

ALFREDO GARCHITORENA ALIAS DY BOON BENG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.*G.R. No. 15102. April 20, 1961*

Ponente: BAUTISTA ANGELO, J.

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Petitioner seeks Philippine citizenship in a petition filed before the Court of First Instance of Camarines Sur. His petition is supported by character witnesses Jose P. Rodriguez, Mayor of Goa, Camarines Sur, and Teofilo B. Padua, a merchant and proprietor. After presenting his evidence, testimonial as well as documentary, the court found him to possess all the qualifications and none of the disqualifications prescribed by law and, accordingly, ordered that he be issued a certificate of naturalization. The government has appealed.

In its appeal, the government disputes the finding of the trial court that petitioner has all the qualifications prescribed by law for it contends that, as the record shows, he has a child, named Betty, who was born on May 28, 1948, and as such already of school age long before he sought to become a Filipino citizen, and yet he has not sent her to any school recognized by our government as required by our law. It appears, however, that Betty has not attended school because she is a deaf-mute. This appears in a corrected copy of the transcript of the notes submitted by the official stenographer of the court. This also appears in the decision of the trial court. Considering that petitioner is residing in a place where there is no school for deaf and mute children, such failure may be considered justified.

Another contention of the government is that the school where petitioner placed his other child of school age, named William, is not recognized by the Office of Private Education, and so he should be deemed also to have failed to comply with the law regarding educational requirement. In this respect we find that the record, as corrected, shows that the school referred to, which is the Anglo-Chinese School, is one recognized by the Office of Private Education, and so the contention of the government is also devoid of merit.

We notice, however, that while the school adverted to is recognized by the Office of Private Education it does not appear that it is one where Philippine history, government and civics are taught or prescribed as part of its curriculum, as required by section 2, paragraph 6, of Commonwealth Act No. 473. This is a requirement that must be duly established, and since petitioner has failed to do so, he should be deemed to have failed to comply with this educational requirement. Moreover, it appears that said school is denominated "Anglo-Chinese School" which conveys the impression that it is a school exclusively open to foreigners. If this surmise is correct it would appear that petitioner has chosen to place his child in a school not run by Filipinos but in one where those studying therein are not associated with Filipino children. This affects the sincerity of his intention to become a Filipino citizen.

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Bengzon, Acting C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

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