

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. TAN TIAM ALIAS J. CHUA KE SENG, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR A...

G.R. No. 14802. May 30, 1961

Ponente: DE LEON, J.

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DE LEON, J.:

In Civil Case No. 28723 of the Court of First Instance of Manila, an order was issued on October 22, 1956 declaring herein petitioner a naturalized citizen of the Philippines and directing him, upon the expiration of two years from notice of the order, to appear before the court and prove that he has complied with all the requirements of the law with respect to his conduct and behaviour during that period, and upon satisfactory proof of such compliance, to be allowed to take and sign in open court the oath of citizenship prescribed by law.

On October 7, 1958, petitioner filed a petition to set a date for his oath-taking, pursuant to Republic Act 530, reciting that the two-year probationary period would expire on October 21, 1958, and on this latter date the petitioner adduced in court evidence to show that he has complied with the provisions of Republic Act 530 which prescribes the requisites before an alien whose petition for naturalization has been granted could be allowed to take his oath of allegiance to the Government and issued his certificate of naturalization as a Filipino citizen.

Cross-examined by a representative of the Solicitor-General upon a document denominated "Contract No. 225" (Exhibit 1-Oath Taking), petitioner admitted that on February 5, 1957, while still a Chinese citizen, he entered into an agreement to sell with the Sta. Mesa Realty, Inc., involving a parcel of land with an area of 248.6 square meters of the Lourdes Subdivision, Sampaloc, Manila, for the total sum of P8,701.00 payable in monthly installments of P103.83 effective March, 1957, and that as of October 2, 1957 he has paid the total sum of P2,920.77. Petitioner further admitted that he had consented to the placing of his citizenship as "Filipino" because the agent who induced him to buy the property allegedly told him that the document was only a private document and before the 10-year period stipulated therein for payment could lapse, petitioner would have become a naturalized Filipino.

In an order, dated October 27, 1958, the court a quo declared that petitioner has not complied with the requirements of Section 1 of Republic Act 530, and so denied his petition to take the oath of allegiance. The case is now before this Court for review of that order.

The primordial question is whether or not the execution by petitioner of the agreement to sell and his consenting to the placing of his nationality as "Filipino" thereon are acts "prejudicial to the interest of the nation or contrary to any Government announced policies," pursuant to Section 1 of Republic Act 530.

The inhibition against acquisition by aliens of private agricultural lands in the Philippines embodied in the Constitution is undoubtedly a government-announced policy. Petitioner's actuations surrounding the execution of

that document are contrary to such a policy and have cast doubt upon his sincerity. He has arrogated unto himself a prized attribute of citizenship which he has not yet possessed.

Upon the execution of the document and payment of the first installment on the purchase price, petitioner as "purchaser" has acquired a right over real property which he can immediately enforce. He can take immediate possession of the land by constructing his house thereon or leasing it to third persons. After ten years, if he fully pays the purchase price, petitioner can, also pursuant to the contract to sell, force his vendor to execute an absolute deed of sale and to register the same in the proper Registry. While it may be true that ownership is transferred to petitioner only after ten years, during which time he expects to have already the status of a naturalized Filipino with all the privileges implicit in said citizenship, he has nevertheless no right to presume that he would be admitted to Philippine citizenship upon the expiration of the two-year intervening time prescribed by law. Republic Act 530 postpones for two years the execution of a decision granting an application for Philippine citizenship only if he proves to the satisfaction of the court the facts required in said law. Strict compliance with the conditions is essential (*Dee Sam vs. Republic of the Philippines*, 53 Off. Gaz., 144). Relaxation of these requirements to meet one's eagerness might lead to abuse and confusion and would sanction falsehood.

Wherefore, the order appealed from is hereby affirmed, with costs.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, and Natividad, JJ., concur.

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