

FIRST DIVISION

[G.R. No. 212785, April 04, 2018]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. GO PEI HUNG,
RESPONDENT.**

D E C I S I O N

DEL CASTILLO, J.:

A Petition for Naturalization must be denied when full and complete compliance with the requirements of Commonwealth Act. No. 473 (CA 473), or the Revised Naturalization Law, is not shown.

This Petition for Review on Certiorari^[1] seeks to set aside (1) the February 28, 2014 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 97542 affirming the July 21, 2010 Decision^[3] of the Regional Trial Court (RTC) of Manila City, Branch 16 in Naturalization Case No. 07-118391, as well as (2) the CA's June 5, 2014 Resolution^[4] denying petitioner's Motion for Reconsideration.

Factual Antecedents

On December 3, 2007, respondent Go Pei Hung - a British subject and Hong Kong resident - filed a Petition for Naturalization^[5] seeking Philippine citizenship. The case was lodged before the RTC of Manila, Branch 16 and docketed as Naturalization Case No. 07-118391.

After trial, the RTC issued its July 21, 2010 Decision granting the respondent's petition for naturalization. The RTC declared, thus:

The issue to be resolve [sic] here is whether or not the petitioner deserves to become a Filipino citizen.

In Commonwealth Act No. 473, approved June 17, 1939, provided [sic] that persons having certain specified qualifications may become a citizen [sic] of the Philippines by naturalization.

Section 2. Qualifications. - Subject to Section 4 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 or private schools recognized by the Office of Private Education of the Philippines, where the Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen.

The Court, upon reviewing the records of this case, the pieces of documentary evidence and the testimonies of the petitioner and his two (2) character witnesses, x x x finds that petitioner Go Pei Hung, has complied with all the qualifications stated in Section 2 of Commonwealth Act 473.

It appeared that there is no impediment to the Court's nod of approval to petitioner's supplication[, H]e had presented at least two (2) credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required (Section 7 of CA 473).

As held in Lim versus Republic 17 SCRA 424, 427, (1996[])] citing Vy Tain vs. Republic, L-19918, July 30, 1965.

'As construed by case law, they must have personal knowledge of the petitioner's conduct during the entire period of his residence in the Philippines.'

Also in [the] case of Edison So vs. Republic, G.R. No. 170603, January 29, 2007 and Republic vs. Hong, G.R. No. 168877, March 24, 2006[:]

"In naturalization proceedings, the applicant has the *onus* to prove not only his own good moral character but also the good moral character of his/her witnesses, who must, be credible persons."

Both witnesses presented by petitioner made common declarations that they came to know him [in] 1995 and became good friends with petitioner. Verily, given the birth of petitioner in 1961, the testimony of his two (2) witnesses, Mr. La To Sy Lai and So An Ui Henry Co Sy, that they came to know the petitioner sometime in 1995, [revealed] x x x that they had personal cognition of petitioner's demeanor during the petitioner's residence in the Philippines. Certainly, they see and observe the applicant continuously, every day and every week in order to be competent to testify on his reputation and conduct.

WHEREFORE, premises considered, the Petition, for Naturalization filed by petitioner Go Pei Hung is hereby GRANTED.

Let [a] copy of this Decision be sent to the following concerned government agencies:

1. Bureau of Immigration
2. Department of Foreign Affairs
3. Office of the Solicitor General
4. National Bureau of Investigation

Under Republic Act 530, this decision granting the application for naturalization shall not become final and executory until after two (2) years from the promulgation of the decision and after **another hearing** is conducted to determine whether or not the applicant has complied with the requirements of Section 1 of said law with the attendance of the Solicitor General or his authorized representative x x x, and so finds [that] during the intervening time the applicant:

- (1) [has] not left the Philippines;**
- (2) has dedicated himself continuously to a lawful calling or profession;**
- (3) has not been convicted of any offense or violation of Government promulgated rate; and**
- (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.**

Set hearing on August 30, 2012 at 8:30 o'clock in the morning.

SO ORDERED.^[6] (Emphasis in the original; citations omitted)

Ruling of the Court of Appeals

Petitioner interposed an appeal with the CA, which was docketed as CA-G.R. CV No. 97542. On February 28, 2014, the CA issued the assailed Decision, pronouncing thus:

x x x [T]he Republic of the Philippines, through the OSG, filed the present appeal, alleging that:

I.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO FILE A DECLARATION OF INTENTION, AS REQUIRED BY SECTION 5 OF COMMONWEALTH ACT (C.A.) NO. 473;

II.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO ATTACH A CERTIFICATE OF HIS ARRIVAL IN THE PHILIPPINES, AS MANDATED BY SECTION 7 OF COMMONWEALTH ACT X X X NO. 473:

III.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO SHOW BY CLEAR AND CONVINCING EVIDENCE THAT HE HAS A LUCRATIVE TRADE, PROFESSION OR OCCUPATION, AS REQUIRED BY PARAGRAPH 4, SECTION 2 OF CA. NO. 473; and

IV.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO PRESENT DURING THE HEARING OF THE PRESENT CASE AT LEAST TWO CREDIBLE PERSONS AS PROVIDED BY SECTION 7 OF CA. NO. 473.'

Petitioner-appellee opposes the appeal and claims that he has all the qualifications and none of the disqualifications to be a naturalized Philippine citizen.

The sole issue in this appeal is whether x x x the court a quo committed a reversible error in granting the petition for naturalization.

After [a] careful consideration of the arguments and the evidence on record, this Court rules to dismiss the appeal.

Anent the first assigned error, the Republic claims that the petitioner failed to file with the OSG a Declaration of Intention as required under Section 5 of Commonwealth Act (CA) No. 473, as amended, which provides that:

'Sec. 5. Declaration of Mention. - One year prior to the filing of his petition for admission to Philippine citizenship, the applicant for Philippine citizenship shall file with the Bureau of Justice, a declaration under oath

that it is *bona fide* his intention to become a citizen of the Philippines. x x x'

As the foregoing Section 5 of CA No. 473, as amended, provides, the declaration shall be filed with the Bureau of Justice, now the OSG, at least one year before the filing of the petition, and shall set forth the following:

- (a) name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft in which he came to the Philippines, and the place of residence in the Philippines at the time of making the declaration;
- (b) a certificate showing the date, place and manner of his arrival;
- (c) a statement that he has enrolled his minor children, if any, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, now the Department of Education, where Philippine history, government, and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen; and
- (d) two photographs of himself.

Petitioner-appellee does not deny that he failed to file with the OSG the required declaration of intention, but he claims that he is exempted from filing the same pursuant to Section 6 of CA 473, as amended, which provides that:

*'Sec. 6. Persons exempt from requirement to make a declaration of intention. - Persons born in the Philippines and have received their primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality, and **those who have resided continuously in the Philippines for a period of thirty years or more before filing their application, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act.** To such requirements shall be added that which establishes that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality. The same shall be understood to be applicable with respect to the widow and minor children of an alien who has declared his intention to become a citizen of the Philippines, and dies before he is actually naturalized.'*