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Further, no one should enrich himself at the expense of another. All the co-owners who are the legitimate heirs should be given their due share.

Thus, the appealed decision further states:

"It bears repetition that in registering the lot in question exclusively in his name to the exclusion of the other heirs the late Gaudencio Coronel actually committed fraud and misrepresentation with respect to that remaining portion of 4835 square meters owned by him and the other co-heirs. In the partition and grant the other co-heirs who are entitled to the remaining portion are Bernarda Sunglao, Rosario Sunglao, the plaintiffs heirs of Querubin Cuevas, Jose Cuevas, Patria Cuevas, Cesar Cuevas, Catalina Cuevas, Gaudencio Coronel and Salvador Coronel, Bonifacia David and finally Lucia David, all twelve (12) of them. Each of them owns 1/12 portion of the lot in question." (Decision dated July 18, 1986 of RTC, Br. LIII, Guagua, Pampanga, penned by Judge Abraham Abonas).

WHEREFORE, the decision of the Court of Appeals is hereby *AFFIRMED* with costs against petitioners.

SO ORDERED.

Melencio-Herrera (Chairman), Padilla, Regalado, and *Nocon, JJ.*, concur.

THIRD DIVISION

[G.R. No. L-32398. January 27, 1992]

IN THE MATTER OF THE PETITION OF PO YO BI TO BE ADMITTED AS A CITIZEN OF THE PHILIPPINES: PO YO BI, *petitioner-appellee, vs.* **REPUBLIC OF THE PHILIPPINES,** *respondent-appellant.*

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SYLLABUS

1. **POLITICAL LAW; CONSTITUTIONAL LAW; CITIZENSHIP; NATURALIZATION LAW; PETITION ITSELF MUST BE PUBLISHED; REQUIREMENTS RELATIVE TO THE PUBLICATION. —** Section 9 of the Revised Naturalization Law requires that the petition itself must be published. As early as 29 November 1958, or four (4) years, eight (8) months and sixteen (16) days before the trial court handed down its challenged decision, this Court, in *Co y Quing Reyes vs. Republic*, ruled that the above-quoted Section 9 requires that the petition for naturalization be published "once a week, for three (3) consecutive weeks, in the Official Gazette." This provision demands compliance with the following requirements, namely: (1) the publication must be weekly; (2) it must be made three (3) times; (3) and these must be "consecutive." The Court further ruled that the publication is a jurisdictional requirement.

2. **ID.; ID.; ID.; ID.; ID.; PUBLICATION OF NOTICE OF PETITION, NOT A SUBSTANTIAL COMPLIANCE; REQUIREMENT IS JURISDICTIONAL.—** That there was in fact, in the instant case, a notice of petition which was published once a week for three (3) consecutive weeks and that the same made references to some date in the petition and stated the date and place of hearing, did not save the day for both the petitioner and the trial court. The publication of the notice did not constitute substantial compliance with the cited section. In *Sy vs. Republic, supra.*, this Court held that the requirement of Section 9 of C.A. No. 473, as amended, that a copy of the petition to be posted and published should be a textual or verbatim restatement of the petition as filed, is jurisdictional. Non-compliance therewith nullifies the proceedings in the case, including the decision rendered in favor of the applicant.

3. **ID.; ID.; ID.; ID.; QUALIFICATIONS; PETITIONER IN CASE AT BAR DID NOT ALLEGE THAT HE IS OF GOOD MORAL CHARACTER.—** For reasons also known only to him and his counsel, and despite two (2) amendments to the original petition, petitioner did not allege in any of his petitions that he is of good moral character. The third of the six (6) qualifications to become a citizen of the Philippines, as provided for in Section 2 of the Revised Naturalization Law, is: "Third. He must be of good moral character and believes in the principles

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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; xxx"

4. **ID.; ID.; ID.; ID.; PRESENT AND FORMER PLACES OF RESIDENCE MUST BE ALLEGED.—** In both the original and amended petitions, however, he did not reveal the specific place in Manila where he resided during that time. In his second amended petition, he declares that he stayed in Manila from June 1939 to 1942, giving his address as "(Salazar Street)". This is not sufficient compliance with the requirement of Section 7 of the Revised Naturalization Law that the petitioner must allege therein his present and former places of residence. The purpose of the requirement is to facilitate the checking up on the activities of the petitioner which are material to the proceedings. "(Salazar Street)" is vague and uncertain. Since neither the given name of Salazar nor its initial is mentioned, considering that Manila is a big and thickly populated metropolis, and that there is no proof that only one (1) street in Manila is named after a Salazar, it is obvious that petitioner deliberately suppressed vital information to make it extremely difficult for the government authorities to locate his place of residence and check on his activities therein during such time. Besides, a careful reading of the transcripts of the testimony of petitioner on direct examination reveals that petitioner did not mention Salazar Street at all. Thus, on this ground alone, his petition should fail.

5. **ID.; ID.; ID.; ID.; EXEMPTION FROM FILING A DECLARATION OF INTENTION; STUDYING IN SCHOOLS NOT LIMITED TO ANY RACE OR NATIONALITY; CASE AT BAR.—** His claim for exemption is anchored on his having been born in the Philippines; his having completed his primary and secondary education in schools recognized by the Philippine government wherein enrollment is not limited to any race or nationality and where Philippine Civics, Philippine History and Philippine Government are prescribed and taught as part of the school curriculum; and that his children, except the youngest who is not of school age, are all enrolled in the schools contemplated by law. He testified that he completed his primary education

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at the Chinese Commercial School in Iloilo City and his secondary education at the Chiang Kai Shek High School in Manila. Unfortunately, only his self-serving declaration supports his claim that these schools are not limited to any race or nationality. The certification of one James King, Director of the Iloilo Chinese Commercial High School dated 14 August 1963 and merely identified by petitioner, does not make any categorical statement that during the time that petitioner studied in said school until 1939 when he allegedly finished his elementary course, the school was not limited to any race or nationality.

6. **ID.; ID.; ID.; ID.; ID.; PROOF OF COMPLETION OF A FULL SECONDARY COURSE.—** In respect to petitioner's high school education, the certification of the Director-Principal of the Chiang Kai Shek High School, dated 12 January 1962, merely states that petitioner "was enrolled in the Third year, Senior High School in Chinese Instruction in this school during the school year 1941-1942. He was graduated from the Chinese Senior High School before the closing of that school year as a result of the outbreak of World War II." It was petitioner himself who identified this certification. The Director-Principal was not even presented as a witness to be cross-examined. Clearly, this certification does not prove that petitioner did in fact finish his senior year. The "senior high school" stated therein refers to Chinese Instruction, and not to a general secondary education. Petitioner never attempted to explain the term "Third Year" and this only casts serious doubts as to his educational attainment at that time. There is then no proof of completion of a full secondary education. Furthermore, the certification does not state that in 1941-1942, the school was not limited to a particular race or nationality. Accordingly, he cannot claim exemption from filing the declaration of intention.

7. **ID.; ID.; ID.; ID.; GOOD MORAL CHARACTER AND GOOD REPUTE; MORAL IRREPROACHABILITY MEANS CHARACTER OF THE HIGHEST ORDER.—** Petitioner's reputation and moral character witness' answer was never amplified to enlighten the trial court as to its factual basis. Moreover, it can be easily noted that the yes answer ("Yes, because among the young people in the Chinese community he is one of the best in moral conduct and also he is one of the brightest young man (sic) I have encountered) is actually a

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qualified one and is not fully responsive. It is limited to good moral conduct, which is but a part of moral irreproachability. A part is not the whole. The latter means character of the highest order — excellent character.

8. ID.; ID.; ID.; ID.; ID.; WORD "COMMUNITY" REFERS NOT ONLY TO CHINESE COMMUNITY BUT ALSO TO THE COMMUNITY IN GENERAL.— Moreover, there is an apparent attempt to emphasize such conduct within the Chinese community. The third paragraph of Section 2 of the Revised Naturalization Law explicitly provides that the applicant must have such qualifications 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. That community is not confined to the Chinese community; it applies to the community in general for the reason that he is required to mingle socially with the Filipinos. One who fails to do so is disqualified to be naturalized under Section 4 (f) of the law. This witness did not likewise categorically answer the "good repute" aspect of the question; instead, he mentioned the intellectual qualities of the petitioner. Not all "bright" persons are of good repute, and not all persons of good repute are bright.

9. ID.; ID.; ID.; ID.; ID.; CHARACTER WITNESS' TESTIMONY MUST REFER TO THE ENTIRE PERIOD OF APPLICANT'S STAY IN THE PHILIPPINES. — It has been held that to establish the qualifications that the applicant must be of good moral character and must have conducted himself in a proper and irreproachable manner during the entire period of his residence, the character witnesses must be in a position to testify on the character and good moral conduct of the applicant during the entire period of the latter's stay in the Philippines as provided by law.

10. ID.; ID.; ID.; ID.; A CHINESE NATIONAL CANNOT BE NATURALIZED UNLESS HE HAS SHOWN THAT HE HAS OBTAINED PERMISSION FOR THE RENUNCIATION OF HIS NATIONALITY.— Section 12 of the Revised Naturalization Law requires that before a certificate of naturalization is issued, the petitioner shall renounce "absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty." It is settled that a Chinese national cannot be naturalized as a citizen of the Philippines unless he has complied with the laws of Nationalist China

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requiring previous permission of its Minister of Interior for the renunciation of his nationality. In the instant case, petitioner did not offer any evidence to prove that he obtained such permission. The sixth assigned error then is well-taken.

APPEARANCES OF COUNSEL

Gualberto C. Opong for petitioner-appellee.

D E C I S I O N

DAVIDE, JR., *J.*:

In this appeal from the Order[1] of the then Court of First Instance (now Regional Trial Court) of Iloilo dated 8 January 1966 in Naturalization Case No. 85 allowing the petitioner-appellee to take his oath as a citizen of the Philippines pursuant to its decision[2] of 15 October 1963, appellant Republic of the Philippines urges this Court to overturn both the decision and the order because the trial court erred:

"I

xxx in not finding that the amended petition for naturalization was not published in accordance with the requirements of section 9 of Commonwealth Act No. 473, as amended.

II

xxx in not finding that the amended petition failed to allege that petitioner is a person of good moral character.

III

xxx in not finding that the amended petition for naturalization does not state petitioners' former residence in Manila.

IV

xxx in not finding that petitioner is not exempt from the filing of a declaration of intention.

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[1] Record on Appeal, 55-58.

[2] *Id.*, 39-43.

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V

xxx in not finding that petitioner's character witnesses are not credible persons within the contemplation of section 7 of Commonwealth Act No. 473.

VI

xxx in not finding that petitioner failed to submit a permission to renounce his Chinese citizenship from the Minister of Interior of the Republic of China."[3]

The factual and procedural antecedents which gave rise to this appeal are not controverted.

On 9 February 1957, petitioner filed a petition for naturalization, attaching thereto, among other documents, the joint affidavit of two (2) of his character witnesses, Atty. Pablo Oro and Dr. Rafael Jarantilla, and the joint affidavit of his other character witnesses, Dr. Antonio San Agustin and Uy Chong.[4]

On 5 March 1959, the trial court, through the Deputy Clerk of Court, issued a Notice of Petition for Philippine Citizenship setting the hearing of the petition to 18 January 1960[5] and ordering the publication and posting of the notice.

Petitioner filed a motion to amend his petition[6] on 15 January 1960, citing as among the reasons therefor the fact that important allegations had been overlooked in the original petition. Attached to the motion was the Amended Petition.[7]

On 18 January 1960, the trial court, through the Deputy Clerk of Court, issued an Amended Notice of Petition[8] setting the hearing of the petition to 12 October 1960 and ordering the publication of the said notice once a week for three (3) consecutive

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[3] Brief for Appellant, 1-2.

[4] Record on Appeal, 2-10.

[5] Record on Appeal, 10-12.

[6] *Id.*, 12-14.

[7] *Id.*, 14-20.

[8] *Id.*, 21-23.

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weeks in the Official Gazette and in the YUHUM, a newspaper of general circulation in the province/city of Iloilo, and its posting in a public and conspicuous place in the Office of the Clerk of Court of the trial court.

Subsequently, on 19 June 1961, petitioner once again moved[9] to amend his petition. A copy of the Amended Petition,[10] which is in reality the *Second* amended petition, was attached to the motion. This second Amended Petition contains the following amendments:

1. In the third paragraph, insertions of the clause "From said employment I am now receiving a salary of ₱350.00 a month;" of the figure ₱1,900.00 as the annual average income of his wife from the Chinese Commercial School in Iloilo City and of his capital investment in the Bio Guan Company in the amount of ₱39,943.71. as of 31 December 1960;

2. In the Seventh paragraph, incorporation of the following information: he had resided continuously in Iloilo City for 23 years preceding the date of the Amended Petition and up to the present time; although he stayed in Manila (Salazar Street) when he studied in the Chiang Kai Shek High School from June 1939 to 1942, he did not consider this as interruption of the continuity of his residence in Iloilo City because he always returned to Iloilo City during all the summers, Christmases and New Year's day celebration within said period.

3. In the Eighth paragraph, insertion of the word "read" between the words *speak* and *write* in reference to the English language and to *Hiligaynon*, the latter being one (1) of the principal Philippine languages.

4. In the Ninth paragraph, insertion of the opening sentence: "My children are enrolled in the following schools: Alice Po (eldest) at the Chinese Commercial School, Iloilo City, and presently Grade II; My second child, Enrique Po, is enrolled in the same school but only in the Kindergarten Department of the same for he is only 5 years old; my youngest and third child, Floresca Po, is not yet of school age."

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[9] *Id.*, 23-25.

[10] *Id.*, 26-36.

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5. In the Eleventh paragraph, insertion of the sentence "My children, except only the youngest who is not of school age, are all enrolled in the proper school contemplated by the Naturalization Laws of the Philippines as hereinafter alleged."

6. In the Twelfth paragraph, insertion of the words "and freely" between *mingled socially* and *with the Filipinos*.

In none of the above petitions did petitioner state that he is a person of good moral character.

On 26 June 1961, the trial court, through the Deputy Clerk of Court, issued an Amended Notice of Petition for Philippine Citizenship setting the hearing of the petition to 26 February 1962[11] and directing the publication of the order in the Official Gazette and in the GUARDIAN, a newspaper of general circulation in the province/city of Iloilo. This amended notice of petition was published in the 10, 17 and 24 July 1961 (nos. 28, 29 and 30, vol. 57)[12] issues of the Official Gazette and in the 1, 8 and 15 July 1961 issues of the GUARDIAN.[13]

The second Amended Petition itself was not published in the Official Gazette or in a newspaper of general circulation in the province and city of Iloilo. There is, as well, no evidence of its posting in a public and conspicuous place in the Office of the Clerk of Court or in the building where such office is located.

The Record on Appeal fails to disclose any order of the trial court granting the first and the second motions to amend or directing the publication of the second amended petition.

After trial, the court a quo, per Judge F. Imperial Reyes, handed down on 15 October 1963 its decision[14] granting the petition, the dispositive portion of which reads as follows:

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[11] Exh. "D", Roll of Exhibits, 10. The amended notice, as appearing in the Record on Appeal, 37-39, is undated and is blank as to the date of hearing.

[12] Exh. "E", Roll of Exhibits, 11.

[13] Exhs. "F", and "F-1".

[14] Record on Appeal, 41-46.

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"*POR TANTO, encontrando satisfactoria — mente probadas las alegaciones de la solicitud enmendada, se dicta esta* decision;

a) *Declarando al solicitante Po Yo Bi como Ciudadano filipino; y*

b) *Ordenado que, una vez firme esta decision, se expida por el Escribano de este Juzgado el Certificado de Naturalizacion correspondiente que, oportunamente, se inscribira en la Oficina del Registro Civil.*

Esta decision no adquirira caracter firme hasta despues del transcurso de dos (2) años a contar desde esta fecha y, previa vista, se encuentre a satisfaccion del Juzgado que el solicitante, durante dicho periodo de tiempo — dos años a contar desde esta fecha — 1) no ha salido de Filipinas; (2) se ha dedicado continuamente a un trabajo o profesion licita (lawful); (3) no ha sido convicto de algun delito o infraccion de reglamentos promulgados por el govierno; y (4) no ha cometido algun acto prejudicial a los intereses del pais o contrario a la politica anunciada por el gobierno."

The facts upon which the trial court based its decision are as follows:

"Se ha probado que el solicitante es un ciudadano chino, nacido de padres chinos en esta Ciudad el 31 de agosto de 1923; que ahora reside en la Calle Arroyo, No. 169, de esta Ciudad; que, antes de ahora, el ha residido en la misma calle, No. 29, que fue cambaido despues con el No. 157; que desde su nacimiento hasta ahora solo se ha susentado de Filipinas una sola vez, de 1933 a 1938, cuando se fue a China; que esta casado con aida Lee Chiu (Exh. M), con quien tiene tres hijos llamados Alice, Enrique y Florence, apellidados 'Po', todos nacidos en el St. Mary's Hospital de esta Ciudad (Exhs. DD, EE y FF); que tres fueron bautizados en esta Ciudad (Exhs. GG, HH, y II); que su esposa o hijos viver con el en la Calle Arroyo, No. 169, de esta Ciudad; que esta registrado como ciudadano chino en la Embajada de la Republica de China en Manila (Exh. O); que esta provisto de un Alien Certificate of Registration No. 238247, expedido por el Buro de Inmigracion, ciudad de Iloilo, el 17 de Julio de 1950, el cual lleva su fotografia (Exh. V); que esta igualmente provisto de un Immigrant Certificate of Residence No. 102653, tambien expedido por el Buro de Inmigracion, Manila, el 23 de enero de 1952, el cual lleva igualmente su fotografia (Exh. W); que esta tambien provisto de un Check-Up Certificate, Serial No. 115747, expedido por el Comandante Provincial de la Constabularia de

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Iloilo el 2 de septiembre de 1954 (Exh. BB); que estudio sus cursos elementarios y secondarios en la Iloilo Chinese Commercial High School ed esta Ciudad y en la Chiang Kai Shek High School de Manila, respectivamente (Exhs. JJ y KK); que las dos escuelas en las que so enseñan Philippine History, Philippine Government y Philippine Civics estan reconocidas por el gobierno; que en las mismas se admiten estudiantes sin tener en cuenta su raza, color o religion; que despues de terminar sus cursos secondarios, el estudio el Comercio en el Iloilo City Colleges de esta Ciudad (Exh. LL); que el ultimo Colegio tambien esta reconocido por el gobierno; que en el mismo se admiten igualmente estudiantes sin tener en cuenta su raza, color o religion; que sus hijos Alice y Enrique, apellidados 'Po', estan ahora estudiando en la Iloilo Chinese Commercial High School de esta Ciudad (Exh. MM), la misma escuela donde estudio sus cursos elementarios (Exh. JJ); que so hija, Florence, no ha llegado aun a la edad escolar; que habla, lee y escribe el ingles tan es asi que declaro perfectamente en dicho lenguaje en la vista de su solicitud enmendada; que tambien habla, lee y escribe bien el dialecto Ilongo (Exh. III); que es fundador, socio y gerente auxiliar de Bio Guan Company de esta Ciudad (Importers & General Merchants), recibiendo un sueldo de ₱500.00 al mes, libre casa y comida, incluyendo los miembros de su familia (Exh. AAA); que su capital invertido en dicha compañia hasta el año 1962 asciendo a la suma de ₱43,810.83 (Exh. ZZ-1); que su esposa es 'property custodian' de la Iloilo Chinese Commercial High School de esta Ciudad con un sueldo de ₱1900.00 al año (Exh. BBB); que suele someter su income tax returns (Exhs. QQ, RR y SS), pagando constantemente su income Tax correspondiente (Exhs. RR-1 y SS-1); que no debe al gobierno por contribuciones (Exh. H); que ha pagado su individual residence certificates A y B (Exhs. OO y PP); que su solicitud de fecha 31 de enero de 1959, que fue emmendada el 13 de enero de 1960 y el 17 de junio de 1961 (Exh. A) es la primera que habia presentado; que esta exente de presentar una declaracion de intencion para ser naturalizado como ciudadano filipino por haber nacido en este pais y por haber enviado a sus hijos de edad escolar a escuelas debidamente reconocida por el gobierno donde se enseñan Philippine History, Philippine Government y Philippines Civics (sic) y on las que se admited estudiantes sin tener en cuenta su raza, color or religion; y que da contribuciones para fines sociales y caritativos (Exhs. S, S-1 al S-12).

Se han probado igualmente que el solicitante no esta opuesto a todo gobierno organizado, ni esta afiliado a alguna asociacion o

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grupo de personas que sostiene o enseña doctrinas subversivas; no defiendo ni enseña la necesidad o propiedad de la violencia ni del atentado contra las personas, ni del asesinato para el exito y prodominio de su ideales; no es poligamo, ni cree en la practica de la poligamia; nunca ha sido acusado o convicto de algun delito que envuelva torpeza moral (Exhs. I, J y K); no padeco de enagenacion mental o de alguna enfermedad incurable o contagiosa (Exh. L); que durante todo el periodo de su residencia en Filipinas siempre se ha asociado con los filipinos y ha alentado el sincero deseo de estudiar y abrazar las costumbres, tradiciones e ideales de estos; que es su intencion renunciar absoluta y completamente a su lealtad y fidelidad a la Republica de China; y que su pais, China (Nacionalista), no esta en guerra con la Republica de Filipinas y cuenta con leyes que conceden a los Filipinos igual privilegio de permitir a estos a ser ciudadanos o subditos chinos (Exh. N); xxx"[15]

On 30 October 1963, the Assistant City Fiscal of Iloilo, Vicente P. Gengos, on behalf of the Solicitor General, filed a motion to reconsider the above decision[16] contending therein that petitioner is not exempt from filing his declaration of intention, has not complied with Section 4 of the Revised Naturalization Law and that his witnesses are not competent and credible persons within the contemplation of law.

However, on 11 December 1963, Assistant City Fiscal Gengos, on behalf of the Solicitor General, filed a Motion to Withdraw[17] the motion for reconsideration alleging therein that after a deliberate study of the grounds alleged, he believes that he cannot substantially establish the same.

The Record on Appeal again fails to indicate what action the trial court took on this motion to withdraw.

Petitioner filed a motion on 1 December 1965 alleging therein that more than two (2) years had elapsed since the rendition of the decision and that he has complied with all the conditions and requisites imposed by Republic Act. No. 530; he then prays

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[15] Record on Appeal, 39-42.

[16] *Id.*, 43-47.

[17] *Id.*, 50-51.

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that after hearing, the decision be executed and he be allowed to take his oath as a Filipino citizen. On 5 January 1966, Assistant City Fiscal Gengos filed an opposition to this motion,[18] reiterating therein the grounds he earlier alleged in the motion to reconsider the decision.

On 8 January 1966, the trial court handed down the order quoted earlier, now challenged in this appeal.

For reasons known only to him, petitioner did not file his Brief and, in the resolution of 12 October 1972, this Court considered the case submitted for decision without such Brief.[19]

On 27 January 1988, the parties were required to move in the premises and were informed that should they fail to make the proper manifestation within a period of thirty (30) days from notice, the case shall be considered terminated and closed and entry of judgment shall accordingly be made.[20] Only the Republic filed such a manifestation, praying therein that the case be decided in accordance with the prayer contained in its Brief[21] and informing the court that on 10 June 1975, petitioner, pursuant to the provisions of Letter of Instruction No. 270, filed with the special Committee on Naturalization of the Office of the Solicitor General a petition for naturalization, docketed as SCN No. 011317, which is pending consideration before the committee.

All the assigned errors are impressed with merit. We shall discuss them in the order they are presented.

1. As correctly pointed out by the Republic, the second amended petition was not published. Neither were the original and the amended petitions. What the Office of the Clerk of Court did was to prepare and issue *notices* of the petition. It was said notices alone which were ordered to be published and posted.

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[18] Record on Appeal, 51-55.

[19] *Rollo,* 109.

[20] *Id.,* 110.

[21] *Id.,* 111-112.

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In respect to the second amended petition, the notice was published in the 10, 17 and 24 July 1961 issues of the Official Gazette and the 1, 8 and 15 July 1961 issues of the GUARDIAN.

Section 9 of the Revised Naturalization Law[22] requires that the petition itself must be published. It reads in part as follows:

"SECTION 9. *Notification and appearance*. — Immediately upon the filing of a *petition*, it shall be the duty of the clerk of court *to publish the same* at petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides, and to have copies of *said petition* and a general notice of hearing posted in a public and conspicuous place in his office or in the building where said office is located, setting forth in such notice the name, birthplace and residence of the petitioner, the date and place of his arrival in the Philippines, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the hearing of the petition, which hearing shall not be held until after six months from the date of the last publication of the notice xxx"

As early as 29 November 1958, or four (4) years, eight (8) months and sixteen (16) days before the trial court handed down its challenged decision, this Court, in *Co y Quing Reyes vs. Republic*,[23] ruled that the above-quoted Section 9 requires that *the petition for naturalization* be published "once a week, for three (3) consecutive weeks, in the Official Gazette." This provision demands compliance with the following requirements, namely: (1) the publication must be weekly; (2) it must be made three (3) times; (3) and these must be "consecutive." The Court further ruled that the publication is a jurisdictional requirement. Thus:

"In short, non-compliance with the requirements thereof, *relative to the publication of the petition, affects the jurisdiction of the court. It constitutes a fatal defect, for it impairs the very root or foundation of the authority* to decide the case, regardless of whether

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[22] Commonwealth Act No. 473, as amended.

[23] 104 Phil. 889.

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the one to blame therefor is the clerk of court or the petitioner or his counsel. Failure to raise this question in the lower court would not cure such defect." (Italics supplied)

That there was in fact, in the instant case, a notice of petition which was published once a week for three (3) consecutive weeks end that the same made references to some date in the petition and stated the date and place of hearing, did not save the day for both the petitioner and the trial court. The publication of the notice did not constitute substantial compliance with the cited section. In *Ngo vs. Republic*,[24] We stated:

"The first assignment of error is predicated upon the undisputed fact that, in violation of Section 9 of Commonwealth Act No. 473, which provides that —

xxx xxx xxx

the petition herein has not been so published. Although a notice of the filing of said petition, making reference to some data therein contained, and stating the date and place of the hearing thereof was published, this is not sufficient compliance with said legal provision. As a consequence, the lower court acquired no jurisdiction to hear this case and the decision appealed from is null and void."

In *Sy vs. Republic, supra*., this Court held that the requirement of Section 9 of C.A. No. 473, as amended, that a copy of the petition to be posted and published should be a textual or verbatim restatement of the petition as filed, is jurisdictional. Non-compliance therewith nullifies the proceedings in the case, including the decision rendered in favor of the applicant.

2. For reasons also known only to him and his counsel, and despite two (2) amendments to the original petition, petitioner did not allege in any of his petitions that he is of good moral character. The third of the six (6) qualifications to become a citizen of the Philippines, as provided for in Section 2 of the Revised Naturalization Law, is:

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[24] 27 SCRA 88 (1969). *See* also *Yao Mun Tek vs. Republic*, 37 SCRA 55 (1971); *Chua Bong Chiong vs. Republic*, 39 SCRA 318 (1971); *Po vs. Republic*, 40 SCRA 37 (1971); *Sy vs. Republic*; 55 SCRA 724 (1974).

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"*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; xxx"

In the Twelfth paragraph of the second amended petition, petitioner practically copied all the words in the section except for the opening clause on good moral character; thus, he alleges:

"*Twelfth*. I believe in the principles underlying the Philippine Constitution. I have conducted myself in a proper and irreproachable manner during the entire period of my residence in the Philippines in my relations with the constituted Government as well as with the community in which I am living."

In *Dy vs. Republic*,[25] the petition filed therein was denied because, inter alia, the said petition did not specifically allege that petitioner is of good moral character pursuant to the requirement under Section 7, in relation to paragraph 3 of Section 2 of the law above-quoted. In *Chua Bong Chiong vs. Republic*,[26] this Court explicitly ruled that:

"1. The law requires that he should allege specifically each of the six qualifications for naturalization prescribed under Sec. 2 of Com. Act No. 473 (Sec. 7 of Com. Act No. 473). *The petition does not contain the specific averment that he is of good moral character, which omission inevitably nullifies his petition.*" (Italics supplied).

A reading of the transcripts of the stenographic notes of petitioner's testimony on direct examination reveals that he was not asked about his good moral character. Neither did he refer to it in any manner in the answers he gave.

3. Petitioner alleges that he completed his senior year of high school at the Chiang Kai Shek High School in Manila. In both the original and amended petitions, however, he did not

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[25] 35 SCRA 65 (1970).

[26] *Supra*, footnote 24.

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reveal the specific place in Manila where he resided during that time. In his second amended petition, he declares that he stayed in Manila from June 1939 to 1942, giving his address as "(Salazar Street)". This is not sufficient compliance with the requirement of Section 7 of the Revised Naturalization Law that the petitioner must allege therein his present and former places of residence. The purpose of the requirement is to facilitate the checking up on the activities of the petitioner which are material to the proceedings. "(Salazar Street)" is vague and uncertain. Since neither the given name of Salazar nor its initial is mentioned, considering that Manila is a big and thickly populated metropolis, and that there is no proof that only one (1) street in Manila is named after a Salazar, it is obvious that petitioner deliberately suppressed vital information to make it extremely difficult for the government authorities to locate his place of residence and check on his activities therein during such time. Besides, a careful reading of the transcripts of the testimony of petitioner on direct examination[27] reveals that petitioner did not mention Salazar Street at all. Thus, on this ground alone, his petition should fail.

4. We likewise agree with the Republic that petitioner was not exempt from filing a declaration of intention. His claim for exemption is anchored on his having been born in the Philippines; his having completed his primary and secondary education in schools recognized by the Philippine government wherein enrollment is not limited to any race or nationality and where Philippine Civics, Philippine History and Philippine Government are prescribed and taught as part of the school curriculum; and that his children, except the youngest who is not of school age, are all enrolled in the schools contemplated by law. He testified that he completed his primary education at the Chinese Commercial School in Iloilo City and his secondary education at the Chiang Kai Shek High School in Manila. Unfortunately, only his self-serving declaration supports his claim that these schools are not limited to any race or nationality.

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[27] TSN, 21 August 1963, 24-67.

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The certification of one James King, Director of the Iloilo Chinese Commercial High School[28] dated 14 August 1963 and merely identified by petitioner, does not make any categorical statement that during the time that petitioner studied in said school until 1939 when he allegedly finished his elementary course, the school was not limited to any race or nationality. The certification makes no reference to the past — only the present. It states: "This school is not limited to any race, nationality, creed or religion." Mr. King was not presented to testify that prior to and during 1939, the school was not limited to any race or nationality. The certification should not have been admitted in evidence and given credit as such constitutes hearsay.

In respect to petitioner's high school education, the certification of the Director-Principal of the Chiang Kai Shek High School, dated 12 January 1962, merely states that petitioner "was enrolled in the Third year, Senior High School *in Chinese Instruction* in this school during the school year 1941-1942. He *was graduated from the Chinese Senior High School before the closing of that school year as a result of the outbreak of World War II.*"[29] It was petitioner himself who identified this certification. The Director-Principal was not even presented as a witness to be cross-examined. Clearly, this certification does not prove that petitioner did in fact finish his senior year. The "senior high school" stated therein refers to *Chinese Instruction*, and not to a general secondary education. Petitioner never attempted to explain the term "Third Year" and this only casts serious doubts as to his educational attainment at that time. There is then no proof of completion of a full secondary education. Furthermore, the certification does not state that in 1941-1942, the school was not limited to a particular race or nationality. Accordingly, he cannot claim exemption from filing the declaration of intention.[30]

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[28] Exhibit "JJ".

[29] Exhibit "KK". Italics supplied.

[30] *Uy Boco vs. Republic*, 85 Phil. 320.

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5. On the fifth assigned error, the Republic asserts that:

"Petitioner's character witness Antonio San Agustin admitted in (sic) the witness stand that he had no contact with petitioner during the period the latter studied in Manila (pp. 10-11, t.s.n., October 8, 1963) and during the Japanese occupation from 1942 to 1945 (pp. 10-11, t.s.n., August 21, 1963). The other character witness Pablo Oro also admitted that he came to know the petitioner only since 1944 (p. 19, t.s.n., August 21, 1963). Thus, San Agustin could not vouch for petitioner's moral character and conduct from 1939 to 1942 when petitioner studied in Manila and from 1942 to 1945 during the Japanese occupation, or a continuous period of some six (6) years; and Oro since petitioner's return to the Philippines from China in 1938 until 1944 (p. 24, t.s.n., October 7, 1963)."

In addition to the foregoing observation of the Republic, which is supported by the evidence, this Court notes that in respect to the good moral character or good repute of the petitioner, this is all that the witness said:

"Q Now, because of your long and close association with the petitioner, could you tell us whether he was (sic) of good moral character?

A He is of good moral character and many people say that he is of good repute."[31]

He clearly made a distinction between good moral character and good repute. As to the latter, he did not venture any personal opinion, but merely mentioned what others had been saying. Yet, in his affidavit,[32] he explicitly stated that he has "personal knowledge that the petitioner aforesaid is and during all aforesaid periods of his stay in the Philippines, been (*sic*) a person of good repute and morally irreproachable." The periods referred to by him are: (a) from birth of the petitioner in 1923 to 1933, when petitioner left the Philippines and (b) from 1938 when petitioner returned to the Philippines, "to the present." As to

[31] TSN, 21 August 1963, 8.

[32] Exh. "B", Roll of Exhibits, 8.

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the latter period, it is quite obvious that, *vis-a-vis* the aforequoted observation by the Republic, the witness did not hesitate to breach the boundaries of truth to help the petitioner.

In respect to witness Pablo Oro, all that he could state as regards the petitioner's reputation and moral character is:

> "Q Now, during the period of your acquaintanceship (sic) of the petitioner and your close contact with him as you have testified, could you tell us whether the petitioner is of good repute and morally irreproachable?
>
> A Yes, because among the young people in the Chinese community he is one of the best in moral conduct and also he is one of the brightest young man (*sic*) I have encountered."[33]

This answer was never amplified to enlighten the trial court as to its factual basis. Moreover, it can be easily noted that the yes answer is actually a qualified one and is not fully responsive. It is limited to good moral conduct, which is but a part of moral irreproachability. A part is not the whole. The latter means character of the highest order — excellent character.[34] Moreover, there is an apparent attempt to emphasize such conduct within the Chinese community. The third paragraph of Section 2 of the Revised Naturalization Law explicitly provides that the applicant must have such qualifications 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. That community is not confined to the Chinese community; it applies to the community in general for the reason that he is required to mingle socially with the Filipinos. One who fails to do so is disqualified to be naturalized under Section 4 (f) of the law. This witness did not likewise categorically answer the "good repute" aspect of the question; instead, he mentioned the intellectual qualities of the petitioner. Not all "bright" persons are of good repute, and not all persons of good repute are bright.

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[33] Op, cit. 16.

[34] *Ong vs. Republic*, 103 Phil. 964.

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It has been held that to establish the qualifications that the applicant must be of good moral character and must have conducted himself in a proper and irreproachable manner during the entire period of his residence, the character witnesses must be in a position to testify on the character and good moral conduct of the applicant during the entire period of the latter's stay in the Philippines as provided by law.[35]

In the instant case, the witnesses utterly failed to do that.

6. Section 12 of the Revised Naturalization Law requires that before a certificate of naturalization is issued, the petitioner shall renounce "absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty." It is settled that a Chinese national cannot be naturalized as a citizen of the Philippines unless he has complied with the laws of Nationalist China requiring previous permission of its Minister of Interior for the renunciation of his nationality.[36] In the instant case, petitioner did not offer any evidence to prove that he obtained such permission. The sixth assigned error then is well-taken.

IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered *REVERSING* the decision of the court below of 15 October 1963 and *SETTING ASIDE* its Order of 8 February 1966 in Naturalization Case No. 85, with costs against petitioner.

IT IS SO ORDERED.

Feliciano, Bidin and *Romero, JJ.,* concur.

GUTIERREZ, JR., *J., concurring opinion*:

I concur but subject to the qualification that the petitioner has not been conferred citizenship through Presidential Decree under the more liberal requirements of LOI 270. If he is already a citizen, then I vote to declare the case moot and academic.

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[35] *Yu Ang Kiong vs. Republic*, 16 SCRA 129.

[36] *Oh Hek How vs. Republic*, 29 SCRA 94; C*hua Bong Chiong vs. Republic, supra.*