

KIAT CHUN TAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-12494. August 31, 1959

Ponente: BENGZON, J.

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BENGZON, J.:

For the second time, Kiat Chun Tan applies for Philippine citizenship. His first application in 1949 was denied because he had neglected to file with the Office of the Solicitor-General a declaration of intention one year prior to the filing of such application.

This time in 1956, he convinced the Court of First Instance of Sulu that he had all the qualifications and fulfilled all the conditions prescribed by our Naturalization Law. Wherefore, he obtained favorable judgment.

However, the Solicitor-General insists in his objection, because it appears from the testimony of petitioner himself that in spite of being a Chinese subject, he took part in the 1946 elections by casting his vote. Such act constituted an offense under section 56 of the Election Law [1]; and the Solicitor General remembers Leoncio Ho Benluy[2] whose application for citizenship was denied by us in 1953 for violation of exactly the same provision of the Election Law which this present applicant has admittedly violated.

Again, in *Go vs. Republic*, L-12101, January 24, 1959, we held that a Chinese subject who had voted in the previous elections here, was disqualified from naturalization.

The two denials rested on the principle that, having committed serious offenses, the petitioners had failed to conduct themselves "in a proper and irreproachable manner in relation to the government and the community", as required by Commonwealth Act No. 473, sec. 2 as amended, and therefore, had not qualified for admission to Philippine citizenship.

Needless to say, the principle which excluded the above two applicants from naturalization should likewise operate to exclude the petitioner herein; otherwise, a feeling of resentment against our way of administering justice will naturally arise in the breasts of his countrymen *Go* and *Benluy*.

Obviously, realizing his predicament in the light of *Benluy's* non-success, this petitioner attempts, in his brief, a shift of position. "I don't really need to be naturalized, because I am a Filipino" he says, pointing out that his Chinese-Mestizo father had not married his Filipino mother. But his own witness affirmed that his parents had been married; besides he swore in his two petitions that he was a Chinese subject.

Accordingly, the application for naturalization of Kiat Chun Tan is denied, and the appealed decision is reversed, with costs against him.

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

[1] In connection with sees. 183 and 185.

[2] 50 Off. Gaz., 140.

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