

**IN THE MATTER OF THE PETITION OF FELLY LEE FONG SHENG TO
BE ADMITTED A CITIZEN OF THE PHILIPPINES. FELLY LEE FONG
SHENG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OP...**

G.R. No. 77278. October 18, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal interposed by the Government from the decision[*] of the Regional Trial Court of Quezon City, dated 31 July 1986, in Naturalization Case No. Q-41788, which declared that the petitioner-appellee Felly Lee Fong Sheng possesses all the qualifications and none of the disqualifications to become a citizen of the Philippines, and granted her application for naturalization.

In support of its appeal, the Government, represented by the Solicitor General, cites the following grounds for the reversal of the decision and the denial of the petition for naturalization, to wit: (1) that the petitioner-appellee failed to state in her petition her present and former places of residence; (2) that the petitioner's income of P24,000.00 a year is not lucrative enough to provide for the needs of the petitioner-appellee and her three (3) dependent children of school age; (3) that the petitioner-appellee professed ignorance of the principles of the Constitution, the duties and obligations of a Filipino citizen, and the requirements of the law in order to become a Filipino citizen; and (4) that the witnesses presented by the petitioner-appellee are not competent to testify on her irreproachable character.

The decision must be reversed. In her petition for naturalization, the petitioner-appellee indicated, as her place of residence, No. 1595 Quezon Avenue, Quezon City. Upon investigation, however, it was determined that the address given is that of a furniture store.[1] At the hearing of the petition, the applicant admitted that she gave her address as at No. 1595 Quezon Avenue, Quezon City, in order to facilitate receipt of all letters and notices, although she was actually residing at Barangay Kaybiga, Novaliches, Quezon City,[2] which she had however, omitted to mention in her petition for naturalization.

This Court has previously ruled that an applicant's failure to state his present and former places of residence is fatal to the petition for naturalization as it violates Sec. 7 of Commonwealth Act No. 473, which requires that the petition for naturalization shall set forth not only the present, but also the former places of residence of the applicant. The reason for such requirement is to "facilitate the checking up on the different activities of petitioner bearing on his petition for naturalization, especially as to his qualifications and moral character, either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or investigation thereon. Needless to say, by such omission, (applicant), in effect, falsified the truth, indicating lack of good moral character on his part, which dis-qualifies him from admission to Philippine citizenship." [3]

Besides, it appears that the petitioner-appellee is a Chinese woman, legally married to one Liu Kiang, who is also

a Chinese citizen, and their marital bond is still subsisting.[4] To grant petitioner-appellee Philippine citizenship, without joining her husband, would create an anomalous case of double allegiance, since under the laws of her husband's country, she may likewise be of his nationality.

WHEREFORE, the judgment appealed from is hereby REVERSED and SET ASIDE, and another one entered DISMISSING the petition for naturalization. With costs against the petitioner-appellee, Felly Lee Fong Sheng.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Judge Ernani Cruz Pano

[1] Rollo, p. 13

[2] P. 9, tsn, Hearing of 21 May 1985

[3] Keng Giok vs. Republic, 112 Phil. 986; Go Bon The vs. Republic, 119 Phil. 126; Dy Pek Long vs. Republic, 120 Phil. 288; Ong Tai vs. Republic, 120 Phil. 1345.

[4] Exh. J, p. 3, tsn, Hearing of 13 August 1985

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