

ANTONIO CHUA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-6269. March 30, 1954

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 Iloilo ordering the admission of the petitioner, Antonio Chua, as a naturalized Filipino citizen.

The only contention raised by the Solicitor General in his brief is that the petitioner has not complied with paragraph 6, section 2, of the Revised Naturalization Law providing that an applicant for naturalization "must have enrolled his minor children of school age in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen." Upon this point, according to the appealed decision, there is evidence to show that petitioner's two minor children died in China in January, 1952, or about four months before the hearing; and this circumstance excused him from complying with the legal requirement. The petitioner makes the further claim that the war in China had prevented him from bringing his children to the Philippines.

As to the effect of the war, it would suffice to make reference to our decision in the case of Oscar Anglo vs. Republic of the Philippines, 92 Phil., 1006, wherein we rejected the contention now insisted upon by the petitioner. Neither may the death of petitioner's two children in China be set up as an exemption, since there was already non-compliance on his part with the requirement to have them enrolled in a local public or private school before their death, and during the entire required period of petitioner's residence in the Philippines prior to the hearing. Such non-compliance was not cured by his children's subsequent death. The case at bar presents an even more unfavorable situation, as far as the petitioner is concerned, than that involved in Anglo vs. Republic of the Philippines, because he appears to have had several occasions to go to and return from China, the last being in 1946.

Wherefore, the appealed decision is reversed and the petitioner's petition for naturalization denied. So ordered.

Pablo, Bengzon, Padilla, Reyes, Jugo, Bautista Angelo, Labrador, and Concepcion, JJ., concur.

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