

IN THE MATTER OF THE PETITION OF CARLOS CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. CARLOS CHUA ALIAS CHUA GUI SENG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES O...

G.R. No. L-4112. August 28, 1952

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization. Carlos Chua, alias Chua Gui Seng, is a chinese citizen born in Amoy, China, on April 12, 1910. He came to the Philippines for the first time on June 18, 1917.

In 1925, he studied in the Arellano High School. He engaged in business as a merchant and opened an establishment known as La Bolda de Oro in Tondo which gives him as annual net income of P10,000. He speaks and writes English and Tagalog.

In 1939, he married one Angelina Regala, a Filipina, with whom he had a child named Carlos Chua Jr. In 1941, a Chinese woman named Ho Kia came to the Philippines at the instance of her father and resided in called Magdalena, Manila. Petitioner had amorous relations with this woman with whom he had a child named Yablo Chua, alias Chua Ching An. Petitioner used to give to this child a monthly pension of P50. On December 19, 1941, Angelina Regala died in her residence in Oroquieta street, Manila, whereas Ho Kia died on December 28, 1941, in St. Luke's Hospital, and since then her child went to live with petitioner.

On January 9, 1943, petitioner married Gloria Inocencio and out of the union five children were born, namely, Diana, Sylvia, Antonio, Corazon and Carmencita, whose ages range from 7 to 1 year old. Pablo is enrolled in the second year High School of the University of Sto. Tomas, while Carlos, Diana and Sylvia are enrolled in St. Theresa's College.

Petitioner is a believer in the principles underlying the Philippine Constitution; he is not opposed to organized government; he has never been convicted of any crime; he is willing to follow the Filipino customs and traditions; he is not suffering from any contagious and incurable disease; and he is willing to renounce his present allegiance to the Republic of China.

The Solicitor General opposed the petition on the following grounds: (1) petitioner has not complied with the requirement of the law regarding declaration of intention to become a Philippine citizen; and (2) petitioner does not have all the qualifications to become a Philippine citizen.

After trial, which took place almost three years after the filing of the petition for naturalization, the court granted the petition, overruling the opposition of the Government, hence this appeal.

There is no dispute about the facts of this case. While the petition alleges that petitioner came to the Philippines on March 2, 1915, from Amoy, China, and has resided continuously in the Philippines for a term of 31 years prior to

the filing of his petition, however, it is a fact established by petitioner himself that he landed in the Philippines for the first time on June 18, 1917, as shown by his landing certificate No. 16706, which was issued on June 21, 1917 (Exhibit A). It follows that petitioner did not have the required residence of 30 years when he filed his petition for naturalization because at that time he had resided in the Philippines only for a period of 29 years.

Now, section 5 of the Revised Naturalization Law specifically provides that "one year prior to the filing of his petition for admission to Philippine citizenship, the applicant for Philippine citizenship shall file with the Bureau of Justice (now Office of the Solicitor General) a declaration under oath that it is his bona fide intention to become a citizen of the Philippines", and the only ones exempt from this requirement are (1) those born in the Philippines and have received their primary and secondary education in any of the schools provided by law, and (2) those who have resided continuously in the Philippines for a period of 30 years or more before filing their petition.

Here there is no dispute that petitioner has not filed any declaration of intention to become a Philippine citizen, and there is no pretense that he comes under any of the two exceptions provided for by law. In the light of our law, therefore, he is not qualified to become a Philippine citizen. Yet, the lower court granted the application upon the theory that he has substantially complied with the requirement regarding residence for the reason that this case has been pending for nearly four years before trial and during that period of time the government had enough opportunity to gather the necessary evidence concerning the qualifications of petitioner. This is now assigned as error by the Solicitor General.

We are of the opinion that the court a quo misinterpreted the real import of the requirement of the law regarding the filing of a declaration of intention by the applicant to become a Philippine citizen one year prior to the filing of his petition for naturalization. While the period of one year that the law fixes for this purpose is intended to give the Government a reasonable time to screen and study the qualifications of an applicant for Philippine citizenship, such is not the only reason for the requirement. There are other reasons that may be invoked, one of them being the necessity to test the sincerity of the intention of the applicant to become a Philippine citizen. It is a means by which his good intention and sincerity of purpose can be gauged. There are cases where persons who have accumulated wealth resort to this means merely to protect their interests and not because of a genuine desire to embrace our citizenship. It is to guard against such design that these restrictions are placed in the law. And so it has been held that this requirement is mandatory, and an absolute prerequisite to naturalization (*Florentino Uy Boco v. Republic of the Philippines*, G.R. No. L-2247, Jan. 23, 1950); and failure to comply with it is reason for reversal of the judgment (*Francisco L. Yu v. Republic of the Philippines*, G.R. No. L-3808, July 29, 1952; *Jesus Uy Yap v. Republic of the Philippines*, G.R. No. L-4270, May 8, 1952).

Having reached this conclusion, we do not deem it necessary to consider the other point advanced by the Solicitor General touching on the lack of qualifications of the applicant to acquire Philippine citizenship.

The decision appealed from is reversed, and the petition is dismissed, with costs against appellee.

This dismissal is without prejudice, as suggested in *Jesus Uy Yap v. Republic of the Philippines*, supra.

Paras, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Labrador, JJ., concur.

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