

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES. TAN CHUA @ CARLOS CUA,
PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLEE.**

G.R. No. L-22310. April 24, 1967

Ponente: CASTRO, J.

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CASTRO, J.:

This is an appeal from an order of the Court of First Instance of Manila, dated October 29, 1963, denying the appellant Tan Chua's petition for naturalization.

Tan Chua alias Carlos Cua, on December 4, 1959, filed a petition for naturalization with the CFI of Manila (CC 42059). On October 15, 1960, after due hearing, the court rendered judgment, declaring that he possesses all the qualifications required by law, and none of the disqualifications, to become a Filipino citizen, and, consequently granted the petition.

On September 19, 1962 the petitioner filed a motion to set his case for final hearing. On June 10 1963 the Solicitor General filed an opposition seeking dismissal of the petition on the grounds that (1) the court has no jurisdiction over the case as the petition omitted to mention the previous addresses of the petitioner, in violation of section 7 of Commonwealth Act 473, as amended; and (2) that the petitioner has not conducted himself in a proper and irreproachable manner during his residence in the Philippines, as he had assumed and used an alias, Carlos Cua, without judicial authority. The court, in its subsequent order of October 29, 1963, denied the petition, upon the grounds relied upon by the Solicitor General, and upon the additional grounds that (1) the petitioner "committed numerous errors both in the writing of English sentences and in Tagalog translation"; and (2) he operated a travel agency from 1956 to January, 1958 without authority to do so, in violation of section 6 of Republic Act 1478 as amended by Republic Act 2627. His motion for reconsideration of the order of dismissal was also denied.

The vital issue posed in this appeal is whether the court a quo erred in denying the petition for naturalization.

The rule is well-settled that a court, at the hearing on a motion to take oath, is not limited to inquiring whether a petitioner for naturalization (1) has left the Philippines for abroad; (2) has dedicated himself continuously to a lawful calling or profession; (3) has not been convicted of any offense or violation of Government promulgated rules; and (4) has not committed any act prejudicial to the interests of the nation or contrary to any Government announced policies (sec. 1, R.A. 530). Upon the contrary, it may inquire into "any question affecting the qualifications of the applicant" (Lim Hok Albano, etc. vs. Republic, L-10912, Oct. 31, 1958, and the cases therein cited; Ong Ching Guan vs. Republic L-15691, March 27, 1961). Indeed, it is likewise settled that the Government is not estopped to question a petitioner's qualifications even after his petition for naturalization has been granted, for unlike final decisions in actions and other court proceedings, a decision or order granting citizenship to an applicant does not really become executory, and, a naturalization proceeding not being a judicial adversary

proceeding, the decision therein is not *res judicata* as to any matter which would support a judgment canceling the certificate of naturalization (*Republic vs. Go Bon Lee*, L-11499, April 29, 1961).

The record shows that the appellant stated in his petition for naturalization only his last place of residence - 757 Ongpin St., Sta. Cruz, Manila, but failed to state his former places of residence, namely, Ilaya St., Tondo, Manila, 1936-1937; Sto. Cristo St., Binondo, Manila, 1937-1945; Clavel St., Binondo, Manila, 1945-1948; 51 Soler St. Sta. Cruz, Manila, 1948-1954; 843 San Fernando St., Manila, 6 Oriente St., Binondo, Manila, 1954-1955; and 534 Ongpin St., Binondo, Manila. His failure to state his previous places of residence in his petition for naturalization is in violation of section 7 of Commonwealth Act 473, a fatal defect that warrants the dismissal of his petition (*Yap vs. Republic*, L-19832, August 23, 1966, and the cases therein cited). Such omission moreover amounts to "falsifying the truth, indicating lack of good moral character which disqualifies him from admission to Philippine citizenship" (*Ong Tai vs. Republic*, L-19418, December 23, 1964). The fact that at the hearing held on September 26, 1960, in his application for clearances to the different investigative agencies before his original petition was heard, and to the same agencies before his petition to take his oath of allegiance was heard, he stated his said former addresses, did not thereby cure this defect (*Lo vs. Republic*, L-15919, May 19, 1961; *Qua vs. Republic*, L-19834, October 27, 1964; *Kao Heng etc. vs. Republic*, L-21079, February 28, 1966; *Yap vs. Republic*, supra.)

The record likewise shows that the appellant used the alias "Carlos Cua" without judicial authority, in violation of section 1 of Commonwealth Act 142, which provides that "Except as a pseudonym for literary purposes, no person shall use any name different from the one with which he was christened or by which he has been known since childhood, or such substitute name as may have been authorized by a competent court," as well as section 2 of the same Act which requires a person "desiring to use an alias or aliases" "to obtain judicial authority" therefor. The use of said alias without judicial authority "hardly speaks well of his (petitioner's) character or his fitness to become a Fili-pino citizen" (*Cosme Go Tian Ana @ Ana vs. Republic*, L-19833, August 31, 1966), indicates that he has not conducted himself properly, and disqualifies him to acquire Philippine citizenship (*Lim Bun vs. Republic*, L-12822, April 26, 1961).

ACCORDINGLY, the order appealed from is affirmed, at petitioner-appellant's cost.

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

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