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SECOND DIVISION

[G.R. No. L-26323. May 31, 1976]

IN THE MATTER OF THE PETITION OF YU HIO SOO *alias* WILLIAM KEE ENG HOC TO BE ADMITTED A CITIZEN OF THE PHILIPPINES YU HIO SOO *alias* WILLIAM KEE ENG HOC, *petitioner-appellee, vs.* **REPUBLIC OF THE PHILIPPINES,** *oppositor-appellant.*

SYLLABUS

ACTIONS; DISMISSAL THEREOF; GRANT OF PHILIPPINE CITIZENSHIP TO PETITIONER RENDERS INSTANT CASE MOOT AND ACADEMIC. — Where pending appeal from a decision of the lower court declaring petitioner eligible for Philippine citizenship, petitioner has been granted said citizenship under Presidential Decree No. 836 and had taken his oath of allegiance, the case should be dismissed for having become moot and academic.

RESOLUTION

FERNANDO, *J.*:

In this naturalization proceeding, the Republic of the Philippines is the oppositor-appellant. Yu Hio Soo, petitioner-appellee, has in his favor a decision by the then Judge Teofilo B. Buslon declaring him eligible for Philippine citizenship and granting his petition. The matter was then elevated to this Court by the Solicitor General. The grounds for appeal were the failure of petitioner to show that he has a lucrative income and that he had acted in a proper and irreproachable manner during his entire stay in the Philippines as well as the allegation that his witnesses were incompetent. The brief on behalf of petitioner-appellee disputed the above points. Thereafter, the appeal was submitted for decision.

Then, on February 13, 1976, a motion was filed by petitioner-appellee. It reads thus: "Petitioner has been granted Filipino

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citizenship under Presidential Decree No. 836 x x x and has already taken his oath of allegiance on February 4, 1976, before an Assistant Solicitor General in Manila; and under these circumstances the question raised by appellant in the appeal has become moot and academic; [Wherefore] it is respectfully prayed that the above-entitled case be dropped and that Petitioner be allowed to withdraw all the documentary evidence presented before the Court of First Instance and be delivered to his counsel."[1] When asked to comment, Solicitor General Estelito P. Mendoza made the following manifestation: "[Come now] the undersigned counsel for the Republic of the Philippines, and to this Honorable Court respectfully manifest that they have no objection to the dismissal of this case for being moot and academic, it appearing that petitioner-appellee had already taken his oath of allegiance as a Philippine citizen on February 3, 1976 in connection with his approved application under Letter of Instruction No. 270."[2]

WHEREFORE, this appeal is dismissed for being moot and academic. No costs.

Barredo, Muñoz Palma, Aquino and *Martin, JJ.*, concur.

Antonio, J., took no part.

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

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[1] Motion dated February 13, 1976.

[2] Manifestation dated March 18, 1976.