

MELECIO CLARINIO UJANO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-22041. May 19, 1966

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioner seeks to reacquire his Philippine citizenship in a petition filed before the Court of First Instance of Ilocos Sur.

Petitioner was born 66 years ago of Filipino parents in Magsingal, Ilocos Sur. He is married to Maxima O. Ujano with whom he has one son, Prospero, who is now of legal age. He left the Philippines for the United States of America in 1927 where after a residence of more than 20 years he acquired American citizenship by naturalization. He returned to the Philippines on November 10, 1960 to which he was admitted merely for a temporary stay. He owns an agricultural land and a residential house situated in Magsingal, Ilocos Sur worth not less than P5,000.00. He receives a monthly pension of \$115.00 from the Social Security Administration of the United States of America. He has no record of conviction and it is his intention to renounce his allegiance to the U.S.A.

After hearing, the court a quo rendered decision denying the petition on the ground that petitioner did not have the residence required by law six months before he filed his petition for reacquisition of Philippine citizenship. Hence the present appeal.

The court a quo, in denying the petition, made the following comment: "One of the qualifications for reacquiring Philippine citizenship is that the applicant 'shall have resided in the Philippines at least six months before he applies for naturalization' [Section 3(1), Commonwealth Act No. 63]. This 'residence' requirement in cases of naturalization, has already been interpreted to mean the actual or constructive permanent home otherwise known as legal residence or domicile (Wilfredo Uytengsu vs. Republic of the Philippines, 95 Phil., 890; 50 Off. Gaz., 4781). A place in a country or state where he lives and stays permanently, and to which he intends to return after a temporary absence, no matter how long, is his domicile- In other words, domicile is characterized by animus manendi. So an alien who has been admitted into this country as a temporary visitor, either for business or pleasure, or for reasons of health, though actually present in this country cannot be said to have established his domicile here because the period of his stay is only temporary in nature and must leave when the purpose of his coming is accomplished. In the present case, petitioner, who is presently a citizen of the United States of America, was admitted into this country as a temporary visitor, a status he has maintained at the time of the filing of the present petition for reacquisition of Philippine citizenship and which continues up to the present. Such being the case, he has not complied with the specific requirement of law regarding six months residence before filing his present petition."

We can hardly add to the foregoing comment of the court a quo. We find it to be a correct interpretation of Section 3(1) of Commonwealth Act No. 63 which requires that before a person may reacquire his Philippine

citizenship he "shall have resided in the Philippines at least six months before he applies for naturalization." The word "residence" used therein imports not only an intention to reside in a fixed place but also personal presence coupled with conduct indicative of such intention (*Yen vs. Republic*, L-18885, January 31, 1964; *Nuval vs. Guray*, 52 Phil., 645). Indeed,- that term cannot refer to the presence in this country of a person who has been admitted only on the strength of a permit for temporary residence. In other words, the term residence used in said Act should have the same connotation as that used in Commonwealth Act No. 473, the Revised Naturalization Law, even if in approving the law permitting" the reacquisition of Philippine citizenship our Congress has liberalized its requirement by foregoing the qualifications and special disqualifications prescribed therein. The only way by which petitioner can reacquire his lost Philippine citizenship is by securing a quota for permanent residence so that he may come within the purview of the residence requirement of Commonwealth Act No. 63.

Wherefore, the decision appealed from is affirmed. No costs.

Bengzon, C.J., Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar and Sanchez, JJ., concur.

Judgment affirmed.

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