

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. ANDRES REYES, AS JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, BRANCH VI, AND ANG TO, RESPONDENTS.*G.R. No. 22550, May 19, 1966*

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

On January 7, 1958, respondent Ang To, a citizen of China, registered with the Rizal court a verified petition for naturalization.[1] On January 27, 1959, respondent Judge rendered judgment on the merits, admitting him to Philippine citizenship. On April 4, 1961, after hearing, respondent Judge directed that Ang To be allowed to take his oath of allegiance and that thereafter the corresponding certificate of naturalization issue in his favor.

On September 21, 1962, the Republic of the Philippines filed, in the same court and in the same naturalization case, a motion praying that (a) the decision granting citizenship to respondent Ang To and the order allowing him to take his oath of allegiance be declared null and void, and that (b) the certificate of naturalization issued pursuant thereto and the registration in the Civil Registry be cancelled. The motion to denaturalize was planted upon the grounds that Ang To obtained his naturalization fraudulently and illegally; that said Ang To did not file a declaration of intention one year before the filing of his petition for naturalization; and that the court did not acquire jurisdiction to entertain said petition.

The evidence on the foregoing motion having been taken in, the same respondent Judge, who granted the application for citizenship, rendered judgment on December 9, 1963 denying the denaturalization petition for lack of merit.

In due course, the Republic filed its notice of appeal and record on appeal. Opposition thereto was registered by respondent, Ang. To. upon the averment that the decision sought to be appealed—which was rendered under Section 18 of the Naturalization Law—was not appealable.

On February 24, 1964, the respondent Judge issued an order disapproving the Record on Appeal and dismissing the appeal of the Republic for the reason that "the only provision under the Naturalization Law regarding appeals is found in Section 11 of C.A. No. 473 and this section, it may be observed, is found well ahead of Section 18 providing the procedure in the cancellation of certificates of naturalization, so that it is obvious that said provision does not apply to cancellation of certificates of naturalization."

The Republic came to this Court on certiorari to annul the February 24th order and mandamus to compel approval of its appeal.

The judgment directing the issuance of a certificate of citizenship in naturalization proceedings is a mere grant of a political privilege conferred by the government upon the petitioning alien. It is subjected to the right of the government to ask for the cancellation of such certificate if found to have been illegally or fraudulently procured. Neither estoppel nor res judicata may be set up to bar the State from instituting appropriate proceedings directed

at striking down a certificate of citizenship so issued.[2] And this, even on the face of the fact that the government appeared and contested petitioner's application for naturalization before the court.[3]

With the foregoing backdrop, we now face the problem posed in the decision under review: May the Republic of the Philippines appeal from a judgment denying its petition to denaturalize a naturalized citizen?

Adverting to the opinion below, we repeat that denial of the appeal was predicated solely upon the view that since Section 11 providing for appeals is placed well ahead of Section 18 giving the grounds for the cancellation of a certificate of naturalization, said Section 11 does not apply to the cancellation of a naturalization certificate.

Section 11 of the Naturalization Law reads:

"Sec. 11. Appeal.—The final sentence may, at the instance of either of the parties, be appealed to the Supreme Court."

That a decision denying the State's right to cancellation of a naturalization certificate is a final sentence, need not be essayed. Said decision disposes of the conflicting claims of the Republic on one hand and the naturalized citizen on the other. Nothing more need be done in the trial court with respect to the merits of the controversy.[4]

The happenstance that Section 11 providing for appeals was placed immediately after Section 10 (which deals with the judgment upon an application for naturalization) and is way ahead of Section 18 (which refers to a decision on the question of the cancellation of a naturalization certificate), does not mean that appeal may be had only from a decision on a naturalization application.. The language in Section H does not limit appeals to a decision on an application for citizenship. It speaks of final sentence in general. Surely enough, a decision on' denaturalization proceedings is also a final sentence. We have to take the thought conveyed by the statute as a whole; construe the constituent parts together; ascertain the legislative intent from the whole act; consider each and every provision thereof in the light of the general purpose of the statute; and endeavor to make every part effective, harmonious, sensible.[5] Thus combining the divers parts of the Naturalization Law with the obvious legislative intent, i.e., to give the State ample opportunity to make effective its statutory right to withdraw the privilege of citizenship theretofore granted, we find ourselves unable to discern, in the placement of Section 11. a legislative intent to deny the government's right to appeal under Section 18. The implication that "final sentence" may "be appealed" in Section 11 includes an appeal from a final sentence under Section 18, is so strong that the contrary theory cannot reasonably be supposed.

Besides, a common sense approach to statutory interpretation deserves consideration here. If a decision granting naturalization by a lower court may be the subject of review by this court, equal reason there is to say that a decision denying the State's right to withdraw such privilege may likewise be appealable. If because of fallibility a judgment of the Court of First Instance in the first case may be corrected, certainly the stamp of infallibility cannot be placed upon a decision of the same court in the second. And this because denaturalization proceedings are infused with public interest, and the State should not be rendered helpless in the legitimate exercise of its right. Really, to effectively shackle the hands of the State from appealing a decision under Section 18 may well, in the long run, import a situation whereby the government is rendered impotent to withdraw the privilege of citizenship from an alien unworthy thereof.

The view we take of this case is not without support in Philippine jurisprudence. In a 1932 case[6] the Judge of First Instance of Manila admitted petitioner Paul A. Bell to Philippine citizenship. Naturalization certificate was, in due course, issued to petitioner. On February 7, 1931, the Attorney-General presented a motion in the same Court to secure the cancellation of the naturalization certificate. Following a hearing, the same Judge who heard the original application, directed the cancellation of the naturalization certificate of Paul A. Bell. When the latter attempted to appeal from this decision, he was met by the Attorney-General's motion challenging his right to

appeal. But the court overruled the objection and approved the record on appeal. This Court, on appeal, there declared:

"A resolution of the preliminary question offers no difficulties. The Naturalization Law, Act No. 2027, gives to the Court of First Instance of the province or district in which the petitioner resides exclusive original jurisdiction, and to the Supreme Court 'appellate jurisdiction, as to the hearing of petitions for naturalization' (sec. 6). The law further provides that 'The final sentence may at the request of either of the parties, be carried to the Supreme Court for revision in the form provided in section one hundred and forty-three and following sections of the Code of Civil Procedure' (sec. 9). Aside from the general provisions to be found in section 18 of the Judiciary Law, Act No. 130, which grant the Supreme Court 'appellate jurisdiction of all actions and special proceedings properly brought to it from the courts of first instance,' the special provisions to be found in the Naturalization Law are applicable. The phrase 'petitions for naturalization' appearing in the statute should be given a liberal construction and should be taken as including not only the original petition for naturalization but also a motion to secure the annulment of an order allowing a petition for naturalization. We fully agree with Judge Goddard when, sitting- in first instance, he observed: 'To say that the law provides an appeal where a petitioner is simply denied citizenship and does not provide such an appeal to the highest court in the land when his prized certificate of citizenship is taken away from him and cancelled, in the same proceeding, seems absurd. This Court does not believe that the Legislature meant that sections G and 9 of Act No. 2927 should be so construed.' The motion of the Attorney-General will be disallowed," [7]

Really, the construction of Section 11 advocated by the trial court would sweep the ground out from under a number of cases which this Court decided on appeals from decisions in denaturalization proceedings.[8]

Conformably to the foregoing, the order of the respondent Judge on February 24, 1961, disapproving the Record on Appeal and dismissing the appeal interposed by the Republic of the Philippines, is hereby set aside; and the respondent Judge or whoever takes his place is hereby directed to give due course to the appeal. Costs against respondent Ang To. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Batrera, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

Dizon, J., concurs in the result.

Order set aside.

[1] In the Matter of the Petition to be Admitted a Citizen of the Philippines. Ang To, petitioner, Naturalization Case No. 326.

[2] 2Am. Jur. p. 588; Republic vs. Go Bon Lee, L-11449, April 29, 1961; Republic vs. Reyes, et al., L-20602, December 24, 1965. See also concurring opinion of Mr. Justice Laurel in Gurbuxani vs. Government of the Philippines, 69 Phil. 280, 285-286.

[3] 3 C.J.S., p. 860.

[4] I Martin, Rules of Court in the Philippines, p. 195, citing Mejia vs. Alimorong, 4 Phil. 573; Insular Gov't. vs. Bishop of Nueva Ecija, 17 Phil. 487; Olsen & Co. vs. Olsen, 48 Phil. 238; San Jose vs. Castillo, 84 Phil. 839; Reyes vs. De Leon, G.R. No. L-3720, June 24, 1952; Sian vs. Maceren, 52 Off. Gaz., No. 7, p. 3563.

[5] Crawford, Interpretation of Laws, pp. 260-261.

[6] Paul A. Bell, petitioner-appellant vs. The Attorney-General, oppositor-appellee, 56 Phil. 667, 668-669.

[7] Italics supplied. The present Naturalization Law is a reenactment of Act 2927 interpreted in the Bell decision. Hence, the following is illuminating: "Re-Enacted Statutes.—Generally, where a statute, or a provision thereof, has been re-enacted by the legislature in the same or substantially the same language, the law makers are presumed to have adopted the construction placed upon such statute or provision by the court of last resort in the state, unless the statute as re-enacted clearly indicates a different intention. * * *" Crawford, Statutory Construction, p. 437.

[8] Bell vs. Attorney-General, supra; Gurbuxani vs. Government of the Philippines, supra; Tan Hoi vs. Republic, -109 Phil. 689; Republic vs. Go Bon Lee, supra; Gan Tsitung vs. Republic, L-20819, November 29, 1965.

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