

IN THE MATTER OF THE PETITION OF JESUS J. GO. TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. JESUS J. GO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND A...

G. R. No. 11895. December 29, 1959

Ponente: ENDENCIA, J.

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ENDENCIA, J.:

Appeal from a judgment rendered by the Court of First Instance of Cebu granting Philippine citizenship to petitioner-appellee Jesus J. Go.

Petitioner-appellee is a Chinese citizen, born in Bogó, Cebu; he is single and has acquired his high school education from the Cebu Roosevelt Memorial Colleges; he has finished the course in Pharmacy, but has not taken the Board Examination, he being an alien; he has no lucrative profession, but he has an allowance of P60 from his father. He owns property valued at P6,000 which was donated to him by his grandmother on July 17, 1954, or one week before he filed his application for naturalization. He speaks and writes English and 1; he Cebuano dialect; he believes in the principles underlying the Philippine Constitution and is not opposed to organized government nor affiliated with any association or group of persons who uphold doctrines opposed to all organized government; he does not believe in the necessity or propriety of violence or assassination for the success and predominance of men's ideas; he has never been convicted of any crime involving moral turpitude and is not suffering from any mental alienation or any incurable contagious disease. Seemingly he has all the qualifications required by law and none of the disqualifications for the grant of Philippine citizenship and therefore the decision appealed from should be maintained. But inasmuch as his witness Jesus Varallo testified that the petitioner-appellee mingled politically with the Filipinos and solicited votes of his Filipino friends for the candidate of his preference because he could not himself vote during elections, being an alien, the government appealed contending that under the ruling of this Court in the case of *Benluy vs. Republic of the Philippines*, (94 Phil., 110, 50 Off. Gaz., 142), the decision in question should be reversed.

Section 56 of the Revised Election Code clearly provides that "no foreigner shall aid any candidate, directly or indirectly, or take part in or to influence in any manner any election." Not only in the case *aforecited*, but also in the cases of *Ernesto Go vs. Republic of the Philippines*, G. R. No. L-12101, Jan. 24, 1959; and *Kiat Chun Tan vs. Republic of the Philippines*, *supra* p. 159, we ruled that violation of the Election Law committed by aliens prior to the filing of their application is sufficient cause for not granting them Philippine citizenship, such violation being considered a serious offense penalized under Sections 183 and 185 of the Revised Election Code with imprisonment of not less than one year and one day but not more than five years and deportation in case of a foreigner. The facts proven in the instant case are similar to those involved in the *aforecited* cases. Accordingly the decision of the lower court should be as it is hereby reversed, with costs.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

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