

PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP, CEZAR LUCHAYCO, ALSO KNOWN AS CESAR LU, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.*G.R. No. L-25814. July 30, 1969*

Ponente: FERNANDO, J.

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The grant of citizenship to Cezar Luchayco is challenged by the Republic of the Philippines in this appeal from a lower court decision of August 9, 1965. The main ground for opposition is the lack of jurisdiction to hear and determine the case, there being a failure to file a declaration of intention on the part of the petitioner, acting on the belief that he was exempt from such a requirement. Such is not the case however, according to the Republic, as there was no showing that he did receive his primary and secondary education in public schools or schools recognized by the Government and not limited to any race or nationality.[1] If such view were to prevail, then a reversal of the lower court decision is called for.

At the hearing of this case, the petitioner, testifying as a witness, declared that he obtained his primary education in Iloilo Chinese Commercial High School which, according to him, was open also to Filipino students.[2] He added that during the time he was a student at such school there were Filipino students who were his classmates with whom he asso-ciated "in class activities, in games, in social activities, excursions, and others." [3] He received his intermediate and secondary education at the Sun Yat Sen High School, whose principal was at the time Kuo Ching Yuan.[4] Again, he did affirm that such a school was open to all students regardless of nationality, religion or race including Filipinos, several of whom were his classmates and with whom he likewise associated in the activities mentioned above.[5]

There was no other testimony regarding his compliance with the statutory requirement to justify his exemption from filing a declaration of intention.[6] There was then a deficiency in proof, fatal in its effects. So it was categorically held in *Lim v. Republic*. [7] Thus: "As stated, the Cebu Chinese High School where applicant Felix Lim completed his primary education is recognized by the Government. No evidence, however, aside from applicant's own testimony, was presented to show that said school is not limited to a particular race or nationality. To our mind, his testimony, unsupported by other competent evidence, is inadequate. The burden is on him to present such competent evidence, he being the claimant of the exemption, and since he failed to do so, he cannot be entitled to the exemption sought. And inasmuch as he filed no declaration of intention, his petition for naturalization must be denied."

The above ruling is foreshadowed by what was held by us in *Lee v. Republic*, [8] where we stressed the following: "Considering that Section 6 of the Naturalization Law expressly requires that to be exempt from filing declarations of intention Philippine-born applicants must, inter alia, have received both primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality; that there is no evidence that the Manila Chinese School (where petitioner received primary education) was not limited

to any race or nationality, but, on the contrary, its name clearly imported that it was limited to Chinese students * * *; and considering that the burden lies on applicant to satisfactorily show that all schools attended by him are not limited to students of a particular nationality, but are regularly attended by a sizeable number of Filipino students from whom applicant could have imbibed Filipino customs and traditions, we agree that petitioner should have filed in due time his declaration of intention, and not having done so, his application was erroneously granted." An excerpt from *Ng v. Republic*[9] is likewise relevant: "Besides, it is now well settled that enrolment in Chinese (or other foreign) school raises the inference that the applicant is subject to a disqualification, namely, failure to evince 'a sincere desire to embrace our customs, traditions and ideals.'"

The case against the grant of citizenship in the light of the foregoing seems to be particularly impressive. As far back as 1950, there has been a rejection of the liberal construction of the above provision of the Naturalization Law.[10] It is easy to understand why. As stated by us in *Guy Co Chia v. Republic*:[11] "This educational requirement is necessary not only to test the sincerity of purpose of petitioner but to give him the proper perspective regarding the ideals and principles of the citizenship he seeks to embrace."

It would be to overturn then an impressive array of decisions previously noted if we were to uphold the lower court. We are not disposed to do so, as we adhere to the basic concept that the grant of citizenship being a highly regarded privilege, there must be a full and strict compliance with the requirements of the law before its benefits can be enjoyed. Under that fundamental postulate and with the lack of evidence to substantiate his claim for exemption from filing a declaration of intention, the petition in this case ought not to have been granted by the lower court. With the view we take of this particular jurisdictional objection, there is no need to inquire into the other grounds of opposition.

WHEREFORE, the decision of August 9, 1965 is reversed. With costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, and Capistrano, JJ., concur.
Teehankee, J., in the result.
Zaldivar and Barredo, JJ., did not take part.

[1] The jurisdiction of the lower court is likewise assailed in this appeal on the ground that the petitioner has not made a full disclosure in his petition for naturalization of all the names by which he is known.

[2] T.s.n., pp. 44-45.

[3] Ibid, p. 45.

[4] Ibid, pp. 46-47.

[5] Ibid, pp. 47-48.

[6] According to the Revised Naturalization Law: "Persons born in the Philippines and have received their primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality, x x x, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act." Commonwealth Act No. 473 as amended by Commonwealth Act No. 535, Section 6 (1940).

[7] 16 SCRA 12 (1966).

[8] L-20151, March 31, 1965. The doctrine was followed in *Uy Chin Hong v. Republic*, 17 SCRA 220 (1966). Cf. *Sia v. Republic*, L-20290, August 31, 1965.

[9] 25 SCRA 574 (1968).

[10] *Uy Boco v. Republic*, 85 Phil. 320 (1950). Cf. *De la Cruz v. Republic*, 92 Phil. 714 (1953).

[11] 10 SCRA 745 (1964).

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