

IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP. OSCAR ANGLO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-5104. April 29, 1953

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal by the Government from a decision of the Court of First Instance of Negros Occidental, granting the petition for naturalization filed by the petitioner, Oscar Anglo.

It appears that the petitioner is married to Felicisima Navarra, with whom he has four children, namely, Lilian Anglo, born on February 21, 1941; Lete Anglo, born on May 23, 1942; Zoilo Anglo, born on February 27, 1944, and Teddy Anglo, born on June 11, 1946, in Bacolod City. These four children are studying in a private school recognized by the Government, in which Philippine history and civics are taught. The petitioner was, however, first married to a Chinese wife named Ay Yam, already dead, with whom he had two children (twins) named Suy Kiam and Suy Kum, both surnamed Anglo, who are now in China and were born in said country on August 15, 1934.

The first contention of the Solicitor General is that, in view of the fact that petitioner's two children, actually in China, have not been enrolled in any of the public schools or private schools recognized by the Government, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of petitioner's residence in the Philippines, as provided in paragraph 6, section 2 of the Revised Naturalization Law, the petitioner, thus lacking said qualification, is not entitled to acquire Philippine citizenship. This contention is well founded. In the case of *Ang Yee Koe Sengkee vs. Republic of the Philippines*,[*] G. R. No. L-3863, decided on December 27, 1951, we pointed out the reason why the qualification referred to by the Solicitor General is essential. In said case we stated:

"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 schools 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 applicant are in China or otherwise outside of the Philippines is no valid excuse or reason for non compliance with this requirement."

The petitioner, however, claims that he is excused from complying with the requirement to enroll his children who are in China, because there is civil war in said country and the petitioner could not communicate with them. As already stressed in the case above cited, "the fact that all of the children of school age of the applicant are in China or otherwise outside of the Philippines is no valid excuse or reason for noncompliance with this

requirement."

In view of what has been stated, it becomes unnecessary to discuss the other contention of the Solicitor General, that the petitioner had not filed the necessary declaration of intention to become a Filipino citizen.

Wherefore, the appealed decision is reversed and the petition for naturalization filed by the petitioner denied, with costs against the petitioner-appellee. So ordered.

Feria, Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

[*]90 Phil., 594.

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