

IN THE MATTER OF THE PETITION OF LIM SIONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. LIM SIONG, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPEL...

G.R.No. 12668. April 30, 1959

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Appeal from a decision of the Court of First Instance of Manila, Hon. Gregorio Narvasa, presiding, denying the application for naturalization of Lim Siong, a native and citizen of China.

The petition for naturalization alleges that the petitioner Lim Siong is a subject of the Republic of China, born in Amoy, China on November 30, 1907; that he came to the Philippines on or about October 22, 1926, about some 29 years before he filed his petition; that he married Tan Chit, also a citizen of China, and with her have 8 children, namely, Lim Sok Chong, Lim Sok Beng, Lily Lim, James Lim, Luis Lim, Nelson Lim, Nancy Lim and Eduard Lim; that he believes in the principles underlying the Constitution, has mingled with Filipinos, and has all the qualifications required in Section 2 of Commonwealth Act No. 473, and none of the disqualifications contained in Section 1 thereof. The petition was set for hearing after due publication, and after trial the court rendered judgment finding that the first two children of the petitioner, namely, Lim Sok Chong and Lim Sok Beng, have finished their elementary education in China and came to the Philippines only in 1948; that said two children were born in China on February 5, 1931 (Lim Sok Chong) and on May 4, 1933 (Lim Sok Beng); that their mother came to the Philippines in 1938, but said two sons were left behind in China and they came to this country only in 1948, after they had completed the elementary grades in China; that the said children enrolled in the Philippine private schools and colleges, but that they have not been enrolled during the entire period of the residence required of the applicant prior to the filing of the petition, i.e., ten years. The court, therefore, held that petition for naturalization must be denied, because the petitioner failed to comply with the requirement of Section 2, par. 6, of Commonwealth Act 473.

The petitioner in this appeal does not question the above findings of the court below, but claims that inasmuch as the two children above-mentioned were enrolled in schools required by law for at least nine years prior to the hearing of the petition and are still studying up to now, the alleged failure of the petitioner to comply with the requirements of the law is neither clear nor apparent; that the provision of law upon which the denial of the petition is based does not require a literal compliance, such as to require that petitioner's children must be enrolled actually during the entire period of 10 years required therein. Authority for this contention is the case of *Pritchard vs. Republic*, 81 Phil., 244.

We have examined said case, and we find that the question therein is whether or not the petitioner had complied with Section 5 of the Naturalization Law, the requirement of which is similar to that of Section 2, par. 6 of the same law. The Court in said case held as follows:

"* * *. The legal provision requiring that the applicant 'has given primary and secondary education to all his children in the private or public schools recognized by the government' should be construed in the sense that, if the applicant has children, and they are of school age, they should be given primary or secondary education in the schools mentioned by the law. The words 'has given' should be interpreted to mean that the children, if of school age, should be given the opportunity of getting primary or secondary education, by their opportune enrollment and attendance in the schools mentioned by the law, but not that both must have completed in said schools both primary and secondary education.* * *."

In the case at bar, the judge did not reject the application because of applicant's failure to have his two children complete studies in Philippine elementary and high schools. It is his failure to enroll them during the entire period of the residence "of 10 years, as required in Section 2, pars. 2 and 6, that was the reason for the denial. The children of the petitioner. above-mentioned were enrolled when at school age in schools in China, and continued to be enrolled therein up to 1948. The requirement of the law is that applicant must enroll his children in Philippine schools when they are of school age and during the period of 10 years. Its evident purpose is to have the children given the training that the country desires of its citizens, so they will become useful members of the country upon their parents' admission. In the case at bar, the foundations of the education of the first two children were obtained in China, not in the Philippines, they having come to this country when they were already 17 and 15 years of age. The petitioner tried to comply with the law upon his children's arrival in 1948, but then only 3 years for the older and 5 years for the younger remained of their school age, or before they Would reach the age of majority, at which time they are supposed more or less to earn their own livelihood and engage in a calling. It is not true, therefore, that there has been a substantial compliance with the requirement of the law, because, from the ages of 7 to 17 and 15, they actually studied in China. Fully ten years of their school age were spent in China, not in the Philippines. For this reason, it can not be said that the law has been substantially complied with, even if we were to be liberal in its application.

The Solicitor General has, aside from the above objection, interposed another, which is that of petitioner's honesty. According to his testimony, the petitioner had an average income in the years 1955 and 1956 at P6,000 a year, but in his income tax he reported only a gross income of P1,982.89 for 1955 and P1,702.11 for 1956. It is of public knowledge that one of the most important problems of this Government is the difficulty of collecting taxes. The failure of the applicant to report his income affects his honesty, to the detriment of the country, he wants to be a citizen of. Section 2, par. 3 of the Naturalization Law requires that an applicant must be of good moral character. Failure of the applicant to enter his true income in his tax returns is conclusive evidence of his lack of honesty, which means lack of good moral character. This fact also renders applicant ineligible for admission as a citizen of the Philippines.

For the foregoing considerations, the decision appealed from is hereby affirmed, not only on the ground stated in the judgment, but also on the additional ground that the applicant does not possess good moral character. With costs. So ordered.

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

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