her marriage to her Filipino husband, Nelson Ong and ordering the cancellation of the Petitioner's alien certificate of registration."

Petitioner-appellee Lo Beng Ha Ong is the daughter of Chinese parents who are permanent residents of the Philippines. Since her birth, on 1 September 1942, in Daet, Camarines Norte, she has never left the Philippines. She received her elementary and secondary education at Chung Hua High School in Daet and at Chiang Kai Shek High School in Manila, respectively. She had finished two years of study leading to the degree of Bachelor of Science in Education at the University of the East when she stopped on account of her marriage, on 27 June 1964, to a resident of Daet, one Nelson Ong, said to be a natural-born Filipino.[1] She has never been charged for violation of any municipal ordinance or for any criminal offense, is not suffering from any incurable disease, had paid her residence taxes and alien registration fees, speaks English, Tagalog and Bicol, and had mingled with Filipinos (t.s.n., pages 6, 9-10)

Admittedly, she did not file any declaration of intention to become a Filipino citizen; she does not own any real property and has no lucrative calling being a mere housewife, but her husband, Nelson Ong, earns P400 a month (t.s.n., pages 12, 16-17; Appellee's brief, pages 13-15).

On 19 November 1964, Lo Beng Ha Ong filed a petition with the court a quo entitled "In the Matter of the Petition for Acquisition of Filipino Citizenship by Marriage and Cancellation of Alien Certificate of Registration, Lo Beng Ha Ong Petitioner", which was docketed as Special Proceeding No. 282. Upon the filing of the petition, the Court required the local civil registrar and the Commissioner of Immigration to file their opposition, if any they have; set the case for hearing on 7 December 1964; and ordered the publication of the order (Record on Appeal, pages1-7),

The said order, which also cited all persons opposing the petition to appear and show cause why the petition should not be granted, was published in the Manila Daily Bulletin on 23 and 30 November and 7 December 1964 (Exhibit "A").

On 7 December 1964, the Republic filed its opposition and motion to dismiss Trial was held, with the petitioner

offering oral and documentary evidence. Oppositor Republic did not submit any evidence, but cross-examined the witnesses for the petitioner.

On 9 December 1964, the trial court rendered the judgment which is the subject of the present appeal by the Republic.

The main issue involves the interpretation and application of the first paragraph of Section 15 of the Revised Naturalization Law, which provides:

"Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines."

This Court has hitherto ruled that, under the foregoing provision, the marriage of the petitioner-appellee to a Filipino citizen did not automatically confer like citizenship upon her, for to be "deemed a citizen of the Philippines" she must first prove that she is one "who might herself be lawfully naturalized"[2] by showing that she possesses not only the qualifications required by law to become a Filipino citizen by naturalization[3] but also none of the disqualifications[4], even if her husband is a native-born Filipino.[5]

The foregoing rules apply with the same vigor to alien women who were born in the Philippines, such as the appellee, since Section 15 does not distinguish whether the woman referred to therein is native-born or foreign-born, nor whether she is a transient or temporary sojourner or is a permanent resident in this country.

Disregarding procedural questions, we also find that the evidence submitted by petitioner in support of her petition is deficient. She testified that since her birth she has not left the Philippines, which shows a continuous residence of not less than ten years; but her good moral character was not supported by competent and impartial witnesses. Neither did she prove that she is not suffering from the disqualifications under Section 4 of the Revised Naturalization Act, for opposing organized government, defending or teaching the necessity or propriety of violence, etc., for being a polygamist, or for not mingling socially with Filipinos.

Appellee invokes the very fact of her marriage to a Filipino to show the sincerity of her desire to learn and embrace local customs, traditions and ideals but such sincerity is negated by her attendance in the Chiang Kai Shek High School where the enrolment is predominantly Chinese.[6]

Petitioner pleads for a relaxation of the opposite rules and doctrines in her case, arguing that while she is obliged to live with her husband, who resides in the Philippines, she, as an alien, remains subject to deportation, and thus subject to separation from, and denial of the love of her consort. That the naturalization law requires as a qualification ownership of real estate in the Philippines worth not less than five thousand pesos but the Constitution forbids her from acquiring real estate; or that she has to have a lucrative calling but her husband can stop her from the pursuit of her calling. That she is required to prove that she is not disqualified for opposing organized government or for advocating violence for the success and predominance of her ideas when she is but a woman; and that she has to show that she is not a polygamist or a believer in polygamy, yet as a woman polygamy is to her disadvantage.

Appellee's arguments miss the nature of citizenship and the power of the state over it. The provisions of the civil code that she relies upon govern the relations between husband and wife inter se; but the law on citizenship is political in character (*Roa v. Collector of Customs*, 23 Phil. 315), and the national policy is one for selective admission to Philippine citizenship.[7] Citizenship is not a right similar to those that exist between husband and wife or between private persons, but

"x x x is a privilege which a sovereign government may confer on, or withhold from, an alien or grant to him on such conditions as it sees fit, without the support of any reason whatsoever." (3 C. J. S. 834)

FOR THE FOREGOING REASONS, the judgment under appeal is reversed, and the "petition for acquisition of Filipino citizenship" in the court below is ordered dismissed. No costs.

Concepcion, C.J., Sanchez, Angeles, Fernando, and Capistrano, JJ., concur.

Dizon, Zaldivar, Makalintal, and Castro, JJ., did not take part.

[1] Nelson's father, Primo Cabanela, claims to be the illegitimate son of a Chinese father, Ong Chua, and a Filipina mother, Hilaria Cabanela. (Exh."F", t.s.n., 7 December 1964, pages 19 and 21)

[2] Cua v. Board, etc., 101 Phil. 521.

[3] Lee Suan Ay, et al. vs. Galang, et al., 106 Phil. 706.

[4] Ly Giok Ha, et al. vs. Galang, et al., L-21332, 13 March 1966.

[5] Austria, et al. vs. Conchu, L-20716, 22 June 1965.

[6] Li Tong Pek vs. Republic, L-20912, 29 November 1965; Tan Tian vs. Republic, L-19899, 18 March 1967; Chan De vs. Republic, L-25551, 29 May 1968.

[7] Brito, et al. vs. Commissioner, L-16829, 30 June 1965; Co Im Ty vs. Republic, L-17919, 30 July 1966.

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