SUCCESSION: NATURAL CHILDREN HAVE NO RIGHT TO REPRESENT THEIR NATURAL FATHER OR MOTHER IN THE SUCCESSION OF THE LEGITIMATE ASCENDANTS OF THE LATTER.

FACTS: Aniceto Oyao had two legitimate children, Simeona and Eulalia, both of whom died before him but were survived by their recognized natural children, the plaintiffs herein. There is no question that the disputed property formerly belonged to Aniceto Oyao, who died intestate in 1936. Plaintiffs now lay claim to Aniceto's hereditary estate in representation of their deceased mothers and bring this action to recover a piece of land alleged to have been usurped by defendant in 1941. Defendant denies the alleged usurpation and claims ownership of the land—one-half of it, as an inheritance from his deceased father, Abundio Oyao, brother of Aniceto Oyao, to whom it had been donated by the latter, and the other half by purchase from Aniceto Oyao himself.

The trial court found plaintiffs' claim to be without legal basis and dismissed the complaint with costs. Plaintiffs appealed to the Court of Appeals, but said court certified the case to this Court on the ground that only questions of law are involved.

HELD: There can be no question on the proposition that natural children have no right to represent their natural father or mother in the succession of the legitimate ascendants of the latter.[1]

The plea that because plaintiffs are poor and defendant rich, the land in dispute should be adjudged to the former as a measure of social justice, runs counter to the present law on succession and is, therefore, beyond the power of the courts to grant.

Wherefore, the decision appealed from is affirmed, but without costs. (*Sulpicio Oyao, et al. vs. Emiliano Oyao, G. R. No. L-6340*, prom. Dec. 29, 1953.)

[1] This has been made clear in the case of Llorente vs. Rodriguez et al., 10 Phil. 585.

POLITICAL LAW

NATURALIZATION: WHERE THE PETITIONER FOR NATURALIZATION HAD PREVIOUSLY LIVED WITH ANOTHER WOMAN WITH WHOM HE HAD FIVE CHILDREN AND SUBSEQUENTLY ABANDONED THEM, MARRYING ANOTHER IN CHINA, HIS CONDUCT CAN UNDER NO CIRCUMSTANCES BE CONSIDERED "PROPER AND IRREPROACHABLE" WITHIN THE MEANING OF THE LAW TO QUALIFY HIM FOR NATURALIZATION.

FACTS: This is an appeal from a judgment of the C.F.I. of Cotabato approving the petition for naturalization of petitioner Yu Singco, a Chinese citizen. The Government, in opposition to the petition, presented evidence to the effect that petitioner had relations with Conception Cua, as a result of which five children were born to the latter. Petitioner admitted the relationship and did not deny that the children were his. The petitioner now has ten children with Chua Hoc Ty whom he married in Amoy, China in 1924. As to all other qualifications, there was sufficient evidence that petitioner was qualified for naturalization.

HELD: On this appeal, the Solicitor General contends that the petitioner has not conducted himself "in a proper and irreproachable manner during the entire period of his residence in the Philippines x x x," as required by section 2 of the Revised Naturalization Law. We are constrained to uphold this contention. What constitutes "proper and irreproachable conduct" within the meaning of the law must be determined, not by the law of the country of which the petitioner is a citizen (polygamy is allowed in China), but by the standards of morality prevalent in this country, and these in turn by the religious beliefs and social concepts existing here. This country is predominantly Catholic and universally Christian in religious belief. Both seduction and bigamy are punished as crimes. Society may pardon the sins of their members, but such pardon should not be confused with approval.

Under no circumstances can the conduct of the petitioner be considered "proper and irreproachable" within the meaning of the law, even if he actually gives support to his children.

Judgment reversed and the petition for naturalization

denied. (*In the Matter of the Petition of Yu Singco vs. Republic of the Philippines, G. R. No. L-6162*, prom. Dec. 29, 1953.)

COMMERCIAL LAW

TRANSPORTATION: IN AN ACTION FOR DAMAGES CAUSED BY THE BREACH OF CARRIER'S OBLIGATION TO CARRY A PASSENGER SAFELY TO HIS DESTINATION IT IS NOT NECESSARY TO PROVE THE NEGLIGENCE OF THE DRIVER IN ORDER THAT LIABILITY MAY ATTACH. THE SALE OR LEASE OF A FRANCHISE WHICH REQUIRES THE APPROVAL OF THE PUBLIC SERVICE COMMISSION IS NOT EFFECTIVE AGAINST THE COMMISSION AND THE PUBLIC, IF MADE WITHOUT THE APPROVAL OF SAID COMMISSION.

FACTS: Tomasita Arca, a school teacher with an annual compensation of ₱1,320 boarded the jeepney driven by Leonardo de Guzman at Tanza, Cavite, in order to go to Cavite City. She paid the usual fare for the trip. While the jeepney was on its way to its destination, it collided with a bus of the Luzon Bus Line causing as a result the death of Tomasita. Tomasita's widower and four children instituted this action against the defendants, owners of the jeepney, praying that they be ordered to pay an indemnity in the amount of ₱31,000, because of the jeepney's failure to transport Tomasita safely to her destination and her resultant death.

Defendants claimed that the present case should be held in abeyance until final termination of the criminal case instituted against the driver of the bus, involving the same issues, who was found by the Provincial Fiscal of Cavite upon investigation to be the one at fault for the collision.

The lower court rendered a decision dismissing the case, holding that defendants are not liable because it was not proven that the collision which resulted in the death of Tomasita was due to the negligence of the driver of the jeepney, whose ownership is attributed to defendants. From this decision plaintiffs have appealed.

HELD: The Court of Appeals affirmed the decision appealed from, but in so doing it predicated its affirmance not on plaintiffs' failure to prove that the collision was due to the negligence of the driver but on the fact that Marcelino Ignacio was not the one operating the jeepney but one Leoncio Tahimik who had leased the jeepney by virtue of a document duly executed by the parties. And not agreeable to this finding, plaintiffs filed the present petition for review.

In their first assignment of errors, petitioners claim that the lower court erred in ruling that to maintain an action for damages caused by the breach of a carrier's obligation to carry a passenger safely to his destination it is necessary to prove that the damages were caused by the negligence of the driver of said carrier. This, they claim, is contrary to the ruling of this Court in the case of Castro v. Acro Taxicab Co.[1] The ruling of the court below on this point having been overruled, we see no reason why the same issue should now be reiterated in this instance.

The second error refers to the person who was actually operating the jeepney at the time of collision. It is claimed that while Marcelino Ignacio, owner of the jeepney, leased the same to one Leoncio Tahimik on June 8, 1948, and that at the time of the collision it was the latter who was actually operating it, the contract of lease was null and void because it was not approved by the Public Service Commission as required by section 16, paragraph h, of the Public Service Law.

There is merit in this contention. The law really requires the approval of the Public Service Commission in order that a franchise, or any privilege pertaining thereto, may be sold or leased without infringing the certificate issued to the grantee. The reason is obvious. Since a franchise is personal in nature, any transfer or lease thereof should be notified to the Public Service Commission so that the latter may take proper safeguards to protect the interest of the public. Thus it follows that if the property covered by the franchise is transferred, or leased to another without obtaining the requisite approval, the transfer is not binding against the Public Service Commission and in contemplation of law the grantor continues to be responsible under the franchise in relation to the Commission and the public. Since the lease of the jeepney in question was made without such approval, the only conclusion that can be drawn is that Marcelino Ignacio still continues to be its operator in contemplation of law, and as such is responsible

[1] 46 O. G. 2028-2029.