

**RAMON CHENG QUIOC TOO, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITE AND APPELLANT.***G.R. No. L-9341. December 14, 1956*

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

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Appeal by the Solicitor General from the judgment of the Court of First Instance of Manila in its Civil Case No. 20008, admitting petitioner Ramon Cheng Quioc Too to Philippine citizenship.

The Solicitor General, who opposed the petition below, argues in this appeal that petitioner has not sufficiently proved that he was born in the Philippines and so was not exempt from filing a declaration of intention, since his alleged birth certificate (Exhibit "C"), stands in the name; and that the petition for naturalization was prompted mainly by reasons of business conveniences rather than a desire to live the life of a Filipino. Petitioner, on the other hand, contends that he was really born at 719 Sto. Cristo, Manila on August 24, 1927; that the discrepancy in the name in said birth certificate ;was due only to a mistake on the part of the midwife who, in reporting petitioner's birth, gave the name of a girl, Ching Sui Keng, instead of petitioner's name Cheng Quioc Too, which is the name of a boy; that the date and place of birth appearing on the birth certificate (Exhibit "C") are those of petitioner; and that the names of the parents entered thereon are those of petitioner's parents, and petitioner was their only child.

It also claimed that petitioner discovered the mistake in the entry of his name in his birth certificate only in 1952, when he filed in the Court of First Instance of Manila a petition for the correction of said entry (Civil Case No. 22344), but the decision directing the Local Civil Register to make the necessary correction on petitioner's birth certificate from the reported name of Ching Sui Keng to Cheng Quioc Too (Appendix "A", to Appellee's brief) is now pending in the Court of Appeals upon appeal by the Solicitor General (C. A.-G. R. No. 16688-R).

As we see it, the main obstacle to the grant now of the petition is that to admit petitioner to citizenship as a Philippine born alien would be completely at variance with the official record of births. If it be true that there was error in said records, the petitioner should first take the proper steps to have that error corrected; a naturalization proceeding is not the right action to attain that result, since rectification of official records is an issue foreign to the purpose for which naturalization was established. If, as alleged, petitioner has already asked the Courts to order a correction of the entry in his record of birth, the final action on that petition should be awaited. To grant him naturalization now would be premature.

Wherefore, the decision appealed from is set aside and these proceedings are ordered dismissed, but without prejudice to the petitioner's renewing his application for naturalization after correction or rectification of the official record of his birth, if proper. Without costs. So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, and Felix, JJ., concur.

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