

CELERINO YU SECO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. 13441. June 30, 1960

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal by petitioner Celerino Yu Seco from the decision of the Court of First Instance of Bulacan dismissing his petition for naturalization on the ground that he had failed to file a declaration of intention.

As found by the Court below, petitioner was born on June 10, 1932, in the municipality of Baliwag, province of Bulacan, of Chinese parents Jose Yu Bundoc and Siu Sio. He is still single, and engaged in the grocery store business in the town of Baliwag with a capital of about P5,000. He is of good moral character and believes in the principles underlying the Philippine Constitution. He has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, both in his relations with the government and with the community in which he lives. He speaks and writes English and Tagalog.

However, the lower court, dismissed petitioner's petition for the reason that he did not file a declaration of intention, as required by Section 5 of the Revised Naturalization Law. The court found that petitioner had not proved that he was exempt from such requirement, in that although he had established that he was born in the Philippines, his exhibits, Exhibits "H" and "I" presented to show that he received his elementary education in the Baliwag Elementary School and secondary education in the Baliwag Institute, refer to "Celerino Yu" and not Celerino Yu Seco y Sio, the name he stated in his petition. In this appeal, petitioner urges that he had sufficiently established that he is the same person named in Exhibits "H" and "I"; and the Solicitor General agrees with him, admits that he is exempt from the requirement of filing a declaration of intention and that his petition should be granted, and did not even file an appellee's brief.

We believe that there is a serious impediment to the validity of these proceedings and to the granting of the petition for naturalization. We note that while petitioner repeatedly asserted at the trial in the court below that his real name is Celerino S. Yu and that he has adopted the name Celerino Yu Seco for no other reason than that he was required by the Bureau of Immigration to use that name in his application for registration as alien, his petition was, however, filed in the name of Celerino Yu Seco and accordingly, the publication of the notice of the filing of said petition shows the name of Celerino Yu Seco as the applicant and not Celerino S. Yu. We think this publication does not afford sufficient notice of the filing of the petition and is misleading to the public. The purpose of the requirement of publication is "to apprise the public of the pendency of the petition so that those who may know of any legal objection to it might come forward with the information in order to determine the fitness of petitioner for Philippine citizenship" (Ng Bui Kui vs. Republic, 104 Phil., 957). If petitioner's true name is Celerino S. Yu, while the notices published give his name as Celerino Yu Seco, persons who might have derogatory information against Celerino S. Yu might not come forward with it in the belief that Celerino S. Yu Seco, the applicant, is some one else. The purpose of the publication would thus be defeated, and the road would be laid open to fraudulent subterfuges through the use of aliases. Most of petitioner's documentary evidence to

show that he is not disqualified for naturalization, like his clearances from the tax, police, Constabulary, NBI and court authorities all refer to Celerino Yu Seco, so that this evidence does not prove that these officials have no record or information that would render Celerino S. Yu unfit or disqualified from being naturalized as Filipino citizen.

We hold that assuming that petitioner is known by both names, Celerino S. Yu and Celerino Yu Seco, he should have made full disclosure by applying for naturalization under both names.

It is thus unnecessary to determine at present whether or not petitioner is exempt of the duty to file a declaration of intention.

Wherefore, the petition is dismissed, without prejudice to petitioner's filing of another application under his true names Celerino S. Yu, alias Celerino Yu Seco. Costs against petitioner.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

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