

EDISON SO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 170603. January 29, 2007

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Assailed in this Petition for Review on Certiorari is the Decision[1] of the Court of Appeals (CA) in CA-G.R. CV No. 80437 which reversed the Decision[2] of the Regional Trial Court (RTC) of Manila, Branch 8, in Naturalization Case No. 02-102984. Likewise assailed is the appellate court's Resolution denying the Motion for Reconsideration of its Decision.

Antecedents

On February 28, 2002, petitioner Edison So filed before the RTC a Petition for Naturalization[3] under Commonwealth Act (C.A.) No. 473, otherwise known as the Revised Naturalization Law, as amended. He alleged the following in his petition:

He was born on February 17, 1982, in Manila; he is a Chinese citizen who has lived in No. 528 Lavezares St., Binondo, Manila, since birth; as an employee, he derives an average annual income of around P100,000.00 with free board and lodging and other benefits; he is single, able to speak and write English, Chinese and Tagalog; he is exempt from the filing of Declaration of Intention to become a citizen of the Philippines pursuant to Section 6 of Commonwealth Act (C.A.) No. 473, as amended, because he was born in the Philippines, and studied in a school recognized by the Government where Philippine history, government and culture are taught; he is a person of good moral character; he 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 in his relation with the constituted government as well as with the community in which he is living; he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people; he has all the qualifications provided under Section 2 and none of the disqualifications under Section 4 of C.A. No. 473, as amended; he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments; he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success or predominance of men's ideas; he is not a polygamist or a believer in the practice of polygamy; he has not been convicted of any crime involving moral turpitude; he is not suffering from any incurable contagious diseases or from mental alienation; the nation of which he is a citizen is not at war with the Philippines; it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to China; and he will reside continuously in the Philippines from the time of the filing of the petition up to the time of his admission as citizen of the Philippines. The petition was docketed as Naturalization Case No. 02-102984.

Attached to the petition were the Joint Affidavit[4] of Atty. Artemio Adasa, Jr. and Mark B. Salcedo; and

petitioner's Certificate of Live Birth,[5] Alien Certificate of Registration,[6] and Immigrant Certificate of Residence.[7]

On March 22, 2002, the RTC issued an Order[8] setting the petition for hearing at 8:30 a.m. of December 12 and 17, 2002 during which all persons concerned were enjoined to show cause, if any, why the petition should not be granted. The entire petition and its annexes, including the order, were ordered published once a week for three consecutive weeks in the Official Gazette and also in a newspaper of general circulation in the City of Manila. The RTC likewise ordered that copies of the petition and notice be posted in public and conspicuous places in the Manila City Hall Building.[9]

Petitioner thus caused the publication of the above order, as well as the entire petition and its annexes, in the Official Gazette on May 20, 2002[10] and May 27, 2002,[11] and in Today, a newspaper of general circulation in the City of Manila, on May 25, 2002 and June 1, 2002.

No one opposed the petition. During the hearing, petitioner presented Atty. Adasa, Jr. who testified that he came to know petitioner in 1991 as the legal consultant and adviser of the So family's business. He would usually attend parties and other social functions hosted by petitioner's family. He knew petitioner to be obedient, hardworking, and possessed of good moral character, including all the qualifications mandated by law. Atty. Adasa, Jr. further testified that petitioner was gainfully employed and presently resides at No. 528 Lavezares Street, Binondo, Manila; petitioner had been practicing Philippine tradition and those embodied in the Constitution; petitioner had been socially active, mingled with some of his neighbors and had conducted himself in a proper and irreproachable manner during his entire stay in the Philippines; and petitioner and his family observed Christmas and New Year and some occasions such as fiestas. According to the witness, petitioner was not disqualified under C.A. No. 473 to become a Filipino citizen: he is not opposed to organized government or believes in the use of force; he is not a polygamist and has not been convicted of a crime involving moral turpitude; neither is he suffering from any mental alienation or any incurable disease.[12]

Another witness for petitioner, Mark Salcedo, testified that he has known petitioner for ten (10) years; they first met at a birthday party in 1991. He and petitioner were classmates at the University of Santo Tomas (UST) where they took up Pharmacy. Petitioner was a member of some school organizations and mingled well with friends.[13] Salcedo further testified that he saw petitioner twice a week, and during fiestas and special occasions when he would go to petitioner's house. He has known petitioner to have resided in Manila since birth. Petitioner is intelligent, a person of good moral character, and believes in the principles of the Philippine Constitution. Petitioner has a gainful occupation, has conducted himself in a proper and irreproachable manner and has all the qualifications to become a Filipino citizen.

Petitioner also testified and attempted to prove that he has all the qualifications and none of the disqualifications to become a citizen of the Philippines.

At the conclusion of his testimonial evidence, petitioner offered in evidence the following documents: (1) Certificate of Live Birth;[14] (2) Alien Certificate of Registration;[15] (3) Immigrant Certificate of Residence;[16] (4) Elementary Pupil's[17] and High School Student's[18] Permanent Record issued by Chang Kai Shek College; (5) Transcript of Record issued by the University of Santo Tomas;[19] (6) Certification of Part-Time Employment dated November 20, 2002;[20] (7) Income Tax Returns and Certificate of Withholding Tax for the year 2001;[21] (8) Certification from Metrobank that petitioner is a depositor;[22] (9) Clearances that he has not been charged or convicted of any crime involving moral turpitude;[23] and (10) Medical Certificates and Psychiatric Evaluation issued by the Philippine General Hospital.[24] The RTC admitted all these in evidence.

The RTC granted the petition on June 4, 2003.[25] The fallo of the decision reads:

WHEREFORE, judgment is hereby rendered GRANTING the petition and declaring that petitioner EDISON SO has all the qualifications and none of the disqualifications to become a Filipino citizen and he is hereby admitted as citizen of the Philippines, after taking the necessary oath of allegiance, as soon as this decision becomes final, subject to payment of cost of P30,000.00.

SO ORDERED.[26]

The trial court ruled that the witnesses for petitioner had known him for the period required by law, and they had affirmed that petitioner had all the qualifications and none of the disqualifications to become a Filipino citizen. Thus, the court concluded that petitioner had satisfactorily supported his petition with evidence.

Respondent Republic of the Philippines, through the Office of the Solicitor General (OSG), appealed the decision to the CA on the following grounds:

I.

THE LOWER COURT ERRED IN GRANTING THE PETITION FOR NATURALIZATION DESPITE THE FACT THAT THE TWO (2) CHARACTER WITNESSES, NAMELY: ARTEMIO ADASA, JR. AND MARK SALCEDO WERE NOT QUALIFIED CHARACTER WITNESSES.

II.

PETITIONER IS NOT QUALIFIED TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES.[27]

Respondent contended that based on the evidence on record, appellee failed to prove that he possesses all the qualifications under Section 2 and none of the disqualifications under Section 4 of C.A. No. 473. It insisted that his two (2) character witnesses did not know him well enough to vouch for his fitness to become a Filipino citizen; they merely made general statements without giving specific details about his character and moral conduct.[28] The witnesses did not even reside in the same place as petitioner.[29] Respondent likewise argued that petitioner himself failed to prove that he is qualified to become a Filipino citizen because he did not give any explanation or specific answers to the questions propounded by his lawyer. He merely answered *yes* or *no* or gave general statements in answer to his counsel's questions. Thus, petitioner was unable to prove that he had all the qualifications and none of the disqualifications required by law to be a naturalized Filipino citizen.[30]

On the other hand, petitioner averred that he graduated cum laude from the UST with the degree of Bachelor of Science in Pharmacy. He is now on his second year as a medical student at the UST Medicine and Surgery. He avers that the requirements for naturalization under C.A. No. 473, as amended by LOI 270, in relation to Presidential Decree Nos. 836 and 1379, had been relaxed after the Philippine government entered into diplomatic relations with the People's Republic of China; the requirements were further relaxed when Republic Act (R.A.) No. 9139 was signed into law.[31] Petitioner pointed out that the petition, with all its annexes, was published in the official gazette and a newspaper of general circulation; notices were likewise sent to the National Bureau of Investigation, Department of Justice, Department of Foreign Affairs, and the OSG. But none from these offices came forward to oppose the petition before the lower court.[32] Petitioner insisted that he has all the qualifications and none of the disqualifications to become Filipino. This was clearly established by his witnesses.

In its Reply Brief, respondent alleged that R.A. No. 9139 applies to administrative naturalization filed with the Special Committee on Naturalization. It insisted that even in the absence of any opposition, a petition for naturalization may be dismissed.

In its Decision[33] dated August 4, 2005, the CA set aside the ruling of the RTC and dismissed the petition for naturalization without prejudice.[34] According to the CA, petitioner's two (2) witnesses were not credible because they failed to mention specific details of petitioner's life or character to show how well they knew him; they merely "parroted" the provisions of the Naturalization Act without clearly explaining their applicability to petitioner's case.[35] The appellate court likewise ruled that petitioner failed to comply with the requirement of the law that the applicant must not be less than 21 years of age on the day of the hearing of the petition; during the first hearing on December 12, 2002, petitioner was only twenty (20) years, nine (9) months, and twenty five (25) days old, falling short of the requirement.[36] The CA stated, however, that it was not its intention to forever close the door to any future application for naturalization which petitioner would file, and that it believes that he would make a good Filipino citizen in due time, a decided asset to this country.[37]

Petitioner's motion for reconsideration[38] was denied in a Resolution[39] dated November 24, 2005; hence, the present petition grounded on the sole issue:

WHETHER OR NOT THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR WHEN IT REVERSED THE DECISION OF THE REGIONAL TRIAL COURT OF MANILA.[40]

In support of his petition, petitioner reiterates the arguments he set forth in the Brief filed before the CA.

In its Comment[41] on the petition, respondent countered that R.A. No. 9139 (which took effect on August 8, 2001 and where the applicant's age requirement was lowered to eighteen (18) years old), refers only to administrative naturalization filed with the Special Committee on Naturalization; it does not apply to judicial naturalization before the court, as in the present case.[42] Respondent, through the OSG, avers that its failure to oppose the petition before the court a quo does not preclude it from appealing the decision of the RTC to the CA; it is even authorized to question an already final decision by filing a petition for cancellation of citizenship.[43] Lastly, respondent reiterates its argument that petitioner's character witnesses are not qualified to prove the former's qualifications.

In determining whether or not an applicant for naturalization is entitled to become a Filipino citizen, it is necessary to resolve the following issues: (1) whether or not R.A. No. 9139 applies to petitions for naturalization by judicial act; and (2) whether or not the witnesses presented by petitioner are "credible" in accordance with the jurisprudence and the definition and guidelines set forth in C.A. No. 473.

The petition is denied for lack of merit.

Naturalization signifies the act of formally adopting a foreigner into the political body of a nation by clothing him or her with the privileges of a citizen.[44] Under current and existing laws, there are three ways by which an alien may become a citizen by naturalization: (a) administrative naturalization pursuant to R.A. No. 9139; (b) judicial naturalization pursuant to C.A. No. 473, as amended; and (c) legislative naturalization in the form of a law enacted by Congress bestowing Philippine citizenship to an alien.[45]

Petitioner's contention that the qualifications an applicant for naturalization should possess are those provided for in R.A. No. 9139 and not those set forth in C.A. No. 473 is barren of merit. The qualifications and disqualifications of an applicant for naturalization by judicial act are set forth in Sections 2[46] and 4[47] of C.A. No. 473. On the other hand, Sections 3[48] and 4[49] of R.A. No. 9139 provide for the qualifications and disqualifications of an applicant for naturalization by administrative act.

Indeed, R.A. No. 9139 was enacted as a remedial measure intended to make the process of acquiring Philippine citizenship less tedious, less technical and more encouraging.[50] It likewise addresses the concerns of degree holders who, by reason of lack of citizenship requirement, cannot practice their profession, thus promoting

for the Philippines.[51] These however, do not justify petitioner's contention that the qualifications set forth in said law apply even to applications for naturalization by judicial act.

First. C.A. No. 473 and R.A. No. 9139 are separate and distinct laws the former covers all aliens regardless of class while the latter covers native-born aliens who lived here in the Philippines all their lives, who never saw any other country and all along thought that they were Filipinos; who have demonstrated love and loyalty to the Philippines and affinity to the customs and traditions.[52] To reiterate, the intention of the legislature in enacting R.A. No. 9139 was to make the process of acquiring Philippine citizenship less tedious, less technical and more encouraging which is administrative rather than judicial in nature. Thus, although the legislature believes that there is a need to liberalize the naturalization law of the Philippines, there is nothing from which it can be inferred that C.A. No. 473 was intended to be amended or repealed by R.A. No. 9139. What the legislature had in mind was merely to prescribe another mode of acquiring Philippine citizenship which may be availed of by native born aliens. The only implication is that, a native born alien has the choice to apply for judicial or administrative naturalization, subject to the prescribed qualifications and disqualifications.

In the instant case, petitioner applied for naturalization by judicial act, though at the time of the filing of his petition, administrative naturalization under R.A. No. 9139 was already available. Consequently, his application should be governed by C.A. No. 473.

Second. If the qualifications prescribed in R.A. No. 9139 would be made applicable even to judicial naturalization, the coverage of the law would be broadened since it would then apply even to aliens who are not native born. It must be stressed that R.A. No. 9139 applies only to aliens who were born in the Philippines and have been residing here.

Third. Applying the provisions of R.A. No. 9139 to judicial naturalization is contrary to the intention of the legislature to liberalize the naturalization procedure in the country. One of the qualifications set forth in R.A. No. 9139 is that the applicant was born in the Philippines and should have been residing herein since birth. Thus, one who was born here but left the country, though resided for more than ten (10) years from the filing of the application is also disqualified. On the other hand, if we maintain the distinct qualifications under each of the two laws, an alien who is not qualified under R.A. No. 9139 may still be naturalized under C.A. No. 473.

Thus, absent a specific provision expressly amending C.A. No. 473, the law stands and the qualifications and disqualifications set forth therein are maintained.

In any event, petitioner failed to prove that the witnesses he presented were competent to vouch for his good moral character, and are themselves possessed of good moral character. It must be stressed that character witnesses in naturalization proceedings stand as insurers of the applicant's conduct and character. Thus, they ought to testify on specific facts and events justifying the inference that the applicant possesses all the qualifications and none of the disqualifications provided by law.[53]

Petitioner's witnesses, Atty. Adasa and Salcedo, did not testify on his specific acts; they did not elaborate on his traits. Their testimonies do not convince the Court that they personally know petitioner well and are therefore in a position to vouch for his qualifications. As correctly found by the CA, the witnesses' testimonies consisted mainly of general statements in answer to the leading questions propounded by his counsel. What they conveniently did was to enumerate the qualifications as set forth in the law without giving specific details. The pertinent portion of Atty. Adasa's testimony follows:

q Do you know the petitioner Edison So?

a Yes, Sir.

q Will you please tell us how did you come to know him?

a Well I came to know him[,] the petitioner[,] when I was the legal consultant and adviser of their family business and I used to ah (sic) me[e]t him during my visit to their place way back in 1991 to 1992.

q From that day of 1991 up to the present, is your relationship with the petitioner more or less contin[u]ous?

a Yes, sir, because aside from the usual professional visit that I did to their family some social function was sponsored normally and I am (sic) invited and I used to attend.

q During the birthday party of the petitioner, did you usually attend petitioner's birthday?

a On several occasions I attend the birthday.

q Will you please tell us where the petitioner resides at present?

a At present the petitioner resides at No. 528 Lavezares Street, Binondo, Manila.

q Do you know for how long the petitioner resides in the Philippines?

a As far as I personally known (sic) Your Honor is that since birth.

q During all the times that you have know[n] the petitioner, what is your impression of his conduct?

a Well ah (sic) I have personally known him to be obedient and hard working individual and ah (sic) he has a good moral character and he has been ah (sic) no adverse report concerning the character of the petitioner.

q In your opinion does the petitioner has the qualifications necessary to become [a] citizen of the Philippines?

a Yes.

q Can you tell us why do you say so?

a I would say Your Honor that petitioner has posses (sic) all the qualifications mandated by law and presently he is more than 21 years old and he has resided in the Philippines particularly in the City of Manila contin[u]ously for more than ten (10) years and that since his birth; and that he has good moral character and I have observed that ah (sic) he has been practicing Philippine traditions and ah (sic) those embodied in the Philippine constitution and he has been socially active and meddle (sic) some of his neighbors and ah (sic) I am sure he has desire to embrace and learn the customs and ideas and traditions in the Philippine[s] and as I earlier mentioned that he conducted himself in proper and approachable (sic) manner during his entire residence in our country and he has a gainful occupation.

q Will you please tell us what are these customs which the petitioner embraced?

a Well I have observed that ah (sic) together with his family they used to ah observed (sic) the usual Filipino celebration during Christmas and new year and some occasions such as fiestas.

q And do you know whether petitioner is not disqualified under Commonwealth Act to become Filipino citizen of the Philippines (sic)?

a Ah there has been no incident or occasion which I learned that would disqualify of coming (sic) the citizen of the Republic of the Philippines. I have noticed that ah (sic) he is qualified under Commonwealth Act 473 as amended because he is not opposed to ah (sic) organized government. His family and himself does not believed (sic) in the use of force in the success of his ideas and ah (sic) he is not a poligamist (sic) or believer in the practice of illegal and he has not been convicted in any crime involving him in any crime (sic). and he is not suffering from any mental alienation or any incurable contidious (sic) disease. as provided for.

q Will you please tell us why you know all these stage?

a Because of ah (sic) the personal attachment with his family we have continuously having ah (sic) the usual contact with his family.[54]

It can thus be inferred that Atty. Adasa is close to petitioner's family, but not specifically to petitioner. Atty. Adasa's statements refer to his observations on the family's practices and not to petitioner in particular. Nothing in his testimony suggests that he was close to petitioner and knew him well enough to vouch for his

qualifications.

Salcedo, on the other hand, testified thus:

q Now do you know the petitioner in this case Edison So?

a Yes, Sir.

q Are you personally acquainted with him?

a Yes, Sir.

q How long have you known the petitioner?

a I have known him for about ten (10) years, Sir.

q Will you please inform the Honorable court under what circumstances did you come to know the petitioner?

a I met him in a birthday party in 1991, Sir.

q And from 1991 up to the present is your relationship with the petitioner more or less contin[u]ous?

a Yes, Sir.

q How often did you see the petitioner?

a I see him twice a week, Sir.

q And during this time that you met the petitioner, what did you usually do?

a We play some games, Sir. We play Patentero (sic).

q Do you go to church together?

a Yes, Sir.

q During fiestas in your place, did the petitioner go?

a Yes, Sir.

q How about during fiestas in the place where the petitioner reside[s], did you also go during fiestas?

a Yes, Sir.

q During occasion in the house of the petitioner, are you invited?

a Yes, Sir.

q How many time[s] did you go to his (sic) residence of the petitioner?

a Twice a week, sir.

q Will you please tell us where the petitioner resides?

a The petitioner resides at 528 Lavezares Street, Tondo, Manila, Sir.

q For how long does the petitioner reside in that address?

a Since birth, Sir.

q During all the times that you have known the petitioner, will you please tell us your impression of his conduct?

a He is a person of good moral, sir, and he believed in the principles of the Philippines (sic) Constitution.

q Will you please cite one or two of these principles underlined the principles (sic) of the Philippines (sic) Constitution?

a Ah the Philippines is a Republican of the (sic) state, sovereignty preside (sic) over the people and the government authority emanate from within; and the other one is the civilian government is not supreme over the military.

q Now in your opinion does the petitioner have all the qualifications necessary to become a citizen of the

Philippines?

a Yes, Sir.

q What are these qualifications?

a He is at least 21 years old, he is a person of good moral and has been residing in the Philippines since birth.

q What else?

a He must be a Filipino and ah must practice the traditions and customs, Sir.

q Do you know whether the petitioner conducted himself in a proper and approachable (sic) manner during the period of his residence in the Philippines?

a Yes, Sir.

q Do you know if the petitioner has a gainful occupation?

a Yes, Sir.

q What is the occupation of the petitioner?

a Ah (sic) he is the secretary in a wood factory in Commonwealth, Sir.

q And aside from being the secretary, what else did the petitioner do?

a He help (sic) in the factory cargo, Sir.

q Is the petitioner still a student?

a Yes, Sir.

q Where is he studying?

a In UST, Sir.

q Is he your classmate?

a Yes, Sir.

q What was his course?

a Pharmacy, Sir.

q So when you said he was the secretary he only works as part time secretary?

a Yes, Sir.

q You said the petitioner meddle (sic) socially with the Filipinos?

a Yes, Sir.

q Will you please name at least one of those Filipinos the petitioner meddle (sic) with?

a Samuel Falmera, Sir, Marlon Kahocom, Sir.

q Who else?

a Elmer Ramos, Sir.

q Who else?

a Sharmaine Santos, Sir.

q You said the petitioner is of good moral character?

a Yes, Sir.

q Why do you know that?

a As a classmate I can see him I go with him and ah (sic) I can see that he has ah better approached (sic) with other people and I can see that he mixed very well with friends.

q So during school days you see him everyday?

a Yes, Sir.

q When there are no classes during the vacation you see the petitioner twice a week?

a Yes, Sir.

q Does the petitioner (sic), do you think the petitioner is not disqualified to become the citizen of the Republic of the Philippines?

a Yes, Sir, he is not disqualified, Sir.

q Why do you say that he is not disqualified?

a Because he abide [by] any law in the government, sir, ah (sic) he is not polygamus and he is not convicted of any crime, Sir.

q Do you know ever the petitioner oppose to any organized government?

a No, Sir.

q Do you know whether he believe[s] in the use of force in any such ideas?

a No, Sir.

q Do you know if the petitioner is a believer in the practice of polygamy?

a No, Sir.

q Do you know whether the petitioner suffer[s] from mental alienation or incurable disease illnesses?

a No, Sir.

q Why do you know?

a I know him personally, sir, I have been with him as my classmate, sir and ah (sic) he is a very intelligent person, Sir.

q Is the petitioner a member also of any organization or association in your school?

a Yes, Sir.

q What organization?

a He is a member of Wishten and a member of starget, Sir.

q What does starget means?

a Starget is an organization of Chinese community in UST, Sir.

q How about the other one which you mentioned?

a Ah (sic) these are twisting, sir he represents the ah the (sic) school intercollegiate, Sir.[55]

Again, Salcedo did not give specific details on petitioner's qualifications.

In sum, petitioner's witnesses clearly did not personally know him well enough; their testimonies do not satisfactorily establish that petitioner has all the qualifications and none of the disqualifications prescribed by law.

In naturalization proceedings, it is the burden of the applicant to prove not only his own good moral character but also the good moral character of his/her witnesses, who must be credible persons.[56] Within the purview of the naturalization law, a "credible person" is not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose affidavit or testimony is not incredible. What must be credible is not the declaration made but the person making it. This implies that such person must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the applicant's worthiness.[57]

The records likewise do not show that the character witnesses of petitioner are persons of good standing in the community; that they are honest and upright, or reputed to be trustworthy and reliable. The most that was established was the educational attainment of the witnesses; however, this cannot be equated with their credibility. In fine, petitioner focused on presenting evidence tending to build his own good moral character and neglected to establish the credibility and good moral character of his witnesses.[58]

We do not agree with petitioner's argument that respondent is precluded from questioning the RTC decision because of its failure to oppose the petition. A naturalization proceeding is not a judicial adversary proceeding, and the decision rendered therein does not constitute *res judicata*. A certificate of naturalization may be cancelled if it is subsequently discovered that the applicant obtained it by misleading the court upon any material fact. Law and jurisprudence even authorize the cancellation of a certificate of naturalization upon grounds or conditions arising subsequent to the granting of the certificate.[59] If the government can challenge a final grant of citizenship, with more reason can it appeal the decision of the RTC within the reglementary period despite its failure to oppose the petition before the lower court.

Thus, petitioner failed to show full and complete compliance with the requirements of naturalization law. For this reason, we affirm the decision of the CA denying the petition for naturalization without prejudice.

It must be stressed that admission to citizenship is one of the highest privileges that the Republic of the Philippines can confer upon an alien. It is a privilege that should not be conferred except upon persons fully qualified for it, and upon strict compliance with the law.[60]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit.
SO ORDERED.

Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Renato C. Dacudao (Chairman), with Associate Justices Edgardo F. Sundiam and Japar B. Dimaampao, concurring; rollo, pp. 51-61.

[2] Penned by Judge Felixberto T. Olalia, Jr.; *id.* at 21-23.

[3] Rollo, pp. 14-15.

[4] Exhibit i; records, p. 3.

[5] Exhibit ii; *id.* at 5.

[6] Exhibit iii; *id.* at 6.

[7] Exhibit iv-O-1; *id.* at 7.

[8] Rollo, pp. 16-17.

[9] *Id.* at 17.

[10] Vol. 98, No. 20, pp. 2546-2553.

[11] Vol. 98, No. 21, pp. 2720-2727.

[12] TSN, December 12, 2002, pp. 4-13.

[13] *Id.* at 14-29.

- [14] Exhibit i½Ni½; records, p. 5.
- [15] Exhibit i½Oi½; id. at 6.
- [16] Exhibit i½O-1i½; id. at 7.
- [17] Exhibit i½Pi½; id. at 83.
- [18] Exhibit i½P-1i½; id. at 84.
- [19] Exhibits i½P-3i½ and i½P-3Ai½; id. at 86-87.
- [20] Exhibit i½Qi½; id. at 87.
- [21] Exhibit. i½Q-2i½; id. at 90.
- [22] Exhibit i½Ri½; id. at 91.
- [23] Exhibits i½S,i½ i½S-1,i½ i½S-2i½ and i½S-3i½; id. at 92-95.
- [24] Exhibits i½Ti½ to i½T-5i½; id. at 97-102.
- [25] Rollo, pp. 21-23.
- [26] Id. at 23.
- [27] Id. at 26.
- [28] Id. at 38.
- [29] Id. at 39.
- [30] Id. at 43.
- [31] Id. at 46.
- [32] Id. at 47.
- [33] Id. at 51-61.
- [34] The dispositive portion reads:

UPON THE VIEW WE TAKE OF THIS CASE, THUS, the decision appealed from must be, as it is hereby VACATED and SET ASIDE. The petition for naturalization subject of Case No. 02-102984 is DISMISSED, without prejudice. No costs.

SO ORDERED. (Rollo, p. 61)

- [35] Id. at 59.
- [36] Id. at 60.
- [37] Id.
- [38] Id. at 62-64.
- [39] Id. at 65.
- [40] Id. at 6.

[41] Id. at 79-91.

[42] Id. at 84-85.

[43] Id. at 88-89.

[44] RECORD, SENATE 11[TH] CONGRESS (June 4-5, 2001).

[45] R.E. Agpalo, PHILIPPINE POLITICAL LAW, 2005 ed., 63-64.

[46] Section 2. Qualifications. $\frac{1}{2}$ Subject to section four of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

Second. He must have resided in the Philippines for a continuous period of not less than ten years;

Third. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living;

Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

Fifth. He must be able to speak and write English or Spanish and any one of the principal Philippine languages; and

Sixth. He must have enrolled his minor children of school age, in any of the public schools recognized by the Office of Private Education of the Philippines (now the Department of Education, Culture and Sports), where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of residence in the Philippines required of him prior to the hearing of this petition for naturalization as Philippine citizen.

[47] Section 4. Who are disqualified. $\frac{1}{2}$ The following cannot be naturalized as Philippine citizens:

(a) Persons opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;

(b) Persons defending or teaching the necessity or propriety of violence, personal assault, or assassination of the success and predominance of their ideas;

(c) Polygamist or believers in the practice of polygamy;

(d) Persons convicted of crimes involving moral turpitude;

(e) Persons suffering from mental alienation or incurable contagious diseases;

(f) Persons who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;

(g) Citizens or subjects of nations with whom the United States and the Philippines are at war, during the period of such war;

(h) Citizens or subject of a foreign country other than United States, whose laws do not grant Filipinos the right to become naturalized citizens or subjects thereof.

[48] Section 3. Qualifications. $\frac{1}{2}$ Subject to the provisions of the succeeding section, any person desiring to avail of the benefits of this Act must meet the following qualifications:

- (a) The applicant must be born in the Philippines and residing therein since birth;
- (b) The applicant must not be less than eighteen (18) years of age, at the time of filing of his/her petition;
- (c) The applicant must be of good moral character and believes in the underlying principles of the Constitution, and must have conducted himself/herself in a proper and irreproachable manner during his/her entire period of residence in the Philippines in his relation with the duly constituted government as well as with the community in which he/she is living;
- (d) The applicant must have received his/her primary and secondary education in any public school or private educational institution duly recognized by the Department of Education Culture and Sports, where Philippine history, government and civics are taught and prescribed as part of the school curriculum and whose enrollment is not limited to any race or nationality; Provided, That should he/she have minor children of school age, he/she must have enrolled them in similar schools;
- (e) The applicant must have a known trade, business, profession or lawful occupation, from which he/she derives income sufficient for his/her support and if he/she is married and/or has dependents, also that of his/her family; Provided, however, That this shall not apply to applicants who are college degree holders but are unable to practice their profession because they are disqualified to do so by reason of their citizenship;
- (f) The applicant must be able to read, write and speak Filipino or any of the dialects of the Philippines; and
- (g) The applicant must have mingled with the Filipinos and evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people.

[49] Section 4. Who are disqualified. $\frac{1}{2}$ The following cannot be naturalized as Philippine citizens:

- (a) Those opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;
- (b) Those defending or teaching the necessity or propriety of violence, personal assault, or assassination of the success and predominance of their ideas;
- (c) Polygamists or believers in the practice of polygamy;
- (d) Those convicted of crimes involving moral turpitude;
- (e) Those suffering from mental alienation or incurable contagious diseases;
- (f) Those who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;
- (g) Citizens or subjects with whom the Philippines is at war, during the period of such war;
- (h) Citizens or subjects whose laws do not grant Filipinos the right to become naturalized citizens or subjects thereof.

[50] Sponsorship Speech of the late Senator Cayetano, RECORD, SENATE 11[TH] CONGRESS (June 4-5, 2001).

[51] Id.

[52] RECORD, SENATE 11[TH] CONGRESS (June 4 and 5, 2001).

[53] Republic v. Hong, G.R. No. 168877, March 24, 2006, 485 SCRA 405, 413.

[54] TSN, December 12, 2002, pp. 6-12; records, pp. 26-32.

[55] Id. at 16-27; records, pp. 36-47.

[56] Republic v. Hong, supra note 53, at 421.

[57] *Ong v. Republic of the Philippines*, 103 Phil. 964, 971 (1958); *Ong Siao v. Republic*, 145 Phil. 143, 149 (1970); *Siao Tick Chong v. Republic*, 143 Phil. 134, 139-140 (1970).

[58] *Republic v. Hong*, *supra*, at 422.

[59] *Republic v. Li Yao*, G.R. No. 35947, October 20, 1992, 214 SCRA 748, 752-753.

[60] *Id.* at 754.

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