

IN THE MATTER OF THE PETITION OF YU HIANG ALIAS MARIANO YU TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.

G.R. NO. L-8378. March 23, 1956

Ponente: PADILLA, J.

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PADILLA, J.:

The Solicitor General appeals from a degree rendered by the Court of first instance of Rizal granting the petition for naturalization filed by Yu Hiang alias Mariano Yu upon the ground [1] that the petitioner did not make his declaration of intention to become a citizen of the Philippines one year prior to the filling of his petition. The petitioner has not given primary and secondary education to all his children in the public schools or in private school recognized by the Government and not limited to any race or nationality.

The fact that one of the petitioner's children by the name of Yu Pen is in China and has never been to the Philippines shows that he has not enrolled all his minor children of school age in any of the public or private schools recognized by the Government, [1] and that he has not given primary and secondary education to all of them in any of the public or private schools recognized by the Government and not limited to any race or nationality. [2] Such being the case the petitioner is not exempt from making a declaration of intention to become a citizen one year prior to the filling of his petition for naturalization. His petition, therefore, should have been dismissed.[3]

The degree appealed from is reversed, without costs.

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

[1] Paragraph 6, section 2, Com. Act No. 473, as amended by Com. Act No. 535.

[2] Section 6, *supra*.

[3] *Chan Tiao vs. Republic*, G. R. No. L-6430, 31 August 1954. See also *Hao Lian Chu vs. Republic*, 48 Off. GAZ. 1780, *Lim Lian Hung vs. Republic*, G.R. No. L-3575, 26 December 1950; *Tan Hi vs. Republic*, G.R. No. L-3470, 27 November 1951; *Ang Yee Koe Sengkee vs. Republic*, G.R. No. L-3863, 27 December 1951; *Bangon Du vs. Republic*, G.R. No. L-3683, 28 January 1953; *Yu vs. Republic*, G.R. No. L-6036, 19 March 1953; *Co Kai vs. Republic*, G.R. No. L-5461, 17 December 1953; and *Quing Ku Chay vs. Republic*, G.R. No. L-5477, 12 April 1954.

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