

**IN THE MATTER OF THE PETITION OF YU SOON SENG TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES. YU SOON SENG,
PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND...**

G.R.No. 11426. April 29, 1959

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from a decision of the Court of First Instance of Cebu, Hon. Celestino Diez, presiding, denying the application of naturalization of Yu Soon Seng, a Chinese citizen, for failure to file a declaration of intention in accordance with Section 5 of Commonwealth Act 575.

The record discloses and the court a quo found that the applicant has all the qualifications necessary for naturalization and none of the disqualifications provided for by law.

However, he has not filed a declaration of intention to become a Filipino citizen in accordance with the aforesaid section 5 of Commonwealth Act 575. The court below declares that four of the nine children of the applicant have not been given primary and secondary education in the public schools or in private schools recognized by the Government, as required by sections 5 and 6 of aforementioned Act. The four children are Yu Eng, Crisostomo Yu, Cristeta Yu and Teofila Yu. The court found that all of these children are of legal age, have not finished the high school course and neither do they continue studying. For the above reasons, the court denied the application. Hence this appeal.

A review of the evidence submitted shows that Yu Eng was born in China in 1921, and that he was enrolled in the Carcar Elementary School, in Grade II, in the school year 1934-35 (Exhibit H). There is no evidence that he ever finished the elementary school or has ever been enrolled in the high school. Neither has the applicant given any valid reason for excusing him from the obligation of sending this son to study in the elementary and high schools.

Crisostomo Yu born on January 27, 1951 was shown to have enrolled in the second and third years high school in the Southwestern Colleges in 1945-1947, according to a decision of the Court of First Instance of Cebu approving his petition for naturalization (Exhibit HH). It also appears that he married on May 6, 1951 (Id), so for four years before marriage he did not enter school and finish the secondary course.

As to Cristeta Yu, who was born on October 27, 1932, the evidence submitted shows that she is a high school graduate, having finished at the Colegio de San Jose-Recoletos, Cebu City (Exhibit ii). The requirement of the law that this child should have finished high school course is, therefore, complied with.

The fourth child whom the court found not to have studied in the high school is Teofilo Yu. This child was born on December 28, 1929, and appears to have been enrolled in the Carcar Elementary School in the school year 1936-37, when she was about 7 or 8 years old. According to the testimony of the applicant himself she got married when she was in Grade VI. With respect to this child, therefore, the reason for failure of applicant to

comply with the express provision of the law was evidently her marriage.

We conclude from a review of the evidence that the applicant failed at least to comply with the requirements of Sections 5 and 6 of Commonwealth Act No. 575 in respect to two of his children, namely, Yu Eng and Crisostomo Yu, because the first attended school only for one year (1934-1935), Grade II, when he was 13 or 14 years of age, and the second did not attend high school for about four years before his marriage.

Appellant argues that the children who did not complete their elementary and high school education have long been married and have, instead of schooling, worked to support the members of their respective families, and that this circumstance is sufficient to bring the case within the purview of our decision in the case of *Pritchard vs. Republic*, 81 Phil., 244. The evidence presented by applicant himself fails to support his contention.

The above decision sets the rule that an applicant may be exempt from the requirement that he gives his children opportunity to finish primary and secondary education, when there are valid reasons that render it impossible for him to comply with said provision. Applicant in this case failed to present valid reasons why he was not able to give his two children opportunity to finish the elementary and high schools courses. Following our decisions in *Yrostorza vs. Republic*, 83 Phil., 727 and *Manzano Dy Chan Tiao vs. Republic*, 95 Phil., 709, we are constrained to deny the application.

Finding no error in the decision appealed from, the same is hereby affirmed.

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

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