

IN THE MATTER OF THE PETITION OF ANG YEE KOE SENGKEE TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ANG YEE KOE SENGKEE, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, ...

G.R. No. L-3863. December 27, 1951

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

The Republic of the Philippines represented by the Solicitor-General is appealing from a decision of the Court of First Instance of Manila, granting the application of petitioner-appellee Ang Yee Koe Sengkee for naturalization. The main contention of the Solicitor-General in support of his appeal is that the applicant-appellee is not entitled to naturalization for the reason that contrary to the requirement of the Revised Naturalization Law contained in Section 2, paragraph 6 thereof, he has not enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of the Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum.

The facts in the present case are not controverted. The applicant Ang Yee Koe Sengkee, a Chinese citizen, was born In China In the year 1891. He came to the Philippines in 1902 and since then has resided continuously here, except for brief visits to China In 1906, 1915, 1926, 1929, 1936, and 1947. During his stay in China in 1926 he married Tan Slock Luan and the two returned to the Philippines that same year. In 1929 the couple went to China and there, their eldest child Ang Kian Seng, now 21 years old, was born. The following year the second child Ang Klan Chiong, now 19 years of age, was born also In China. The couple returned to the Philippines in 1930. In the year 1933, the third child Ang Kiang To, was born In Manila. In 1937 the applicant's wife together with, their three children went to live in China where they have been residing up to the present time. It seems that the last child Ang Kian Kock, now 15 years old, was born In China.

The applicant's children, except Ang Kian Seng, the eldest, who is said to have attended the first grade at the Anglo-Chinese School in Manila, have not attended any school, public or private, where Philippine history, government and civics are taught. His excuse for not complying with this requirement of the Revised Naturalization Law is that when his three minor children left the Islands in 1937, they were not yet of school age, and that now, because of the civil war In China and the unsettled conditions obtaining there, It was difficult if not impossible to bring them here. This reason or excuse given by the applicant was considered satisfactory and accepted by the trial court and so the application for naturalization was granted.

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 applicant are in China or otherwise outside of the Philippines is no valid excuse or reason for non-compliance with this requirement.[1]

As regards the claim that because of the unsettled conditions and the civil war in China, the applicant found it difficult if not impossible to bring his children to the Philippines in order to enroll them in the public or private schools here, this Court thru Mr. Justice Pablo said in the case of "En el asunto de la peticion de naturalizacion de Florentine Uy Boco. Florentino Uy Boco, recurrente y apelado, contra Republica Filipinas oppositor and apelante," 47 O.G. 3442, that for us to hold that the last world war would dispense with compliance with the requirement of the Naturalization Law, would be to establish a dangerous precedent.

Besides, as observed by the Solicitor-General, the applicant, despite the alleged chaotic conditions in China, was able to go there in 1947 and return to this country, and he could then have brought his family back with him.

In view of the foregoing, we find that the applicant has not complied with at least one important requirement of the naturalization Law, and that therefore he is not entitled to naturalization. We deem it unnecessary to discuss and pass upon the other errors assigned by the Solicitor-General. With reversal of the decision appealed from, the petition for naturalization is hereby denied, with costs. So ordered.

Paras, C. J., Pablo, Padilla, Tuason and Jugo, JJ., concur.

[1] Hao Lian chu alias Hao Pusoy, vs. Republic of the Philippines, 87 Phil., 668. Lim Lian Hong alias Ignacio Lim Lian Hong vs. Republic of the Philippines, G. R. No. L-3575, December 26, 1950; and Tan Hi vs. Republic of the Philippines, 88 Phil., 117.

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