Naturalization is the act of adopting a foreigner and clothing him with the privileges of a native citizen.[1] It is neither an "an ordinary judicial contest to be decided in favor of the party whose claim is supported by the preponderance of evidence,"[2] nor "a matter of right, but one of the privileges of the most discriminating, as well as delicate and exacting nature, affecting as it does, public interest of the highest order. . ."[3]

Under Commonwealth Act No. 473, as amended, an alien who seeks admission to Philippine citizenship must undergo rigid judicial proceedings for naturalization. The judicial process is "attended with much prudence and care."[4] The applicant must prove to the satisfaction of the Court that

> . . . there is assurance not only that he (the applicant) will not be a social burden or liability but that he is a potential asset to the country he seeks to adopt for himself, and quite literally, for his children and his children's children.[5]

In naturalization proceedings, the Supreme Court has laid down the rule that the applicant must establish his full compliance with the legal requirements.[6] He must meet the conditions prescribed by law. These conditions consist of two kinds, namely, (1) substantial, and (2) formal or procedural.[7] The Supreme Court has held that

> . . . of the first class are the possession of the qualifications enumerated in Sections 2, 3, and 4 of Commonwealth Act No. 473, as amended. To the second class belongs, among others, the filing of a declaration of intention (save in specified cases), and the need of (2) two character witnesses.[8]

To the second class of conditions with which the applicant must comply also belongs the filing of the petition for naturalization in accordance with Section 7 of Commonwealth Act No. 473, as amended. In part, said section states that

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[1] Uy v. Republic, G.R. No. L-19578, October 27, 1964.
[2] Si v. Republic, G.R. No. L-18006, October 31, 1962.
[3] *Ibid.*
[4] Uy v. Republic, *supra* note 1.
[5] *Ibid.*
[6] Chin @ Go Tianse v. Republic, 93 Phil. 217 (1953).
[7] Si v. Republic, *supra* note 2.
[8] *Ibid.*

> Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; *his present and former places of residence;* his occupation; the place and date of his birth; whether single or married and if the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines; the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; . . . (Emphasis supplied)

The above cited section, among other things, requires that the applicant set forth in his petition for admission to Philippine citizenship his present and former places of residence. What is the purpose of the law in requiring an applicant to aver in his petition for naturalization his *present and former places of residence?* Would not *substantial compliance* with the law be sufficient? Does the word *residence* refer to the applicant's legal or actual residence?

A great number of applicants, for failure to allege their present and former places of residence in their petitions for naturalization, have been denied Philippine citizenship by the Supreme Court. In *Keng Giok v. Republic,*[9] the Supreme Court stated that the reason behind the statutory provision requiring the petitioner to specify his present and former places of residence is to facilitate the checking up on the different activities of the petitioner bearing on his petition for admission to Philippine citizenship, especially as to his qualifications and moral character, either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or investigations. In a later case, *Qua @ Qua Hock Du v. Republic,*[10] the Supreme Court said that the law requires full disclosure of the petitioner's present and former places of residence as a precaution against suppression of information regarding any possible misbehavior on the part of the petitioner in any community where he may have lived at one time or another. In the same case, the Supreme Court added that to ignore this purpose would be to disregard obvious legislative intent as well as to forego the high degree of prudence and care required of the court in naturalization proceedings.

The Supreme Court reiterated the same reason in *Chi v. Republic,*[11] stating that upon the *publication* of the petition for naturalization, the authorities, as well as those among the public

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[9] G.R. No. L-13347, August 31, 1967.
[10] G.R. No. L-19834, October 27, 1964.
[11] G.R. No. L-18207, June 20, 1966.

at large who may have anything relevant to say on petitioner's conduct in his different places of residence, will be accorded the opportunity to investigate said conduct or to come forward with pertinent facts thereon.

The failure of the petitioner to allege his present and former places of residence defeats the purpose of the law. In *Long v. Republic*,[12] the failure of the petitioner to state in his petition for naturalization the different places of his residence during the period of his stay in the Philippines prior to the filing of his petition proved to be the point decisive of the case. Stenographic notes of the case showed that Long, upon his arrival in 1940, stayed in Daet, Camarines Norte. There, he studied at the Chung Hua School for two and a half years. Then he went to Manila and studied at the Chiang Kai Shek High School for another two years. In 1948, he returned to Daet, Camarines Norte, and continued his studies at the Apolinario Mabini Institute until 1951. The following year, he went back to Manila where he stayed and studied engineering until 1955. Again, he returned to Camarines Norte, staying there for a while. Then he went back to Manila and stayed in the city until 1956. In the same year, he went to the United States, staying there until 1959. He returned to Manila and stayed in the city until 1960.

The Supreme Court said:

> Specifically, he (the petitioner) failed to declare his places of residence in Manila in the years 1947-1948 when he studied at the Chiang Kai Shek High School; he also failed to state his places of residence during the period of 1952-1955 when he studied in Manila; and in 1956 when he stayed in Manila preparatory to his departure for the United States.

The Supreme Court considered the omission a serious flaw which disqualified the petitioner to become a Filipno citizen. It said that by such omission, the petitioner, in effect, falsified the truth, indicating lack of good moral character on his part.

In the *Qua* case[13] decided in 1964, the Supreme Court answered the question as to what the term *residence* referred. The petitioner averred in his petition for naturalization that his permanent residence is in Legaspi City. He mentioned no other places of residence. However, during the trial, he testified that after he graduated from high school in 1957, he left Legaspi City and went to Manila. He resided at 1771 A. Mabini, Malate, Manila. During the vacations, he returned to Legaspi City. The

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[12] G.R. No. L-18758, May 30, 1964.

[13] Qua @ Qua Hock Du v. Republic, *supra* note 10.

trial court granted the naturalization and the Republic appealed. The petitioner argued that his residence in Manila was only temporary so that his legal residence or domicile remained to be Legaspi City.

The Supreme Court said that Section 7 of the Revised Naturalization Law [14] speaks of "present and former places of residence" without specifying actual or legal residence. The purpose of the law is to give the public and the investigating agencies of the government an opportunity to gather information and to express objection relative to the petition. For this reason, the Supreme Court added, it is important that petitioner's actual, physical residence be likewise set forth and published, since information regarding petitioner and objection to his application are to be provided by people in his actual, physical surroundings.

In a later case, [15] decided in 1965, the Supreme Court, without hesitation, pinpointed that what is called for to be stated in the petition for naturalization is not the legal residence or domicile but the actual residence or places where the petitioner has actually resided.

In January, 1967, the Supreme Court had the opportunity once more to clear any doubts as to what the term *residence* referred in *Burca v. Republic.* [16] The petitioner alleged in her petition for naturalization that she was born in Gigaquit, Surigao; that her former residence was Surigao, Surigao; and that she is residing at Regal Street, Ormoc City. However, during the trial, she testified that she also resided in Junquera Street, Cebu, where she took up a course in home economics for a year. The Supreme Court, in its decision denying her petition for naturalization, stated:

> Residence encompasses all places where the petitioner actually and physically resided. Cebu, where she studied for one year, perforce comes within the term *residence*. . . . information regarding the petitioner and objections to her application are apt to be provided by people in her actual, physical surroundings.

Is not substantial compliance with the law enough? The Supreme Court, in *Chua Eng Hok v. Republic* [17] answered that:

> . . . Philippine citizenship should not easily be given away. All those seeking to acquire it must prove to the satisfaction of the court that they have complied with all the requirements of the law.

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[14] Com. Act No. 473, as amended.
[15] Tan v. Republic, G.R. No. L-19694, March 30, 1965.
[16] G.R. No. L-24252, January 30, 1967.
[17] G.R. No. L-20479, October 29, 1965.

Furthermore, American authorities, cited in several Philippine cases point out that "it is not within the province of the courts to make bargains with applicants for naturalization. The courts have no choice but to require that there be full compliance with the statutory provisions," [18] and that the "courts are without authority to sanction changes or modifications; their duty is rigidly to enforce the legislative will in respect of the matter so vital to the welfare." [19]

In *Ngo @ Go Liong Sui v. Republic*, [20] the petitioner, in his petition for naturalization, alleged that his present residence is 927-B Oregon, Manila, and his former place of residence was 500 Magdalena, Manila. However, during the trial, he testified that he had also lived at 528 T. Pinpin, Alvarado Extension, and at 927 Magdalena, Manila, and lastly, in Mindoro where he was assigned by his office from 1956 to 1958. The Supreme Court held that failure to allege the last-mentioned residences is a violation of the law for such is a requirement which aims at giving the government the necessary clue or basis to determine the petitioner's fitness or qualifications to become a Filipino citizen.

Thus, the failure of a petitioner to allege *all* his present and former places of residence in his petition for admission to Philippine citizenship is not only a violation of the law but also a "serious flaw which disqualifies the petitioner to become a Filipino citizen." [21] More specifically and emphatically, such failure or omission, in violation of the mandatory provision of Section 7 of the Revised Naturalization Law, is a fatal defect which "not only warrants dismissal of the petition, but also affects the jurisdiction of the court to hear and decide the case." [22]

However, in 1966, the Supreme Court, in *Tan v. Republic*, [23] made an exception to the general rule. The trial court granted naturalization to the petitioner despite the fact that she failed to allege a previous place of residence, Bantayan, Cebu, in her petition for naturalization. The Solicitor General appealed.

The Supreme Court did not believe the failure or omission of the petitioner to allege a previous place of residence in her petition for admission to Philippine citizenship to be a fatal flaw. The Supreme Court said:

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[18] 2 American Jurisprudence 577.

[19] U.S. v. Ginsberg, 243 U.S. 472, 61 L. ed. 853, 856 (1917).

[20] G.R. No. L-18319, May 31, 1963.

[21] Long v. Republic, *supra* note 12.

[22] Meliton Go v. Republic, G.R. No. L-20558, March 31, 1965.

[23] G.R. No. L-20710, April 29, 1966.

dence, 512 Asuncion Street, Manila, being near to his present place of residence, 699 Asuncion Street, also in Manila, the omission of the former should not be considered fatal.

The Supreme Court stated that the argument of the petitioner is based upon a mere supposition and such supposition has very little weight. Besides, the Supreme Court continued, considering that said street is located in one of the most densely populated sections of Manila, the distance between the petitioner's new place of residence and the old or previous one may spell the difference between success and failure in the conduct of the investigation relative to his petition for naturalization. Finally, the Supreme Court stated that the non-compliance with the law must be assumed to have impaired the substantial effectivity of the investigation, unless proved otherwise, and no such proof has been introduced or even offered by the petitioner.

In another case,[26] the petitioner claimed that the omission of two streets, Tres de Abril and C. Padilla, in his petition for naturalization was not serious because he honestly believed that to mention them was not necessary in view of the fact that he had already stated that he resided in Comercio Street, which street is very near those that were omitted. The Supreme Court said that the petitioner's argument is untenable: the fact that Tres de Abril and C. Padilla Streets are near Comercio Street cannot be considered as an excuse from complying with the law. The law has a definite purpose — to enable the government authorities or their agents to check up on the different activities of the petitioner and make such appropriate inquiry as maybe necessary to determine his character and moral fitness to become a Filipino citizen.

In *Cheng @ Benito Lim v. Republic,*[27] the petitioner argued that both places of residence, one which he failed to include in his petition for naturalization and the other which he included in the same, are within the same district. The Supreme Court held that for the purposes of the requirement of Section 7 of the Revised Naturalization Law, the proximity of the omitted streets to those already mentioned in the application, does not constitute a valid excuse for such omission.

Oversight in good faith does not also constitute a valid excuse for the omission to allege a present and/or former place of residence in the petition for naturalization. In *Heng v. Republic,*[28] the petitioner failed to state his place or places of resi-

[26] Go Bon The v. Republic, G.R. No. L-16813, December 27, 1963.
[27] G.R. No. L-20013, March 30, 1965.
[28] G.R. No. L-21079, February 28, 1966.

dence from 1934 to 1943. He admitted omission but also claimed it was an oversight in good faith. The Supreme Court said that any omission, in this respect, detracts from the objective of the law, so that it is a fatal defect even if done in good faith.

In *Tan Tiu v. Republic*,[29] the petitioner failed to allege a previous place of residence in his petition for naturalization. During the trial, the petitioner testified that from the time of his birth on February 27, 1929 until 1948, for a period of almost twenty years, he resided in Dapa, Surigao del Norte, his place of birth. He contented that the mention of Dapa as a place of birth amounted to the mention thereof as a place of residence.

The Supreme Court held that "place of birth" and "place of residence" are two different requisites. Thus Section 7 of the Revised Naturalization Law requires that the petitioner set forth in his petition for naturalization, *inter alia*, ". . . his present and former places of residence; his occupation; the place and date of his birth; . . ." thereby showing that the two notions abovementioned are distinct from each other, so that the data for one cannot supply the omission for the other.

The Supreme Court adheres to the ruling that failure of the petitioner to allege and include all his present and former places of residence in his petition for naturalization constitutes a serious and fatal defect. This flaw or defect, the Supreme Court adds, is not cured even if the omitted places of residence are supplied in the evidence during the trial.[30]

In *Lo v. Republic*,[31] the Supreme Court stated that Section 7 of the Revised Naturalization Law requires that the petitioner should allege in his petition for naturalization, besides his name and surname, his present and former places of residence. The fact that Lo was able to present evidence proving his present and former places of residence does not necessarily mean that he has not transgressed the requirements of the law because his ulterior proof cannot have the effect of curing such transgression. The Supreme Court further said that the present and former places of residence of the petitioner are required to be stated in the petition in order that, upon its publication, the public as well as the investigating agencies of the government maybe given the opportunity to be informed thereof and voice their objection, if any, to the petitioner's desire to become a Filipino citizen. By omitting such data of "present and former places of residence," the public and the government agencies are deprived of such opportunity, thereby defeating the purpose of the law.

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[29] G.R. No. L-21018, November 29, 1966.

[30] Heng v. Republic, *supra* note 28.

[31] G.R. No. L-15919, May 19, 1961.

More to the point, the Supreme Court emphasized that the fact that the petitioner presented several clearances from the different agencies of the government does not entirely eliminate the possibility of not having been able to cover certain clues that might lead to petitioner's disqualifications precisely because of such omission. The Supreme Court, once more, stated that full compliance with the law is important and non-compliance cannot at all be cured by evidence, by supplying the data at the trial.

The Supreme Court, in *Chi v. Republic*,[32] briefly but clearly restated the rule on non-pleader by the applicant of his present and former places of residence in his petition for admission to Philippine citizenship:

> Save only in exceptional cases, such as the situation in Pelegrina Tan v. Republic (GR No. L-20710, April 29, 1966) (evacuation during the war), the settled rule holds true that failure, in good faith or otherwise, to specify all former places of residence in the petition for naturalization — even those situated within the same city — is a fatal defect in said application, not curable by supplying the data at the trial.

The Supreme Court continued, restating the purpose of the law requiring the petitioner to allege all his present and former places of residence in his petition for naturalization: to give the government authorities and the public an opportunity to investigate the petitioner's activities and conduct, or to come forward with pertinent facts concerning the petitioner's activities and conduct as maybe needed to determine his moral fitness, character, and qualifications to become a Filipino citizen.

The reason for all these is simple. Citizenship involves political status; hence, every person must be proud of his citizenship and should cherish it.[33]

ANTONIO H. DUJUA

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[32] G.R. No. L-18207, June 20, 1956.
[33] Chua Eng Hok v. Republic, *supra* note 17.