

IN THE MATTER OF THE PETITION OF PERFECTO GOTAUCO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. PERFECTO GOTAUCO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOS...

G.R. No. 10972. May 28, 1958

Ponente: FELIX, J.

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FELIX, J.:

On June 9, 1956, Perfecto Gotaucó filed a petition for naturalization with the Court of First Instance of Manila, alleging, among: others, that he was born in Manila on April 18, 1925, of Chinese parentage; that he was married to Cristina Lim Uy, also a Chinese national, with whom he had one child, Janet Gotaucó, who was born on March 23, 1954; that he received his primary and secondary education at the Anglo-Chinese School and Centre Escolar University and received the degree of Bachelor of Science in Commerce from the Far Eastern University, all of which schools are duly recognized by the Government and not exclusive to any race or nationality and where Philippine history and civics are taught as part of their curricula; that as a salesman of the Laher Spring and Tire Corporation, he derives an average annual income of P2,400.00; that he was a co-owner of 2 parcels of land in Manila with an aggregate assessed value of P19,627.50 which he received by inheritance from his parents; that he had resided continuously in the Philippines since birth or for more than 30 years; that he knew how to speak and write English and the Tagalog dialect; that he believes in the principles underlying the Constitution; had conducted himself in a proper and irreproachable manner in his relations with the Government and the community in which he is living; that he had mingled socially with Filipinos, evincing a sincere desire to learn and embrace the customs, traditions of the Filipinos; that he was not opposed to organized governments nor affiliated with any association or group of persons upholding or teaching doctrines opposed to organized governments; that he was not a polygamist, nor suffering from any contagious disease, neither had he been convicted of any crime involving moral turpitude. Said petition was supported by a joint affidavit executed by Felicísimo Celis and Mauro David vouching for petitioner's qualifications and attesting to his good moral character and behavior.

After the petition was duly published in the Official Gazette and the *Voz de Manila*, a newspaper of general circulation the same was set for hearing. And on May 31, 1956, the Court rendered judgment finding applicant as possessed of all the qualifications and none of the disqualifications specified by law and thus admitted him to Philippine citizenship. From the decision, the representative of the Solicitor General appealed contending that the Court erred in not finding that petitioner has failed to comply with the pre-requisite of filing a declaration of intention in accordance with Section 5 of the Revised Naturalization Law; and, consequently, in granting the petition for naturalization.

There is no controversy as to the fact that petitioner-appellee was born in the Philippines and has continuously resided in this country for a period of more than 30 years, by reason of which he may claim exemption from the filing of a declaration of intention as allowed by Section 6 of the Revised Naturalization Act. The representative of the Solicitor General however, in assailing the validity of the decision of the lower court granting the petition

of Perfecto Gotaucó avers that said exemption may only be availed of where the applicant aside from possessing that residence-requirement also complies with the requisite of giving primary and secondary education to his children. But while this stand finds support in the law as construed by this Court, it is equally true that the aforementioned doctrine is not intended to create an impossibility. In the instant case, appellant's opposition to the admission of applicant to Philippine citizenship although admittedly the latter possesses all the qualifications for the granting of such privilege, is based on the ground that said applicant failed to enroll his children in a public school or private institution duly recognized by the Government. In this connection, We note that at the time the petition for naturalization was filed, petitioner's only child, Janet Gotaucó, was only 2 years, 2 months and 16 days. It certainly needs no presentation of exhaustive argument to envision the ensuing absurd situation were such requirement to be enforced, and it would not only be unjustified but highly unreasonable for Us to require compliance therewith where applicant's failure is for a cause not in any way attributable to him. And this Court has already made itself clear on this question when it held:

"In other words, it is the contention of the oppositor that petitioner is duty bound to file the declaration of intention because he cannot state in the application that he has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality, for that is not the ease with him. This contention is far from being tenable, for counsel for the oppositor forgets that the additional requirement of said Section 6 of the Revised Naturalization Act, 'which establishes that the applicant has given primary and secondary education to all his children in the public schools, etc' refers only to children of school age, as made clear in Section 2, paragraph 6 of said Act" (*Quezon Qng Tan vs. Republic of the Philippines*, G. R. No. L-9683, May 30, 1957, cited in *Yu Neam vs. Republic of the Philippines*, *supra*, p, 677).

Wherefore, the decision appealed from is hereby affirmed, without pronouncement as to costs. It is so ordered.

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

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