

**IN THE MATTER OF THE PETITION OF ONG KUE TO BE ADMITTED A
CITIZEN OF THE PHILIPPINES. ONG KUE, PETITIONER AND
APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR
AND APPELL...**

G.R. No. 14550. July 26, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

This is an appeal from a decision of the Court of First Instance of Negros Occidental granting Ong Kue's application for naturalization.

The record shows that applicant Ong Kue, a Chinese citizen who has lived in the Philippines since 1924, applied for citizenship on December 9, 1957 in the court below without having filed a declaration of his intention as provided in section 5 of the Revised Naturalization Law. Finding that the applicant has all the qualifications necessary for naturalization and none of the disqualifications provided for by law, the lower court, on August 16, 1958, rendered a decision granting the application. From that decision the Government has appealed.

Appellant's lone contention, as stated in the Solicitor General's brief, is that applicant is not exempt from filing a declaration of intention which is an absolute prerequisite to naturalization. It is argued that while applicant has continuously resided in the Philippines for more than 30 years before filing his application, he has not, however, complied with the additional requirement of giving primary and secondary education to all his children in the schools prescribed by law, in that two of his 11 children, namely, Ong Pick Du and Ong Eng Soy, have not been shown to have finished secondary education.

There can hardly be any dispute that applicant's two children aforementioned, who were already of age at the time of the filing of the petition for naturalization, have not completed their secondary education. Applicant in his testimony declared that these children studied in high school but he did not testify that they finished their secondary education. What is more, the petition itself alleges in paragraph 9 thereof that Ong Pick Du "had studied her second year high school in the Chinese Commercial School in Iloilo City, Philippines, a school duly recognized by the government where Philippine history, government and civics are taught", while Ong Eng Soy finished his primary and intermediate education in the same school "and had studied for about two years in the Fara-on institute, Sagay, Negros Occidental."

Applicant, however, thru counsel, claims in his brief, as well as in his motion to remand the case to the lower court for reception of additional evidence, which was filed earlier, that he has strong and valid reasons to explain why his two children failed to finish high school. He thus alleges that his daughter Ong Pick Du got married in 1950 thus releasing her from his parental authority, while Ong Eng Soy has been in ill health since 1957 and for that reason had to stop his schooling. In support of these allegations, applicant has submitted the photostatic copy of the marriage contract between Ong Pick Du and Chiu Tiong An, and the medical certificate issued by the Municipal Health Officer of the municipality of Sagay regarding Ong Eng Soy's state of health.

In our opinion, the reasons advanced by applicant for the failure of his two eldest children to finish secondary education, if established or proved to be true, may constitute valid and sufficient reasons to bring the case within the purview of the decision of this Court in the case of *Pritchard vs. Republic* (81 Phil., 244). In that case, this Court has ruled that an applicant may be exempt from the requirement that he give his children opportunity to finish primary and secondary education, when there are valid reasons that render impossible for him to comply with said provision. (See also *Yu Soon Seng vs. Republic*, 105 Phil., 558; 57 Off. Gaz. [25] 4595.) We think it is, therefore, to the best interest of all the parties concerned that this case be remanded to the lower court for the reception of evidence regarding the alleged non-compliance of the educational requirement as provided in section 6 of the Revised Naturalization Law. This is to avoid the necessity of filing a new application and the consequent repetition of the proceedings already had.

Wherefore, the case is ordered remanded to the court of origin and that court is hereby instructed to reopen the hearing and give the parties new opportunity to establish or disprove the existence of circumstances as would justify the alleged non-compliance of the educational requirement provided in the Revised Naturalization Law. So ordered without costs.

Paras, C. J., Bengzon, Montemayor, Labrador, Concepcion, Reyes, Endencia, and Barrera, JJ., concur.

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