

TAN KAY KO ALIAS YAP KAY KO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.*G. R. No. L-4353. April 20, 1953*

Ponente: JUGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f1bc5c718b48/>**JUGO, J.:**

On March 20, 1950, Tan Kay Ko alias Yap Kay Ko, filed a petition in the Court of First Instance of Sorsogon for Philippine citizenship. On March 22, 1950, the clerk of court of Sorsogon issued notice of the petition, setting the case for hearing on July 17, 1950. The notice was published in the newspaper *Nueva Era* of general circulation of the province, in its issues of March 17, April 8 and 10, 1950, and in the March, April and May, 1950, issues of the *Official Gazette*. On July 17, 1950, the date of the hearing, the Provincial Fiscal of Sorsogon appeared in behalf of the office of the Solicitor General and objected to the holding of the trial on the ground that the period of six months prescribed by Republic Act No. 530 from the date of the last publication had not yet expired. The court overruled the objection and postponed the hearing of the case to July 29, 1950, when it was actually held. The court below rendered decision on September 8, 1950, granting the application for naturalization of the petitioner. From this decision the Solicitor General appealed.

The petitioner has all the qualification to become a Filipino citizen with the exception of one; to wit, he has not proved that his son Tan Giok, who was eight years old, was enrolled in one of the schools prescribed by the Naturalization Law.

The other issue raised in this appeal is whether the requisites of the Naturalization Law, as amended, with regard to the time of publication of the notice of trial had been complied with. Section 9 of the Naturalization Law, before the amendment, provided that the "hearing shall not be held within ninety day from the date of the last publication of the notice."

The ninety-day period has been increased to six months by Republic Act No. 530, which took effect on June 16, 1950, the pertinent part of which reads as follows:

"Sec. 1. The provisions of existing laws notwithstanding, no petition for Philippine citizenship shall be heard by the courts until after six months from the publication of the application required by law, * * *.

"* * * * *

"This Act shall take effect upon its approval, and shall apply to cases pending in court and to those where the applicant has not yet taken the oath of citizenship: Provided, however, That in pending cases where the requisite of publication under the old law had already been complied with, the publication herein required shall not apply.

"Approved, June 16, 1950."

The present case began to be pending in court on March 20, 1950 when the petition was filed, and it was still pending on June 16, 1950 when the amendatory Republic Act No. 530 took effect. Under the old law, before the

amendment, the trial should have been held ninety days after the date of the last publication. The last publication in the Official Gazette was in May, 1950, which was less than ninety days before July 17, 1950, the date originally set for trial. The last publication in the newspaper Nueva Era was on April 10, 1950, more than ninety days before July 17, 1950. However, it is not necessary to decide whether the period of ninety days should be counted from the last publication in the Official Gazette, or from the last publication in the Nueva Era for the reason that the petition has to be denied on another ground which is, that the petitioner had not enrolled his minor child, above mentioned, in any school prescribed by section 2 of the Naturalization Law.

In view of the foregoing, the decision appealed from is reversed and the application of the appellee denied.

Without costs. So ordered.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, Montemayor, Reyes, Bautista Angelo and Labrador, JJ., concur.

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.