

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP, MACDUFFIE TAN ALIAS MACARIO ONG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-28706. January 30, 1971

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d8f129de4aab/>

CONCEPCION, C.J.:

Appeal, taken by the Solicitor General, from an order of the Court of First Instance of Agusan, dated February 3, 1966, the dis-positive part of which reads:

"WHEREFORE, the decision granting Philippine citizenship to petitioner Macduffie Tan alias Macario Ong is hereby ordered registered in accordance with Republic Act No. 530. He may now take his oath of allegiance before this court, after which, he shall be entitled to all the rights and privileges of a filipino citizen."

A decision having been rendered by said court, on December 10, 1963, which was amended on January 22, 1964, granting the Peti-tion of Macduffie Tan, alias Macario Ong, for naturalization as citi-zen of the Philippines, he filed, on January 20, 1966, a petition praying that he be allowed to take the corresponding oath of allegiance. This petition was granted by the aforementioned order of February 3, 1966, on which date petitioner took said oath. Hence, this appeal by the Solicitor General.

Upon a review of the records, We find that the appeal is well taken.

In his application for naturalization, petitioner-appellee alleged that "his present place of residence is Butuan City and his former place of residence was Tangub, Misamis Occidental. " It appears, however, and petitioner admits it, that he had, also, resided in the City of Cebu,[1] which fact is not mentioned in his application, in violation of Section 7 of Commonwealth Act No. 473, as, amended. Well settled is the rule that non-compliance with this provision is fatal to the application for naturalization and even affects the jurisdiction of the court to entertain it.[2]

Then, again, according to said application for naturalization, filed on April. 18, 1962, the average annual income of petitioner herein, who is married and then had two (2) children, was P2,400.00 or P200.00 a month. Obviously, he then had, therefore, no lucra-tive employment or occupation. In a manifest attempt to offset this infirmity, he testified, a little over a year later, that his income had leaped to P500.00 a month or P6,000.00 a year; that he had a share of "about P1,900.00" in a real estate left by his deceased father; and that his brother Celestino Tan and their mother had donated their respective shares therein to him, by virtue of an alleged affidavit Exhibit BB, of the alleged donors, dated January 3, 1963, or several months after the filing of petitioner's application. Apart from being obviously suspicious, owing to the relation between them, this alleged donation which is inexistent, for non-compliance with the requirements essential therefor³ - and said increased income do not and cannot affect the present case, inasmuch as the qualifications of an applicant for naturalization are determined as of the date of the

filing of said application.⁴ At any rate, P500.00 a month is not a lucrative income for one who, like petitioner herein, has a wife and three (3) children, a third one having been born before petitioner took the witness stand.⁵

It may not be amiss to advert to the fact, heretofore repeatedly stressed by this Court, that an order granting the petition to take the requisite oath of allegiance of one who had previously obtained a decision favorable to his application, is appealable, and that it is, therefore, improper and illegal to authorize the taking of said oath upon the issuance of said order and before the expiration of the reglementary period to perfect the appeal.⁶

WHEREFORE, the order appealed from is hereby reversed, and this case dismissed, with costs against petitioner Macduffie Tan alias Macario Ong. Moreover, the oath of allegiance taken by him and the certificate of naturalization, if any, issued to him, are null and void, and petitioner is, accordingly, directed to forthwith surrender the aforementioned certificate of naturalization, for its cancellation, to the Clerk of the Court of First Instance of Butuan.

IT IS SO ORDERED.

Reyes, Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.
Makasiar, J., did not take part.

[1] See Exhibits K-1 and K-2.

[2] *Qua v. Republic*, L-19834, Oct. 27, 1964; *Ong Tai v. Republic*, L-19418, Dec. 23, 1964; *Lee Ng Len v. Republic*, L-20151, March 31, 1965; *Go v. Republic*, L-20558, March 31, 1965; *Tan Nga Kok v. Republic*, L-16767, June 30, 1965; *Uy v. Republic*, L-20208, June 30, 1965; *Yao Long v. Republic*, L-20910, Nov. 27, 1965; *Republic v. Reyes*, L-20602, Dec. 24, 1965; *Pe v. Republic*, L-20375, Jan. 31, 1966; *Yu An Kiong v. Republic*, L-21333, Jan. 31, 1966; *Chan Kiat Huat v. Republic*, L-19579, Feb. 28, 1966; *Leoncio Dy v. Republic*, L-20152, Feb. 28, 1966; *Kao Heng v. Republic*, L-21079, Feb. 28, 1966; *Tan Huy Liong v. Republic*, L-21671, Feb. 28, 1966; *Wayne Chang v. Republic*, L-20713, April 29, 1966; *Lim Tan v. Republic*, L-22192, April 30, 1966; *Tan v. Republic*, L-22207, May 30, 1966.

3 "ART. 749. In order the the donation of an immovable may be valid, it must be made in a public document, specifying therein the property donated and the value of the charges which the donee must satisfy.

4 *Ng v. Republic*, L-26242, Oct. 25, 1968; *Cu King Nan v. Republic*, L-20490, June 29, 1968; *Choa Ek Yong v. Republic*, L-21738, March 1, 1968; *Sia Faw v. Republic*, L-24782, Nov. 17, 1967; *Tan vs. Republic*, L-22077, Feb. 18, 1967; *Uy Tian Hua v. Republic*, L-20813, Nov. 29, 1966; *Lim v. Republic*, L-21193, Sept. 30, 1966; *Sia v. Republic*, L-20290, Aug. 31, 1965; *Lee v. Republic*, L-20148, April 30, 1965.

5 *Tan v. Republic*, L-16013, March 30, 1963; *Ng v. Republic*, L-21179, Jan. 22, 1966; *Chua Lian Yan v. Republic*, L-26416, April 25, 1969; *Oh Hek How v. Republic*, L-27429,, Aug. 27, 1969.

6 *Lim Siong v. Republic*, L-26601, June 30, 1969; *Lim v. Republic*, L-21193, Sept. 30, 1966; *Yong Sai v. Republic*, L-20483, Sept. 30, 1966; *Lim v. Republic*, L-20149, Sept. 29, 1966; *Ong So v. Republic*, L-20145, June 30, 1965.

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.