

IN THE MATTER OF THE PETITION OF CHAN HO LAY TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, CHAN HO LAY, PETITIONER-APPELLEE, IS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-26244. October 31, 1969

Ponente: DIZON, J.

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DIZON, J.:

Appeal from an order of the Court of First Instance of La Union of May 16, 1966 (record on appeal, pp. 25-27) denying the motion filed by the Solicitor General, on behalf of the Republic of the Philippines, (a) for the annulment of the decision rendered by said Court in Civil Case No. 21 on September 22, 1959 granting appellee's petition for Philippine citizenship; (b) for the cancellation of the oath of allegiance taken by appellee and of the certificate of naturalization No. 10 issued to him on September 26, 1961, and (c) for the denial of appellee's petition for naturalization filed on February 19, 1958.

The following facts are not disputed:

On February 19, 1958 appellee filed a verified petition for naturalization in the Court of First Instance of La Union. After hearing, said court, under date of September 22, 1959, rendered its decision granting the petition but providing that the same shall not become final and executory until after two years from its promulgation and upon a showing that during the intervening time, petitioner had not left the Philippines; that he had dedicated himself to a lawful calling or profession, and had not been convicted of any offense or violation of government promulgated rules, or committed any act prejudicial to any government announced policy.

On September 14, 1961 appellee filed a motion praying that he be allowed to take his oath as a Filipino citizen and that the corresponding certificate of naturalization be issued to him because he had complied with all the conditions provided by law and the decision of the Court mentioned heretofore. On the 26th of the same month and year, after hearing, the Court issued an order granting the motion and allowing appellee to take his oath of allegiance as a Filipino citizen and, on the same date, the latter took said oath, and the corresponding certificate of naturalization numbered 10 was to him issued by the Clerk of Court.

On February 15, 1966, that is, more than four years later, the Republic filed a motion for the cancellation of appellee's citizenship and of his certificate of naturalization upon the following grounds:

"1, Prior to the filing of this petition, the applicant Chan Ho Lay had previously filed a petition for naturalization, also before this Honorable Court, docketed as Case No. 10. In its decision rendered on January 29, 1952, this Court dismissed the petition because the applicant failed to comply with the requirement of the law on the enrollment of his two children who were of school age, said children then being in China, were not given the required education in the Philippines;

"2. On appeal by the petitioner, the Supreme Court affirmed the ruling of this Court in its decision promulgated

on March 30, 1954 (G. R. No. L-5666). A copy of said Supreme Court decision is hereto attached as Annex 'I' to form an integral part of this motion;

"3. The above decision of the Supreme Court 'constitutes the law of the case' and is binding upon petitioner and all inferior courts (Kabigting vs. Director of Prisons, G. R. No. L-15548, October 30, 1962); it is res judicata as to the matters therein adjudged (Yap Chun vs. Republic, G. R. No. L-18516, January 31, 1964), and the disqualifications found by the Supreme Court cannot be cured by the lapse of time (Yap Chun vs. Republic, supra). A new petition before an inferior court on the same grounds is unjustified (Kabigting vs. Director of Prisons, supra); and settled is the rule that no inferior court can review the decision of the highest Court, alter or modify the same (Kabigting vs. Director of Prisons, supra);

"4. In the petition filed by the applicant in these proceedings, he made untruthful statements of facts and/or concealment of material allegations namely, he omitted to mention the fact that he had two children who were in China at the time of the filing of the petition, namely, Chan Pia Hoy and Chan Hoy Lu, who were born in 1935 and 1936, respectively, according to petitioner's application, or in 1932 and 1933, respectively, according to his testimony, were residing in China where they were born and have been since birth (par. 3, Decision, G. R. No. L-5666, March 30, 1954). These two children were never brought to this country to be educated in Philippine schools as required by law, although they were long past school age, which failure to comply with the educational requirement of the law permanently barred petitioner from acquiring Filipino citizenship (Yap Chun vs. Republic, supra). What is worst, he concealed the fact that his previous application for naturalization was denied by this Court and the denial was duly affirmed by the Supreme Court;

"5. It results that the foregoing misrepresentation of facts and/or concealment of material allegations negated petitioner's claim to good moral character and irreproachable conduct during the entire period of his residence in this country and he was thus disqualified or barred from acquiring citizenship; the false allegations misled the Court to commit an error of law (Bell vs. Attorney General, 56 Phil. 667; Gurbuxani vs. Government, 69 Phil. 280). Fortunately, these were exposed, and the grant of citizenship to petitioner being fraudulent and illegal, is subject to cancellation (Republic vs. Go Bun Lee, G. R. No. L-11499, April 29, 1961; Gan Tsitung vs. Republic, G. R. No. L-20819, Nov. 29, 1965; Republic vs. Hon. Andres Reyes, G. R. No. L-20602, Dec. 24, 1965)."

In his opposition to the motion mentioned above, appellee alleged:

"1. That while it is true that the application for Naturalization, docketed as Case No. 10, was dismissed and that on appeal the decision of the lower Court was affirmed by the Supreme Court, the petitioner filed another on February 19, 1958, docketed as Case No. 21;

"2. That on April 13, 1950 when Naturalization Case No. 10 was filed in Court, the two children, Chan Pia Hoy and Chan Hoy Lu, of the petitioner were only 17 years old and 16 years old, respectively;

"3. That the reason why the said petition for Naturalization docketed as No. 10 was dismissed was that the said two children of the petitioner were not brought to the Philippines and sent to school approved by the government where Philippine History, Government and Civics are taught;

"4. That when Naturalization Case No. 21 was filed on February 19, 1958, Chan Pia Hoy was already 23 years old and Chan Hoy Lu was already 22 years old if both were still living at that time. However, there was evidence adduced during the trial of this Case that the two children, Chan Pia Hoy and Chan Hoy Lu died in China before February, 1958;

"5. That the petitioner did not mention the names of the two children (Chan Pia Hoy and Chan Hoy Lu) in his second petition for Naturalization because according to the petitioner he was reliably informed that his two children in China were already dead, and that is the reason he filed another petition on February 19, 1958;

"6. That there was no misrepresentation and concealment of facts by the petitioner in this case because as a

matter of fact, the petitioner testified on. July 16, 1959 when this case was tried in Court that he was reliably informed by one who came from Hongkong that the two children died in the mainland of China;

"7. That the office of the Solicitor General was ably represented by the Provincial Fiscal of La Union and his first Assistant Fiscal during the trial of this case;

"8. That the decision in this case has long become final and that it should not be disturbed by a mere motion for cancellation of the Certificate of Naturalization otherwise there will be more security and finality of decision in meritorious cases like that of the petitioner."

On May 16, 1966, after hearing the parties, the lower court issued the appealed order, the pertinent portions of which read as follows:

"The bases of the present petition for cancellation filed by the Solicitor General is the alleged failure of Chan Ho Lay to comply with the requirement of the law of enrolling his two children of school age and who are supposed to be in the mainland of China. It appears, however, that at the time Chan Ho Lay filed his second application for naturalization on February 1.9, 1958, the said two children namely, Chan Pia Hoy and Chan Hoy Lu were already dead. And even conceding that two children, Chan Pia Hoy and Chan Hoy Lu are still living, yet they were born in 1935 and 1936, respectively, hence they had already attained the age of majority when Chan Ho Lay filed his second petition on February 19, 1957. So there is no possibility that upon the naturalization of Chan Ho Lay as Filipino citizen, said two children who have no benefit of education in any school recognized by the government teaching Philippine history, government and civics, shall also become ipso facto acquire the privileges of Philippine citizenship.

"Furthermore, it does not positively appear that Chan Ho Lay has fraudulently failed to mention Chan Pia Hoy and Chan Hoy Lu among his second application, they were deceased and had attained the age of majority, and, therefore, there was then no more necessity of mentioning them as his minor children even if they are still alive.

"The Court believes that the motion for reconsideration filed by the Solicitor General is not meritorious as no fraud was committed by the petitioner. As stated in the decision of the Supreme Court, denying the first application of Chan Ho Lay, the ground is the failure of the petitioner applicant to comply with the requirements of the law of sending his children of school age to the public or any of the private schools recognized by the government where Philippine history, civics and government are taught. Sending of minor children of school age is an indispensable requirement because as the Supreme Court said, ' . . . all his minor children . . . must learn Philippine history, government and civics inasmuch as upon the naturalization of their father they ipso facto acquire the privileges of Philippine citizenship.' In other words, there is no danger that said children, namely, Chan Pia Hoy and Chan Hoy Lu, shall ipso facto acquire the privileges of Philippine citizenship even if Chan Ho Lay becomes a naturalized citizen."

In support of its appeal the Republic now contends that the lower court committed the following errors:

"I

THE LOWER COURT ERRED IN GRANTING A NATURALIZATION CERTIFICATE TO PETITIONER ON THE BASIS OF HIS SECOND APPLICATION, AFTER IT DENIED THE FIRST PETITION AND THE DENIAL WAS DULY AFFIRMED BY THE SUPREME COURT (G. R. No. L-5666, March 30, 1954).

II

THE LOWER COURT ERRED IN RULING THAT NO FRAUD WAS COMMITTED BY PETITIONER.

III

THE LOWER COURT ERRED IN NOT CANCELLING PETITIONER'S CERTIFICATE OF NATURALIZATION NO. 10 ISSUED ON SEPTEMBER 26, 1961, BEING NULL AND VOID."

Decisive of the present case is the question of whether or not, upon the record, appellee is guilty of serious misconduct—through acts of commission or omission—in connection with his petition (the second) for naturalization filed on February 19, 1958.

It is a matter of record that on April 13, 1950 appellee had filed his first petition for naturalization (Civil Case No. 10, Court of First Instance of La Union). The same was denied because he had failed, inter alia, to comply with the requirement of the law in connection with the enrollment of two of his children of school age—Chan Pia Hoy, born in 1935, and Chan Hoy Lu, born in 1936—and whom he had never brought to the Philippines from China. It is also clear from the record of said case that in disposing of the reasons relied upon by appellee to explain why such failure on his part should not be considered as a sufficient legal ground for the denial of his petition for citizenship, this Court held that all said reasons were not sufficient to exempt him from the duty to comply with the specific requirement of the law already referred to. Furthermore, this Court expressly found herein appellee to be a person "whose word can not be taken on its face value" because in his verified petition he had alleged that his aforesaid children were born and resided in Bauang, La Union, when, in fact, they were born and had always lived in China (G. R. L-5666, March 30, 1954).

In spite of the fact that he had never denied that he had the two children above-named and that his failure to bring them to the Philippines for the purpose of having them educated here was one of the principal reasons for the denial of his first petition for naturalization, appellee made no mention of them at all in his second petition for naturalization, nor did he mention the fact that he had filed a first petition for naturalization in 1950 and that the same was denied by this Court for the reasons already mentioned before. This lack of sincerity in dealing with a duly constituted court of justice shows that appellee does not possess the required moral integrity that the law justly expects from all applicants for citizenship.

To explain his failure to make a full disclosure of material facts, appellee now claims that his two sons mentioned heretofore were already dead prior to the filing of his second petition for naturalization. This claim does not appear to have been established beyond cavil in these proceedings. But even assuming it to be true, it is our view that the same did not excuse appellee from disclosing the fact of their death knowing as he well knew that his failure to bring them to the Philippines to be educated was precisely one of the principal reasons for the denial of his first petition for citizenship.

Moreover, appellee's failure to allege in his second petition for citizenship that he had previously filed a similar petition and that the same had been denied for cause by our courts, deprived the lower court of pertinent information that would have prompted it to scrutinize the second petition more carefully.

Having arrived at the above conclusion, We find it unnecessary to discuss the other errors allegedly committed by the trial court.

WHEREFORE, the order appealed from is reversed and set aside and, as a consequence, (a) the decision of the lower court of September 22, 1959 granting Philippine citizenship to appellee; (b) its order allowing him to take the oath of allegiance as Filipino citizen; (c) appellee's oath of allegiance, and the certificate of citizenship No. 10 issued to him are hereby set aside and/or cancelled. With costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Teehankee and Barredo, JJ., concur.

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