

NARCISO CHING, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-15955. October 26, 1961

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

Having appealed from the decision of the Rizal court of first instance that granted the petition for naturalization of Narciso Ching, the Solicitor-General points out that petitioner failed to allege and prove:

- (a) his belief in the principle underlying the Philippine Constitution;
- (b) continuous residence in the Philippines from the date of filing the petition up to the time of his admission to Philippine citizenship.

The Revised Naturalization Law (Commonwealth Act 473) provides that the applicant must be one who is "of good moral character and believes in the principles underlying the Philippine Constitution * * *"[1] The Act also provides that the petition for citizenship must contain "a declaration that he has the qualifications required by this Act specifying the same." [2]

The official form of petitions for naturalization prescribed under sec. 21 of the Naturalization Act reads partly:

"Twelfth.—I believe in the principles underlying the Philippine Constitution. I have conducted myself in a proper and irreproachable manner during the entire period of my residence in the Philippines in my relation with the constituted Government as well as with the community in which I am living. I have mingled socially with the Filipinos, and have evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. I have all the qualifications required under section 2, and none of the disqualifications under section 4, of Commonwealth Act No. 473." (Italics Ours.)

Notwithstanding the above requirements, the petition of Narciso Ching printed on the first pages of the Record on Appeal contains no assertion by the petitioner that "he believes in the principles of the Philippine Constitution." At the hearing of his petition, he made no declaration of such belief. Such assertion and belief are essential.

It is argued by his counsel that inasmuch as applicant had, at the hearing, stated his belief in the ideals of the Filipino people, the omission had been cured. We do not think so. One who desires to become a Filipino citizen must explicitly declare his allegiance to the Philippine Constitution and its principles. We may even be asked, and should be asked, what those principles are—at least, the fundamental ones. In the absence of allegations and competent proof of such belief, courts may not admit applicant to Filipino citizenship.

In this view, we find it unnecessary to go into the other objection of the legal representative of the Government.

The appealed decision is reversed and the petition for naturalization is hereby denied. So ordered.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Paredes, and De Leon, JJ., concur.

[1] Section 2.

[2] Section 7.

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