Supreme Court E-Library

Aquino, Concepcion, Jr., Guerrero and *De Castro, JJ.*, concur.
Barredo, J., took no part.
Abad Santos, J., is on official leave.

SECOND DIVISION

[No. L-31892. March 24, 1981]

JUAN SIMON (ALSO KNOWN AS JUANITO CHUA), petitioner-appellant, *v.* REPUBLIC OF THE PHILIPPINES, oppositor-appellee.

SYNOPSIS

Petitioner, whose petition for naturalization was already approved, was prevented from taking his oath on the ground that his character witnesses did not know him "well enough" during the entire period of his residence in the country and for using an alias without proper court authority. He appealed. Subsequently thereafter, his application for naturalization under LOI 270 was approved and he was granted Philippine citizenship pursuant to Presidential Decree 923. In view thereof, the Solicitor General asked for the dismissal of the case.

The Supreme Court dismissed the appeal for being moot and academic.

SYLLABUS

1. POLITICAL LAW; CITIZENSHIP; NATURALIZATION; DECISION THEREON NOT IMMEDIATELY FINAL.— Time and again, it has been held that the applicant's qualifications, as well as his disqualifications for naturalization may still be inquired into even after a decision has been rendered in his favor admitting him to Philippine citizenship because a decision in a naturalization case does not become final until the applicant was issued a Certificate of Naturalization after he had shown that he had already complied with the conditions under Section 1 of Republic Act No. 530 and had taken oath of allegiance to the Republic.

2. ID.; ID.; ID.; APPEAL IN INSTANT CASE MOOT AND ACADEMIC.— Where, pending appeal, petitioner was granted Philippine citizenship pursuant to Presidential Decree 923, the case is to be dismissed for being moot and academic.

Supreme Court E-Library

APPEARANCES OF COUNSEL

Demetrio B. Salem for petitioner-appellant.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Santiago M. Kapunan and *Trial Attorney Felix B. Lerio* for oppositor-appellee.

DECISION

FERNANDO, *C.J.*:

This appeal had to be interpo ed by petitioner due to the fact that after a decision was rendered in his favor admitting him to Philippine citizenship, he was prevented from taking his oath as such because, as pointed out in the appealed order: "Although the decision here was rendered on April 20, 1967, it is well settled that the same has not become final and executory. Time and again, it has been held that the applicant's qualifications, as well as his disqualifications for naturalization may still be inquired into even at this stage of the case, because a decision in a naturalization case does not become final until the applicant was issued a Certificate of Naturalization after he had shown that he had already complied with the conditions under Section 1 of Republic Act No. 530 and had taken oath of allegiance to the Republic (Ong Chin Guan *v.* Republic, L-15681, March 27, 1961; Ong So *v.* Republic, L-20145, June 30, 1965; Lin Chao Cun *v.* Republic, L-21952, May 19, 1966)."[1] The basis for such a reversal was the fact that his character witnesses did not know him "well enough" during the entire period of his residence in this country and that in his student days he had been using an alias without proper court authority.[2] After the briefs were filed, the case was deemed submitted for decision.

Subsequently, on March 9, 1981, a Manifestation and Motion was filed by the Solicitor General stating "that during the pendency of the appeal of the above-captioned case, petitioner-appellant Juan Simon alias Juanito Chua, filed an application for naturalization under Letter of Instruction No. 270 and, upon

[1] Record on Appeal, 26-27.

[2] *Ibid*, 25.

Supreme Court E-Library

recommendation of the Special Committee on Naturalization, was granted Philippine Citizenship on April 20, 1976, pursuant to Presidential Decree No. 923. Copies of his Oath of Allegiance and Certificate of Naturalization are hereto attached as Annex '1' and '2' respectively.''[3] The prayer was for the dismissal of the case for being moot and academic.

WHEREFORE, the case is dismissed for being moot and academic.

Aquino, Concepcion, Jr., Guerrero and *De Castro, JJ.*, concur.
Barredo, J., took no part.
Abad Santos, J., is on official leave.

FIRST DIVISION

[No. L-47492. March 24, 1981]

ROGELIO H. MANDAPAT, petitioner, *vs.* EMPLOYEES' COMPENSATION COMMISSION and GOVERNMENT SERVICE INSURANCE SYSTEM, respondents.

SYNOPSIS

The claimant, a thirty-two year old public school teacher contracted breast cancer during the period of her employment in view of which she underwent radical mastectomy on May 10, 1975. Her claim for disability compensation filed with the Government Service Insurance System was disapproved on the ground that claimant's ailment is neither an occupational disease as listed by the Employees Compensation Commission, nor is its development hastened by the factors of claimant's employment. On appeal, during the pendency of which the claimant died, the Employees Compensation Commission decided the case under Presidential Decree No. 626 as amended and affirmed the decision of the Government Service Insurance System. Hence, this petition filed by the widower of the claimant.

On review by certiorari, the Supreme Court ruled that cancer whose onset is quiet and gradual must have supervened before 1975, so that it is an error for the Employees Compensation Commission to decide this case under Presidential Decree No. 626 instead of under the Workmen's Compensation

[3] Manifestation and Motion dated March 9, 1981.