

**IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP.
YAP CHIN ALIAS JOSE GO TIANSE, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G. R. No. L-4177. May 29, 1953

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c83eb6e81021/>

TUASON, J.:

This is an appeal by the Provincial Fiscal of Misamis Occidental from an order of the Court of First Instance of that province granting Yap Chin alias Jose Go Tianse's application for naturalization.

The first ground of appeal is that the petitioner has a son of school age, 14 years old, who is now living in China with appellee's mother and so not studying in any Philippine Government-recognized school.

In *Ang Yee Koe Sengkee vs. Republic of the Philippines*,[*] G. R. No. L-3863, December 27, 1951, it was held:

"We have had occasion to rule in several cases of naturalization that the requirement of the Revised Naturalization Law about an applicant for naturalization enrolling all his minor children of school age in any public or private school recognized by the Government where Philippine history, government and civics are taught, is important for the reason that upon naturalization of the father, the children ipso facto acquire the privilege of Philippine citizenship. It is the policy of the Philippine Government to have prospective citizens, children of applicants for naturalization, learn and imbibe the customs, traditions and ideals of the Filipinos as well as their democratic form of government. The fact that all of the children of school age of the appellant are in China or otherwise outside of the Philippines is no valid excuse or reason for noncompliance with this requirement."

In *Francisco Chan Su Hok vs. Republic of the Philippines*,[1] G. R. No. L-3470, November 27, 1951, the court said: "Under that provision (Paragraph 6, Section 2 of the Revised Naturalization Law) it is the duty of the applicant affirmatively to show that he has enrolled all his minor children of school age in one of the schools already mentioned."

But counsel for petitioner believes that this objection was waived, and may not be raised on appeal for the first time. The Solicitor General counters that by the decision of this Court "in the case of *Lim Lian Hong vs. Republic of the Philippines*, G. R. No. L-3575, promulgated on December 26, 1950, any question or ground which may affect or vitiate the purported right or qualifications of the applicant to become a citizen of the Philippines may be invoked at any stage of the proceeding." The Solicitor General also cites *Jesus Uy Yap [2] vs. Republic of the Philippines*, G. R. No. L-4270, May 8, 1952, in which the Court took cognizance of the question, raised for the first time on appeal, regarding the failure of the applicant to file a declaration of intention before presenting his application for Philippine citizenship in the court below.

It was not the duty of the Government to specify the grounds of its opposition. It is not bound in naturalization proceedings by the pleadings relative to the presence or absence of qualifications. Without objection by the Government, it is the duty of an applicant for citizenship affirmatively to establish all the legal requirements, and

the court *motu proprio* may and should deny his application if from his evidence he is found lacking in any of those requirements.

By the same measure, it was incumbent upon the applicant, without any reminder by the opponent, to show by competent proof that it was impossible for him to bring his child to the Philippines, or that it was not through his fault that the child was not in this country, as he now alleges in his brief. As it was, he kept silent about the reason or reasons why this child was still with his grandmother in China. Much as we are impressed by counsel's profession of what the applicant could have proved along this line if he had been expressly called upon to explain, these allegations, unfortunately, are not legal evidence.

The preceding conclusion precludes necessity of passing upon the applicant's alleged deficient ability to write one of the principal Philippine dialects.

The appealed order is reversed and the application under consideration denied, without prejudice, with costs against the appellee.

Paras, C. J., Feria, Pablo, Bengzon, Montemayor, Reyes, Jugo and Bautista Angelo, JJ., concur.

Order reversed.

[*] 90 Phil. 594.

[1] 90 Phil. 415.

[2] 91 Phil. 914.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.