Supreme Court E-Library

SECOND DIVISION

[G.R. No. L-39941. July 30, 1976]

IN THE MATTER OF THE PETITION OF BENJAMIN KO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, BENJAMIN KO, *petitioner-appellee, vs.* **REPUBLIC OF THE PHILIPPINES,** *oppositor-appellant.*

SYLLABUS

NATURALIZATION LAW; APPEAL; NATURALIZATION UNDER LETTER OF INSTRUCTION NO. 270, A GROUND FOR DISMISSAL IN INSTANT CASE. — Where, pending an appeal by the State from a decision granting petitioner's application for naturalization, and, from an order allowing him to take his oath, petitioner's application for naturalization under Letter of Instruction No. 270 was approved, and petitioner has subsequently taken his oath, the appeal should be dismissed.

RESOLUTION

FERNANDO, *J.:*

An application for naturalization filed by petitioner Benjamin Ko on February 14, 1968 resulted in a decision of December 27, 1970 favorable to him. Thereafter, on February 16, 1973, an order was issued by the lower court allowing him to take his oath, its dispositive portion reading as follows: "[Wherefore], the decision in this case having become final, the Court finds the motion of the petitioner to take his oath to be supported by convincing evidence, and that the petitioner has complied with the requirements of Republic Act 530, for which the petitioner is hereby allowed to take his oath of allegiance, after this Order shall have become final, and thereafter the Clerk of Court is hereby ordered to issue the corresponding certificate of naturalization in favor of the petitioner, Benjamin Ko."[1] An

[1] Record on Appeal, 34.

Supreme Court E-Library

appeal was then taken by the State on the ground of such decision as well as the order allowing petitioner to take his oath being contrary to law and the evidence.

There was, thereafter, a notice given to the office of the Solicitor General for the filing of appellant's brief. There were three petitions for extension, all granted by this Court. Then, on December 5, 1975, there was on the part of the oppositor appellant, Republic of the Philippines, a motion for suspension of the period to file brief or for an additional extension of the same for thirty days, wherein it is alleged: "1. That its brief which is still in the process of preparation is due on December 9, 1975; 2. That petitioner-appellee has filed an application for naturalization by Presidential Decree under Letter of Instruction No. 270 which provides less stringent requirements than those under which the instant case was pursued and proceeded upon; 3. That a decision on the petitioner-appellee's application (under LOI No. 270) is expected to be rendered in a short while, considering the recent announcement as to the release of the corresponding Presidential Decree, covering the approval of about 2,000 applications; 4. That if petitioner-appellee is found to meet the liberalized requirements for naturalization as sanctioned by Letter of Instruction No. 270, the instant appeal will ultimately become moot and academic; 5. That in the interest of expediency, it is respectfully recommended that herein oppositor-appellant's period to file brief be suspended in the meantime. If this is not feasible, however, it is desired that the same be extended by thirty (30) days from December 9, 1975."[2] On December 12, 1975, this Court issued the following resolution: "Considering the motion of the Solicitor General for oppositor-appellant, alternatively praying that (a) oppositor-appellant's period to file brief be suspended pending action on petitioner-appellee's application for naturalization under Letter of Instruction No. 270; or (b) oppositor-appellant's period to file brief be extended for thirty (30) days from December 9, 1975, the Court

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[2] Motion for Suspension of Period to File Brief or for Extension of the Same by Thirty (30) Days, 1-2.

Supreme Court E-Library

Resolved to [suspend] oppositor-appellant's period to file brief pending action on petitioner-appellee's application for naturalization under Letter of Instruction No. 270."[3]

The last pleading filed by the Republic of the Philippines is a motion for withdrawal of appeal submitted by the Solicitor General, worded thus: "[Comes now], the Republic of the Philippines, by the undersigned counsel, and to this Honorable Court, most respectfully moves and prays for the dismissal of its appeal in the above-entitled case on the ground that the application for naturalization of the petitioner herein under Letter of Instruction No. 270 had already been approved on April 20, 1976, under Presidential Decree No. 923. The petitioner took his oath of allegiance on April 10, 1976."[4]

WHEREFORE, as prayed for, the appeal by the Republic of the Philippines is hereby *dismissed*, and this case is considered terminated.

Barredo, Antonio, Aquino, and *Martin, JJ.*, concur.

Concepcion, Jr., J., is on leave.

FIRST DIVISION

[G.R. No. L-41554. July 30, 1976]

ESPERANZA VALENCIA, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and THE CITY OF MANILA,** *respondents.*

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[3] Resolution dated December 12, 1975.

[4] Motion for Withdrawal of Appeal dated June 25, 1976.