A Critical Study of the Revised Naturalization Law

By ROMEO A. REAL *

I. INTRODUCTION

REPRESENTATIVE government, as every student of political law well knows, is now under fire. While it is not necessary to take too seriously the statements made by purveyors of new remedies for old discontents, we cannot fail to take note of the fact that a strong tide of opinion has set in against this famous institution of democracy. In England, rumblings are heard to the effect that the Mother of Parliaments is not well itself. Time and again the Leftist elements of France have proposed drastic changes in their form of government. The United States is not without trouble; alarmists have predicted that America is headed for a frightful cataclysm, the ultimate result of the external as well as internal menace to which the country has been subjected since the close of the First World War. England and France are making a stand to prove to the world once again that this democratic institution which has stood the test of centuries will never wane, while the United States with the end in view of helping England and France in defending their last frontier has revived the Neutrality Act.

Dictators on the continent of Europe either have rejected the representative chamber entirely or have reduced them to farcical consultative bodies whose duty it is to give assent to all the leaders' acts. Their lust for power has driven countless of thousands of their subjects to all nooks and corners of the world. Many of them find the Philippines a haven, and the extending hands which the President of the Commonwealth stretched to them has resulted in the monthly influx into the Philippines of hundreds of these mercilessly persecuted people.

The entrance into the Philippines of Chinese immigrants has increased enormously, too, as a result of the war now raging in China, while our educational institutions are drawing into the Philippines more and more students from our Oriental neighbors.

The problems arising or which may arise as a result of this enormous ingress of aliens have attracted the serious attention of Philippine officialdom. Already, the Supreme Court of the Philippines is being called upon to decide whether German-Jewish medical students are entitled to take the Medical Board Examinations and, upon passing, to practice medicine in the Philippines. But the most important stride which the Commonwealth government has taken in determining the rights and obligations of these aliens is the enactment of the Revised Naturalization Law.

Calculated to raise the standard of eligibility and at the same time remove the barrier against Orientals, which was a very unfortunate provision of the old Naturalization Law, the new law

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is an outstanding achievement in itself. It concedes to Orientals and Caucasians alike the privilege of becoming naturalized citizens of the Philippines. It therefore enlarges the field of our choice.

In its eagerness, however, to open the doors of Philippine citizenship and the national patrimony to all desirable outsiders, the National Assembly has not overlooked the fact that there is an ever increasing necessity of employing measures to insure to Filipino citizens abroad the same respect and cordiality with which foreigners are treated in the Philippines. This aspect of the question prompted them to include the proviso that citizens of countries other than the United States whose laws grant Filipinos the right to become naturalized citizens thereof, are eligible for naturalization as Filipino citizens. American citizens may, of course, acquire Philippine citizenship.

Another feature of the new act which is calculated to raise the standard of eligibility to Philippine citizenship is the increase in the residence qualification from five to ten years, and the property qualification from ₱1,000 to ₱5,000. Among the persons disqualified under the law are those who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. The sixth qualification which must be complied with by an applicant is the requirement that he must have enrolled his minor children of school age in any public schools or private schools recognized by the office of Private Education of the Philippine Government, where Philippine history, government, and civics are taught. In order to avoid frauds of any kind, the applicant is required to file a declaration of intention at least one year prior to the filing of his petition for Naturalization.

All these new provisions were designed to confer the privilege of Philippine citizenship only upon those who can be absorbed into the main spring of the national spirit, besides believing in the political usages in our system of representative democracy. Hereafter—it is hoped—Philippine citizenship shall be a distinct honor available only to those who, in aptitude and disposition, evince a high possibility of enriching the moral, physical, and material stock of the Filipino people.

II. Definitions and Distinctions

The definitions and distinctions of the important terms therein used help very much in the clarification and better understanding of any subject. It is with these ends in view that the writer includes the following definitions and distinctions.

1. *Naturalization.*—In its juristic sense, this term is defined as the admission of a foreign subject or citizen into the political body of a nation, and the bestowal upon him of the quality of a citizen. (Minneapolis vs. Reum, 56 Fed. 576).

2. *Citizen.*—Citizens are the people who owe allegiance to the state and have the right of reciprocal protection from it. (In re Rousos, 119 N.Y.S., 35). They are the people who compose the political community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their

individual as well as their collective rights. (U. S. vs. Cruikshank, 92 U. S. 542).

3. *Citizenship; Citizen; Subject; Alien.*—"Citizenship" is generally defined as membership in a political community. Persons possessing this title to state membership are called citizens or subjects. Their relation to the state is personal and permanent. The term "subjects", however, is commonly confined to those living in monarchical countries, while the term "citizens" is especially applicable to those living in republics. "Aliens" are those persons residing in a country but not citizens thereof. To a certain extent they are also members of the political community where they actually reside. Their membership is often spoken of as residence in contradistinction to citizenship. Their title to membership, however, is temporary, lasting only during the time of their stay in the country. Both the citizen and the alien are entitled to the protection of the laws and government of the state, and both likewise owe obedience and fidelity to such laws and such governments. (Minos vs. Happersett, 21 Wall. 162, as cited in Sinco, Philippine Government and Political Law, p. 341).

4. *Citizenship and Nationality.*—It has been pointed out that the term "nationality" is broader in scope than "citizenship" and that it may comprehend cases of persons who are not citizens and yet may claim to be nationals. (Moore, A Digest of International Law, Vol. III, p. 273). This is undoubtedly true, but cases of non-citizens who may become entitled to the protection of a state by reason of domicile, belligerency, or for other reasons, are usually of a nature requiring the intercession of the political department and seldom, if ever, come before the courts. (Pergler, Judicial Interpretation of International Law in the U. S., p. 135). Primarily, too, questions of citizenship are determined by municipal law and become important from the point of view of International Law only when the right of protection is invoked or when there arises the question of obligation of individuals toward a state within whose jurisdiction they do not reside. (Hall, International Law, p. 41.)

III. NATURALIZATION IN GENERAL

The history of the legal relation between the state and individuals, its own citizens and aliens, is largely a history of the transition from the system of personal laws to the territoriality of law, accompanied both by a growing control of a central power over the individuals within its jurisdiction and by the appearance of certain characteristics, territorial independence, and sovereignty, as essential qualifications for admission of a state into the society of states. (Borchard, Diplomatic Protection of Citizens Abroad, p. 3).

Naturalization as a mode of acquiring the status of a citizen has been recognized as early as the time of the Roman Republic. At the beginning, the exercise of the power to naturalize and the effect of naturalization were limited. Foreigners could gain the rights of Roman citizenship only through the action of the popular assembly, although in the later years of the Republic, generals in the field seemed to have usurped this prerogative of the people in a few cases. Naturalized citizens did not acquire the privilege of sitting in the senate. However, special facilities were granted to the Latins and the allies in acquiring citizenship. Furthermore, a Latin could exercise the rights of

Roman Citizenship in Rome provided he had left a son at home or had held a magistracy. During the days of the Empire, those who received an honorable discharge, after having served 26 years in the auxiliary force, or 26 years in the navy, became Roman citizens. As in the days of the Republic, personal favor or political considerations or a desire to reward those who had rendered noteworthy services to the community were usually the deciding factors in these cases. (Abbott, History and Description of Roman Political Institutions). At present, the transfer of citizenship grows out of the *comity* of nations under which the rights of travel for educational and commercial purposes and continuous sojourn of the citizens of one nation in the domains of other nations has become a necessity for the common good of mankind in the advancement of the individual. (Webster, "Law of Naturalization"). Every nation may determine for itself, by its own constitution and laws, what classes of persons may be naturalized. (U. S. vs. Wong Kim Ark, 169 U. S. 649). Naturalization may be effected by treaty, and treaties may, and sometimes do, extend the right to inhabitants of conquered or ceded territory, to elect whether they shall retain allegiance to the abdicating government, or become citizens of the state acquiring sovereignty over the territory in question. (U. S. vs. De Repentiquy, 5 Wall., 211).

IV. PHILIPPINE NATURALIZATION LAWS

The Treaty of Paris, signed December 10, 1898, and ratified by the United States Senate on April 11, 1899, left the determination of the civil rights and political status of the native inhabitants of the Philippines to the Congress of the United States (Last paragraph, Article IX).

Pursuant to that treaty the congress in Section 4 of its Act of July 1, 1902, commonly known as the Philippine Bill, declared "that all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands * * *." That meant that the Filipinos who resided outside the Philippine Islands on April 11, 1899, were not deemed and held to be citizens of the Philippines. They had to be naturalized in order that they might become citizens of the Philippines. To remedy their situation, Congress, in its Act of March 23, 1912, amended Section 4 of the Philippine Bill by adding thereto the following proviso: "PROVIDED, that the Philippine Legislature is hereby authorized to provide by law for the acquisition of the Philippine Citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of other Insular possessions of the United States, and such other persons residing in the Philippine Islands who could become citizens of the United States under the laws of the United States if residing therein."

On August 29, 1916, Congress passed the Jones Law, Section 2 of which superseded the provisions of the Philippine Bill regarding citizenship, as follows: "Section 2. That all inhabitants of the Philippine Islands who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided

in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the Treaty of peace between the United States and Spain, signed at Paris, December tenth, eighteen hundred and ninety-eight, and except such others as have since become citizens of some other country: PROVIDED, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the Insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein."

From the foregoing provisions of the Treaty of Paris and Acts of Congress it is manifest that they did not in any way set up the rules and regulations by which aliens might be naturalized. They merely enumerated those who should be considered as citizens of the Philippines, but in no way defined how Philippine Citizenship might be acquired by others. In short, these laws merely defined who should be considered original citizens of the Philippines.

It was not until March 26, 1920, that the Philippine Legislature passed our first Naturalization Law (Act No. 2927.) On November 30, 1928, this law was amended by Act No. 3448. Under these laws persons belonging to the following groups may be naturalized as citizens of the Philippines:

1. Natives of the Philippines who are not citizens under the Jones Law;

2. Natives of the other Insular Possessions of the United States; and

3. Citizens of the United States or foreigners who under the laws of the United States may become citizens of said country if residing therein.

The first class refers to native born Filipinos who were away from the Philippines on the eleventh day of April, 1899, but who had lost their Spanish citizenship under Article 2 of the Royal Decree of May 11, 1901. The second class includes natives of Puerto Rico, Hawaii, Guam, and other American Island possessions in the Pacific who are not citizens of the United States. (*Sinco*, Philippine Government and Political Law, pp. 423-424). The foreigners mentioned under the third class who may become citizens of the United States are limited to the Caucasian and African races, the white men and the Negroes. That excludes Chinese, Japanese, Koreans, Afghans, Burmese, Hindus, and other Oriental peoples. Consequently the latter were not eligible for naturalization as citizens of the Philippines under our first Naturalization Act.

Under the Jones Law the Philippine Legislature was powerless to grant naturalization beyond the limitations therein imposed. The spirit of the provisions of our first Naturalization Law dovetails perfectly with that of Section 2 of the Jones Law. However, with the adoption of the Constitution of the Philippines which took place on May 14, 1935, the National Assembly was empowered by constitutional authorization and without limitation whatsoever, the right to determine by law who may be naturalized as Filipino citizens. Article IV, Section 1, paragraph 5, of the Constitution provides that "those who are naturalized in accordance with

law are citizens of the Philippines."

In view of this provision of the Constitution, and believing with utmost sincerity that it was unwise and self-degrading for the Filipino people to discriminate in favor of Caucasians and against their own neighbors with whom they have racial affinity, and to cultivate and promote relations of amity and friendship with all nations the Solicitor-General, the Honorable Roman Ozaeta, in his annual report to the Secretary of Justice for the year 1938. recommended the amendment or revision of the then existing naturalization law. And pursuant to that recommendation, he prepared and submitted through the proper authorities a bill entitled, "An Act to Provide for the Acquisition of Philippine Citizenship by Naturalization, and to repeal Act No 2927 as amended by Act No. 3448." With minor alterations and changes, the National Assembly passed the said bill, which took effect on June 17, 1939, the date of its approval.

V. NATURALIZATION UNDER THE REVISED NATURALIZATION LAW (Com. Act 473)

A. *Nature of the Process.*

The granting of naturalization certificate under the Revised Naturalization Law (C. A. 473) is essentially a judicial process conferred by the National Assembly upon the Courts of First Instance of the province or city in which the petitioner has resided at least one year immediately preceding the filing of the petition. Such courts acquire exclusive original jurisdiction to hear the petition. (Section 8, R. Nat. Law). However, the final sentence may, at the instance of either the petitioner or the government, be appealed to the Supreme Court. (Section 11, R. N. Law).

B. *Persons Eligible to Naturalization.*

1. *Particular Classes of Persons.*

All classes of aliens are eligible for naturalization provided that under the laws of their country Filipinos may become naturalized citizens or subjects thereof. Citizens of the United States may be naturalized irrespective of whether the naturalization law of the United States open its gates to Filipinos or not. (Section 4, Subsection h, R. N. Law).

2. *Qualifications.*

Aside from the above mentioned condition, the applicant must satisfy the following personal qualifications. Failure to comply with any one of which would mean the denial of his petition.

(a) *As to Age.*

He must be not less than twenty-one years of age on the day of the hearing of the petition (Section 2, Subsection 1). He need not be twenty-one years old at the time of the actual filing of the petition provided that at the day set for hearing he shall have reached the age of majority.

(b) *As to Residence.*

He must have resided in the Philippines for a continuous period of not less than ten years. (Section 2, Subsection 2). However, the ten years of continuous residence is reduced to five years if the petitioner has honorably held office under the government of the Philippines or under any of the provinces, cities, municipalities, or political subdivisions thereof: or has established a new industry or introduced a useful invention in the Philippines: or has been married to a Filipino wom-

an; or has been born in the Philippines; or has been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years. (Section 3). A person who has been in and out of the country as an agent of his employer but maintaining a home in the Philippines will not infringe the requirement for continuous residence because the law-making power did not mean that an alien must be actually and physically within the territory for every day of the ten years period. "Physical absences from the country, even for considerable periods, do not as a matter of law destroy the continuous character of the residence, within the meaning of the statute, if such absences are consistent with an intention to retain a residence in this country and to return thereto, which intention must remain throughout such absence or absences"—(U. S. vs. Dick, 291 Fed. 420). But a person who had been absent continuously for twenty-six months on business during the 10 years period had been held not to have fulfilled the residence requirement. (U. S. vs. Kummer, 300 Fed. 106). The better rule would be to apply the following propositions: first, that continuity of residence is broken by an absence from the country for a continuous period of one year or more immediately preceding the date of filing the petition for citizenship. Second, the continuity of residence is presumed to be broken if an individual returns to the country of his allegiance and remains there for a continuous period of more than six months and less than one year. The presumption may be overcome, however, by the presentation of satisfactory evidence that the individual had a reasonable cause for not returning to the country prior to the expiration of such six months. (Act of Congress of March 2, 1939).

(c) *As to Character.*

He must be of good moral character and he must believe 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. (Section 2, Subsection 3).

In other words, he must be a law-abiding alien during his entire period of residence here. Thus, he must be deemed not to have satisfied this requirement if he commits the crime of perjury (Fed. Case No. 13, 5 Sawyer 195) murder (In re Ross, 188 Fed. 685) or bigamy (In re Spiegel, 24 Fed. [2nd] 605). Also, for managing a disorderly hotel in the country, previous to his petition (In re Karnstein, 268 Fed. 172), smuggling an alien wife into the country from another country (Petition of Nybo, 34 Fed. (2nd 161), failure to support infant children in one's native country (In re Nosew, 49 Fed. [2nd] 817), operating a house of prostitution in connection with a saloon (U. S. vs. Raverat, 222 Fed. 101), and if living in Manila, for the violation of the Blue Sunday law (U. S. vs. Gurstein, 119 N. E., 922).

An applicant shall be deemed not a "believer in the principles underlying the Philippine Constitution" when he is ignorant of the Constitution and of the rights and duties of citizenship because

a person cannot believe in the principles underlying the Constitution of which he is entirely ignorant (In re Meakins, 164 Fed. 324); or when he believes in the doctrine of socialism, because such ideas are in conflict with the principles underlying the Philippine Constitution (Ex parte Sauer, 81 Fed. 355); or when he advocates the abolition of the national governmental departments by constitutional amendment (In re Saralief, 59 Fed. [2nd] 432). Also non-believers in the principles of our Great Charter are those who confess to conscientious scruples against the shedding of blood and who would not be willing to serve in the Philippine Army (In re Roeper, 274 Fed. 490, In re Beale, 2 Fed. Supp. 899, 1933) and those who refused to bear arms in defense of the Philippines (U. S. vs. Macintosh, 283 U. S. 605).

(d) *As to Property and Trade.*

He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative *trade*, profession or lawful occupation. (Section 2, Subsection 4). Paupers cannot be naturalized because they are a class who do not possess this fourth qualification. Even persons who are engaged in some kinds of occupation cannot be admitted if it is proven that such occupation is morally or legally questionable.

(e) *As to Language.*

He must be able to speak and write English or Spanish and any one of the principal Philippine languages. (Section 2, Subsection 5, R. N. Law). Knowledge of either the English or Spanish language alone is not enough: The applicant must be able to speak and write at least one of the principal native languages. This provision is quite rigid, but then, if the applicant has the sincere desire to become a Filipino citizen, by the time that the ten-year period of residence has elapsed, he should be able to speak and write one of the native languages.

(f) *As to Education of Children.*

He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of the Private Education of the Philippines where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization. (Section 2, Subsection 6, R. N. Law).

This requirement is intimately related to the one which requires the applicant to believe in the principles underlying the Constitution. It is hardly conceivable how one who receives no instruction in Philippine civics, history, and government can understand our fundamental law. It would be practically futile to require understanding of our institutions if it were not at the same time to be required that adequate means should be availed of to acquire that understanding.

It will be altogether not in keeping with a sincere desire to embrace Filipino Citizenship if prospective citizens continue infusing their children with alien sentiments. This provision therefore, seeks to assure that persons, when they aspire for Philippine citizenship, do so for purposes more than pecuniary ones.

C. *Persons Excluded from Naturalization.*

The following persons can not be naturalized as Philippine citizens:

1. Persons opposed to organized government or affiliated with any association or groups of persons who uphold and teach doctrines opposing all organized governments (Sec. 4, Subsection a), and persons defending or teaching the necessity or propriety of violence, personal assault, or assasination for the success and predominance of their ideas. (Section 4, Subsection b.) Among the persons affected by these disqualifications are members of the Industrial Workers of the World, anarchists, socialists and communists.

2. Polygamists or believers in the practice of polygamy (Section 4, Subsection c.) Monogamy has been accepted as a rule of conduct of all civilized people of the world. Following this trend of practice, the Naturalization Law has excluded polygamists from being naturalized as Filipino Citizens. In its desire to make eligibility to citizenship as stringent as possible, the National Assembly had included as disqualified those "believers in the practice of polygamy." Since man has not yet discovered means for reading human minds and there is no possible way of determining a man's belief until such belief is manifested by external acts, this provision of the law appears to be useless and without effect.

3. Persons convicted of crimes involving moral turpitude (Section 4, Subsection d.) Persons who have committed crimes and offenses contrary to good morals, honesty, justice and modesty are among those disqualified under this subsection. Before such persons may be disqualified, however, a conviction by a competent court must be shown. Thus, in the case of In re Basa, 41 Phil. 275, an alien convicted of the crime of abduction with consent was denied Philippine citizenship.

4. Persons suffering from mental alienation or incurable contagious diseases. (Section 4, Subsection e.) An insane can not be naturalized as he is a person suffering from metal alienation. A leper may not be naturalized because leprosy is still considered as an incurable contagious disease. At any rate, the determination as to whether a person is suffering from mental alienation or incurable contagious diseases should be made with the help of experts because with the advance of medical science, what may be considered as "mental alienation" and "incurable contagious diseases' today may no longer be considered as such in the future.

5. Persons who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos. (Section 4, Subsection f.) This provision was designed to confer the privileges of Philippine only to those who can be absorbed into the national spirit. "We should see to it that no individual applicant, no matter to what race he belongs, is naturalized as citizen unless from his conduct and from his attitude towards the Filipinos we are sure he and his children are willing to be and will be assimilated into the main stream of Philippine life. We do not want Philippine Citizens on paper who will remain aliens in heart and sentiment, retaining at least spiritual and sentimental allegiance to their former sovereignties and forming, so to say, a for-

eign minority in this country, enjoying all the political and civil rights of the native-born citizens. Current history warns us against the dangers arising from such an eventuality."

6. Citizens or subjects of nations with whom the United States and the Philippines are at war, during the period of such war. (Section 4, Subsection g.) This provision concerns petitioners who have become enemy aliens during the process of naturalization. If war breaks out between the United States and the country of the applicant before the filing of the petition, there is no question but that the petition will be denied if the war continues during the progress of the hearing. The question arises as to whether or not those persons who have become alien enemies during the interim between the beginning of the hearing and the final decision may be granted certificates of naturalization if the decision is favorable to them. The Revised Statutes of the United States provide for a similar provision as the one we have here in the Philippines. But the views of the United States courts are divided on the point. Some granted certificates of Citizenship to those persons who filed their petition before the declaration of war. (In re Krueter, 241 Fed. 985; In re Nannaga, 242 Fed. 73; In re Weiz, 205 Fed. 2008; and U. S. vs. Meyer, 241 Fed. 305). Others hold the contrary view and forthwith denied petitions for naturalization. (In re Haas, 242 Fed. 739; Ex Parte Borchardt, 242 Fed. 1006; In re Janasson, 241 Fed. 723; Grahl vs. U. S., 261 Fed. 487). The better rule seems to be to grant citizenship to those enemy aliens who, at the time of the declaration of war, have already filed their application and have completed the ten years residence requirement. Another reasonable solution seems to be to amend the law with the proviso that all hearing on applications for naturalization shall be deemed as suspended from the outbreak of war between the United States and the country of the applicant, and during the continuance of such war.

7. Citizens or subjects of a foreign country other than the United States, whose laws do not grant Filipinos the right to become naturalized citizens or subjects thereof. (Section 4, Subsection h.) It is incumbent upon the petitioner to prove that under the laws of his country Filipinos may be naturalized citizens thereof. Thus, citizens of Germany cannot be naturalized here because under the laws of Germany, Filipinos are barred from acquiring German citizenship. Reciprocity is the main object of this provision. It was inserted to insure to Filipino citizens abroad the same respect and cordiality with which foreigners are treated in the Philippines.

D. *Steps in the Process.*

There are three distinct steps to be taken before the naturalization process is completed and a certificate of naturalization issued to an alien: The filing of the declaration of intention (first paper), the filing of the petition (second paper) and the hearing on the petition, resulting in the granting of the certificate of citizenship or the final paper.

1. *Declaration of Intention.*

The declaration of intention must be made one year prior to the filing of his petition for admission to Philippine Citizenship, that is to say, after the lapse of about nine years of continuous residence in the Philippines. It must be filed with the Bureau of Justice declaring under oath that

it is *bona fide* his intention to become a citizen of the Philippines.

Each prospective applicant for citizenship shall fill out properly, sign, and file with the Bureau of Justice, B. of J. Form No. 39, in duplicate accompanied by two photographs of himself signed with his autograph signature, and a certificate of arrival (B. of J. Form No. 40) in case he was not born in the Philippines. In the case of a declarant born in the Philippines, he shall be required to submit his certificate of birth to be issued by the official in charge of the civil registry of the place of his birth. (Rule 4, Dept. of Justice Naturalization Rules.)

Such a declaration (Bureau of Justice Form No. 39) sets forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft, if any, in which he came to the Philippines at the time of making the declaration. Therein stated also is the fact that he has enrolled his minor children, if any, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government, and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen.

No declaration shall be valid until lawful entry for permanent residence has been established and a certificate (Bureau of J. Form No. 40) showing the date, place, and manner of his arrival has been issued. (Sec. 5, R. N. Law).

A "lawful entry" into the Philippines must be shown, that is, he must prove that his admission into the Philippines was not procured by foul or illegal means. Thus, aliens who have been smuggled into the Islands cannot be naturalized.

Such lawful entry must also be "for permanent residence," that is, he was not merely admitted to the Philippines for a temporary period of time. Thus, foreigners who stay in the Islands as tourists or students cannot be admitted to citizenship.

An alien who has made a declaration of intention only, is not a citizen of the Philippines and he remains an alien until he has received his final certificate of citizenship (Lantz vs. Randall, 4 Dill. 425; Minneapolis vs. Reum 56 Fed. 576). In conformity with this principle, passports cannot be issued to such declarant as a citizen of the Philippines.

One question of prime import with respect to the filing of the declaration of intention at once manifests itself, which question resolves itself into the following: What time limit does the law contemplate within which a declaration of intention shall remain valid?—or stated in another manner, whether there is a necessity of renewing such declaration after the lapse of one, two, or five years after its filing?

Unlike the American Naturalization Law which provides that a declaration of intention remains valid for a seven-year period, the Revised Naturalization Law of the Philippines does not state the time limit within which it shall continue in force. All that the law provides is that one year prior to the filing of his petition for admission to Philippine Citizenship, the applicant for Philippine Citizenship shall file with the Bureau of Justice a declaration under oath of his *bona fide* intention to become a citizen of the Phil-

ippines." Literally interpreted this means that if the petition for naturalization is to be filed on December 1st, 1940, the declaration of intention must of necessity be filed on December 1st, 1939. The question becomes more complicated after the issuance by the Department of Justice of its "Naturalization Rules Regulations and Forms," which was made pursuant to the provision of Section 21, of the Revised Naturalization Law. The Naturalization Regulations provides that "This declaration of intention must be made *at least one year* prior to the filing of the petition for admission to Philippine citizenship." Interpreting the Department of Justice rule, the declaration of intention may be filed two, five, or even fifteen years prior to the filing of the Petition provided that the declaration is filed "at least one year prior to the filing of the petition * * *" Now, what was the intention of the National Assembly in not fixing a prescriptive period for the validity of the Declaration of Intention? Was it to make the declaration valid for an indefinite period of time as the Department of Justice has taken it to mean, or was it to make the law more strict in its application as for us to construe the law in its literal sense?

The writer is inclined to follow the second alternative. In the first place, by reading the law *in toto*, the intention of the National Assembly is manifestly to make naturalization in the Philippines more stringent. The increasing of the residence and property qualification, the sending of minor children of school age to public or private schools where Philippine history, government, and civics are taught, the requirement for mingling socially with the Filipinos, the language requirement, and almost all the provisions throughout all of the sections of the Revised Naturalization Law, point to the conclusion that the policy of the National Assembly was to make the admission to naturalization in the Philippines very strict.

In the second place, the omission of the provision in question was not due to inadvertence, but was the result of a deliberate design on the part of the National Assembly. The original draft of the Act provided that "Any person desiring to acquire Philippine citizenship shall file with the competent court, *not less than one year nor more than fourteen years after he has made his declaration of intention,* a petition in triplicate." When the committee for the Revision of Laws reported the bill to the Assembly for discussion and second reading, the provision "not less than one year nor more than fourteen years after he has made his declaration of intention" was reported as cancelled by the committee. It is apparent therefore that the intention of the National Assembly was to do away with any life-period of a declaration and that the petitioner must file his petition for citizenship "one year after the filing of the declaration." Had the National Assembly intended otherwise, how easy was it to state so.

While the law should be construed strictly in its literal sense on this point, it should not be interpreted in such a manner as to defeat the carrying out of the purposes of the Act. The applicant must be given an extension of a sufficient number of days within which to file his petition if on the day set by law, it was

impossible for him to file the petition.

2. *Petition for Citizenship.*

Every applicant for citizenship shall file a petition for naturalization with the Court of First Instance of the province or city in which he has resided at least one year immediately preceding the date of the filing of such petition. The petition shall conform substantially to Bureau of Justice Form No. 41 and shall be supported by the affidavits (B. of J. Form No. 42) of two credible Filipino citizens and accompanied by two photographs of himself signed with his autograph signature. Duplicate signed copy or a certified copy of the declaration of intention and of the certificate of arrival or the certificate of his birth in the Philippines must be attached to and made a part of the petition (Rule 5, Dept. of Justice R. R. and Forms; Sections 6, 7, and 8, R. N. Law).

The petition must set forth the petitioner's name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and the father of children, the name, age, birthplace and residence of the wife and of each of the children; that he has the qualifications required by the Revised Naturalization Law, specifying the same, and that he is not disqualified for naturalization under its provisions; and that he had filed his declaration of intention in accordance with law. It is also essential that the petition be signed by the applicant in his own hand writing. (Section 7, R. N. Law)

The *affidavits of two credible witnesses* must state that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for a period of time required by the Revised Naturalization Law and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of the Law. The names and post office addresses of the witnesses must appear in the affidavits.

The *Certificate of Arrival* must contain 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. (Section 7, R. N. Law) Such certificate may be issued by either the Collector of Customs or the Chief of the Immigration Division, as the case may be. (p. 12, Dept. of J. R. R. and Forms).

If the *certificate of birth,* which is required for the Petition (as well as for the Declaration of Intention) is not available because of the destruction or loss of the original or because no official record has been made of the fact of the declarant's or of the applicant's birth, he may present, in lieu of thereof, an instrument sworn to by two witnesses of legal age before any official authorized to administer oaths, setting the full name, profession, and residence of the alien declarant or applicant and of his or her parents, if known, and the place and birth of such alien declarant or applicant. The nearest of kin of such alien declarant or applicant shall be preferred as witnesses, and in their default, persons well known for their honesty and good repute in the municipality or city of the declarant's or applicant's residence.

(Rule 6, Dept. of Justice R. R. and Forms).

The petition shall also set forth the names and post-office addresses of such other witnesses as the petitioner may desire to introduce at the hearing of the case. (Section 7 R. N. Law).

The witnesses at the final hearing are not required to be the same as those who verified the petition (U. S. vs. Doyle, 179 Fed. 687): Nor is the applicant limited to those witnesses whose names are given in the posted notice, but in case they can not be produced, he may summon others (U. S. vs. Ojala, 182 Fed. 51), subject to the right of the Court to make whatever orders may be deemed necessary to enable the government to investigate as to their qualifications, character and credibility (U. S. vs. Doyle). Substitutes can be called only when all the statutory provisions have been strictly observed as to the qualification of the vouchers and notice to be given (In re Martorana 159 Fed. 1010).

3. *Certificate of Naturalization*

The final paper is the Certificate of Naturalization, which is granted after the final hearing in open court on the petition shall be heard within thirty days preceding any election and no final hearing can take place unless the petition is published.

Upon the filing of a petition, the clerk of the court shall require the petitioner to deposit an amount sufficient to cover the approximate cost of publishing the petition. It shall be the duty of the clerk of the court to publish the petition as soon as it is filed, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province or city where the petitioner resides, and to have a copy of said petition and a general notice of the 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 within ninety days from the date of the last publication. The clerk of the court shall forward copies of the petition, the notice of hearing, the sentence, the naturalization certificate, and all other pertinent data, immediately after their respective filing or issuance, to the Department of Interior, the Bureau of Justice, the provincial inspector of the Philippine Constabulary, and the justice of the peace of the municipality wherein the petitioner resides.

The final hearings upon the petition are held in open court and the Solicitor General, either himself or through his delegate or the provincial fiscal concerned, shall appear on behalf of the Commonwealth of the Philippines at all the proceedings and at the hearing for the purpose of cross-examining the petitioner and his witnesses concerning any matter in any way affecting the applicant's admission to citizenship.

Where doubt exists as to whether a petitioner for citizenship is already a citizen of the Philippines, the Solicitor General or his delegate or the provincial fiscal concerned, should in no case move for the denial of the petition on the ground that the applicant is already a citizen, unless the proof of that fact is clear and positive. In all other cases, the case should

proceed as if the applicant is undoubtedly not a citizen of the Philippines.

Before being admitted to citizenship, it must appear to the satisfaction of the court that, in view of the evidence taken, the petitioner has all the qualifications required by, and none of the disqualifications specified in the Act, and has complied with all requisites therein established. When this is done, the court shall order the proper Naturalization Certificate to be issued and the registration of the same in the proper civil registry.

If after the lapse of thirty days from and after the date on which the parties were notified of the decision of the court granting the petition, no appeal has been filed, or if, upon appeal, the decision of the court has been confirmed by the Supreme Court and the said decision has become final, the clerk of the court which heard the petition shall issue to the petitioner a naturalization certificate (Judicial Form No. 131) which shall, among other things, state the following: The file number of the petition, the number of the naturalization certificate, the signature of the person naturalized affixed in the presence of the clerk of the court, the personal circumstances of the person naturalized, the dates on which his declaration of intention and petition were filed, the date of the decision granting the petition, and the name of the judge who rendered the decision. A photograph of the petitioner and the dry seal of the court which granted the petition, must be affixed to the certificate.

Finally, before an applicant is admitted to citizenship, he must in open court renounce any title or order of nobility and declare an oath "that he shall renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly of the country of which at the time of the taking of oath he was a subject or citizen; that he shall support and defend the Constitution of the Philippines and that he shall obey the laws, legal orders and decrees promulgated by the duly constituted authorities of the Commonwealth; and that he recognizes and accepts the supreme authority of the United States of America in the Philippines and shall maintain true faith and allegiance thereto; and that he imposes that obligation upon himself voluntarily without mental reservation or purpose of evasion." (Sections 8, 9, 10, 12, and 17, R. N. Law; Rules 7, 8, and 9, Dept. of Justice R. R. and Forms).

It is within the discretionary power of the court to determine whether an alien is entitled to admission to citizenship. This is a sound judicial discretion, not arbitrary, and if abused is subject to review. It must be regulated according to known rules of law, and is legal, not personal, in its character (U. S. vs. Hrasky, 240 Ill. 560). It should not be understood, however, that it is within the scope of the power of the courts to make bargains with the applicant for naturalization. The courts have no choice but to require that there be a full compliance with the statutory provisions (U. S. vs. Macintoch, 283 U. S. 605). Any doubt in the minds of the court as to any essential matter of fact adduced during the trial of the petition, the application should be denied, for as a general rule, all doubts concerning a grant of citizenship should be resolved in favor of the government and against the applicant (U. S. vs. Schwimmer, 279 U. S. 644).

that once an order for naturalization has been issued in accordance with the law, the general rule is to the effect that such order issued by a competent court and valid on its face, is conclusive, when collaterally attacked, as to all matters necessarily before the naturalization court and involved in the issue presented. (Re Symanowski, 168 Fed. 978; U. S. vs. Gleason, 78 Fed. 396). And the same rule applies even in a criminal prosecution against the one whose citizenship is attacked (U. S. vs. Hamilton, 157 Fed. 569).

The theory upon which the general rule is based is that an order admitting to citizenship has the force and effect of a judgment, and is of the same dignity as any other judgment of a court vested with jurisdiction, so that another court cannot, except on direct attack, look behind it and inquire on what testimony it was pronounced. (U. S. vs. Nechman, 183 Fed. 788).

The general rule of conclusiveness of an order admitting to citizenship has been held to apply to all requisites to admission, although they are not stated in the certificate of naturalization (Spratt vs. Spratt, 4 Pet. 393, 7 L. ed. 897).

E. *Record Books and Fees.*

The clerk of court shall keep two books, one in which the petitions and the declarations of intention shall be recorded in chronological order, noting all proceedings thereof from the filing of the petition to the final issuance of the naturalization certificate; and another which shall be a record of naturalization certificates, each page of which shall be duly attested by the clerk of the court and delivered to the petitioner. (Section 13, R. N. Law; Rule 10, Dept. of Justice R. R. and Forms).

These books are essential because the records of the case form the primary evidence of the fact of naturalization, copy of which is delivered to the petitioner. Upon the loss or destruction of these, parol or secondary evidence may be introduced or naturalization may be inferred from facts which raise a presumption, as having all the qualifications, the fact of voting and holding office (Boyd vs. Nebraska, 143 U. S. 135).

Fees are collected by the clerks of the Courts of First Instance as follows: ₱30 for recording a petition for naturalization and for the proceedings in connection therewith, including the issuance of the certificate. A sufficient amount to cover the approximate cost of publishing the petition shall also be deposited by the applicant to the clerk of court. (Sections 9 and 14, R. N. Law).

The clerk of the Supreme Court shall collect for each appeal and for the services rendered by him in connection therewith, the sum of twenty-four pesos. (Section 14, R. N. Law).

The Bureau of Justice shall charge as fees for recording a declaration of intention and for the services rendered in connection therewith, the sum of five pesos. (Rule 11, Dept. of Justice R. R. and Forms.)

F. Rights of the Widow and Children

1. *Of the declarant.*

When any alien who has declared his intention to become a citizen of the Philippines dies before he is actually naturalized, the widow and minor children of such alien may, by complying with the other provisions of the Revised Naturalization Law, be naturalized without making any declaration of intention. (Section 6, R. N. Law).

But while the widow and minor children are given the benefits of the husband's declaration, she must complete her citizenship under the requirements and restrictions specified in the law. (U. S. vs. Manzi, 276 U. S. 463).

2. *Of the Petitioner.*

In case a petitioner should die before the final decision has been rendered, his widow and minor children may continue the proceedings. The decision rendered in the case shall, so far as the widow and minor children are concerned, produce the same legal effect as if it had been rendered during the life of the petitioner. (Section 16, R. N. Law).

G. *Violation of the Revised Naturalization Law.*

Persons violating any of the provisions of the Revised Naturalization Law are liable to punishment by a fine of not more than five thousand pesos or by imprisonment for not more than five years, or both. In case the person convicted is a naturalized citizen his certificate of naturalization and the registration of the same in the proper civil registry shall be ordered cancelled. (Section 19, R. N. Law).

The above mentioned penalty shall be imposed upon any person who shall fraudulently make, falsify, forge, change, alter, or cause or aid any person to do the same, or who shall purposely aid and assist in falsely making, forging, falsifying, changing or altering a naturalization certificate for the purpose of making use thereof, or in order that the same may be used by another person or persons, and any person who shall purposely aid and assist another in obtaining a naturalization certificate in violation of the provisions of the Revised Naturalization Law (Section 19, R. N. Law).

Complaints or informations for the prosecution of an offense implying a violation of the provisions of the Revised Naturalization Law must be filed within five years from the detection or discovery of the commission of said offense. Any complaint or information filed after that date shall be barred.

H. *Effects of Naturalization.*

1. *Upon the person naturalized.*

Once a person is naturalized, he stands on an equal footing with the native citizens except that he cannot be elected to the office of the President and Vice-President of the Philippines (Section 3, Art. VII, Philippine Constitution), nor can he be elected as member of the National Assembly (Section 2, Art. VI, Phil. Constitution) nor appointed as member of the Supreme Court unless he has been five years a citizen of the Philippines (Section 6, Art. VIII, Phil. Constitution). He is entitled, while in foreign countries, to receive from the Philippine Government and the United States Government the same protection to person and property which is accorded to native-born citizens of the Philippines.

A state, by exercising its rights of naturalization in favor of an individual, cannot absolve him from any legal obligations due to his former sovereignty at the time of his emigration: and he is liable to be held to the performance of such obligations should he return, at any time, to the jurisdiction of his native state.

An individual, after having been naturalized in a state other than that of his nativity, may renounce such citizenship and may renew

his native allegiance, or may form a new tie of citizenship elsewhere.

Naturalization, of itself, has no retroactive effect. It will not therefore relieve a person of his obligations incurred prior to his naturalization.

2. *Upon the wife of the person naturalized.*

Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines. (Section 15, paragraph 1, R. N. Law).

This paragraph of section fifteen is quite misleading. It does not seem to distinguish between those women who are now or may hereafter be married to naturalized citizens and those women who are now or may hereafter be married to native-born citizens. The writer is of the opinion, however, that this paragraph can only refer to the wives and would-be-wives of naturalized citizens not only because the Revised Naturalization Law treats only of naturalization but also because section 15 in its entirety deals on the effect of the naturalization on the wife and children.

The first part of the paragraph above quoted refers to women who were already married to naturalized citizens of the Philippines at the time of the adoption of the Revised Naturalization Law. These women shall be deemed citizens of the Philippines if under the provisions of the Act she can herself be naturalized.

The second part of the paragraph refers to alien women who might be married to naturalized citizens of the Philippines after the adoption of the Law. They shall also be considered citizens of the Philippines if they could be naturalized under the provisions of the Act.

The wife has the right to retain the nationality so acquired until the dissolution of the marriage, and cannot acquire another, even after a legal separation. (MacKenzie vs. Hare. 239 U. S. 299).

3. *Upon the children of naturalized persons.*

Four classes of minor children of naturalized persons are mentioned in the law. They are as follows:

a. Minor children of persons naturalized under the Revised Naturalization Law who have been born in the Philippines shall be considered citizens thereof (Section 15, par. 2, R. N. Law). It seems that this provision refers only to minor children who are born in the Philippines before their fathers become naturalized under the Revised Naturalization Law. The provision cannot refer to the children of persons naturalized under the old Naturalization Act. Neither can it refer to children who will be born after the father becomes naturalized under the Revised Naturalization Law, since by virtue of Article IV, Section 1, paragraph 3, of the Constitution of the Philippines, these children would already be deemed citizens of the Philippines.

b. A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a Philippine citizen. (Section 15, par. 3, R. N. Law).

c. A foreign-born minor child, who is not in the Philippines at the time the parent is naturalized, shall be deemed a Philippine citizen only during his minority, unless he begins to reside permanently in the Philippines when still a minor, in which case, he will continue to be a Philippine citizen even after becoming of age. (Section 15, par. 3, R. N. Law).

d. A child born outside of the Philippines after the naturalization of his parent, shall be considered a Philippine citizen, unless within one year after reaching the age of majority, he fails to register himself as a Philippine citizen at the American Consulate of the country where he resides, and to take the necessary oath of allegiance. (Section 15, par. 4, R. N. Law).

The child referred to above is a citizen of the Philippines even without this proviso of the Revised Naturalization Law. The Constitution provides that those whose fathers are citizens of the Philippines are also citizens thereof. The child, therefor, by virtue of the Filipino citizenship of his father at the time of his birth, is a citizen of the Philippines first and foremost by operation of the Constitution

Suppose that the child within one year upon reaching the age of majority, fails to register in the American Consulate and take the necessary oath of allegiance, does he lose his Filipino citizenship?

By virtue of the provision of Section 15, par. 4, of the Revised Naturalization Law, he loses his citizenship. The writer, however, believes otherwise.

Once a naturalized citizen, a person is entitled to all the rights and privileges of native born citizens, the exception being only the right to hold the office of President and Vice-President of the Philippines. His children born subsequent to naturalization are also citizens by operation of the Constitution, and the National Assembly has no power to deprive that child of that citizenship. Such action of the National Assembly also constitutes a violation of the due process of law and equal protection of the law clauses of the Constitution. Further, in so providing, the National Assembly exceeded its authority under the Constitution. "The power of naturalization, vested in the National Assembly by the Constitution, is a power to confer citizenship, not a power to take it away. A naturalized citizen, and his children born subsequent to the naturalization, becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the Constitution, on the footing of a native. The Constitution does not authorize the National Assembly to enlarge or abridge those rights. The simple power of the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual. The Constitution then takes him up and extends to him the rights and privileges accorded a native citizen."

I. *Cancellation of Certificate of Citizenship.*

For just cause or causes shown, the competent judge may cancel the certificate issued to a naturalized citizen.

The cancellation proceedings are instituted by the Solicitor-General or his representative or by the provincial fiscal in the Court of First Instance where the petition for naturalization was heard. (Sections 8 and 18).

Upon proof of the existence of one of the grounds for cancellation, the judge shall cancel the certificate and its registration in the Civil Registry shall also be ordered canceled. (Section 18).

There are five grounds by which a certificate may be cancelled.

1. If it is shown that said naturalization certificate was obtained fraudulently or illegally (Sec. 18 [a], R. N. Law).

Certificates may be cancelled because of fraudulent or illegal ac-

quisition when it is shown that before and at the time he was admitted to citizenship he was not of good moral character (U. S. vs. Raverat, 222 Fed. 101); or he was not a believer in the principles underlying the Constitution (U. S. vs. Swelgin, 254 Fed. 884); or that his certificate of arrival was not filed with the petition, as required by law (U. S. vs. Maney, 21 Fed. [2nd] 28); or by taking false oath and allegiance to the United States and the Philippines (Schurman vs. U. S., 257 U. S. 621); or by taking false oath as to residence (Johannessen vs. U. S., 225 U. S. 227); or by taking any other false oath required by the Revised Naturalization Law.

2. If the person naturalized shall, within the five years next following the issuance of said naturalization certificate, return to his native country or to some foreign country and establish his permanent residence there: *Provided*, that the fact of the person naturalized remaining for more than one year in his native country or the country of his former nationality, or two years in any other foreign country, shall be considered as *prima facie* evidence of his intention of taking up his permanent residence in the same. (Section 18 [b], R. N. Law).

The reason behind the last proviso is to shift the burden of proof from the Solicitor-General and his agents to the naturalized citizen in proving the latter's intention in going abroad. Experience has shown that it is very difficult if not impossible on the part of the Solicitor-General to prove that the intention of the naturalized citizen in going abroad is to establish his permanent residence there. (Session Journal of the National Assembly; Debates of May 17, 1939).

3. If the petition was made on an invalid declaration of intention. (Section 18 [c], R. N. Law).

The declaration of intention is the first step in the process of naturalization. Naturally, if the declaration of intention is void for want of the essential requisites provided for by law, the petition based upon the declaration, and the subsequent proceedings thereafter, must of necessity be void. Thus, a declaration of intention is invalid if it is not filed one year prior to the filing of the petition; or that no lawful entry for permanent residence has been established at the time of the filing of the declaration; or that the certificate of arrival is not filed with the declaration of intention.

4. If it is shown that the minor children of the person naturalized failed to graduate from a public or private high school recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught as part of the school curriculum, through the fault of their parents either by neglecting to support them or by transferring them to another school or schools. (Section 18 [d]).

Before an alien can be naturalized, he is required by law to enroll his minor children of school age in any of the public schools or private schools recognized by the Office of Private Education where history, government, and civics are taught and prescribed. (Sec. 2, par. 6).

Once naturalized, and as a condition to the granting of naturalization, the State imposes upon the naturalized person the condition subsequent of seeing to it that his minor children continue studying in those schools where his children are already enrolled and to see further that they graduate from

a public or private high school where Philippine history, government, and civics are taught. If such parents neglect to support the children while studying in the high school, or transfer them to another school or schools where Philippine history, government and civics are not taught, then any of these acts would constitute a good ground for the cancellation of the certificate of naturalization. However, if they have already performed everything in their power to maintain the children in the high school, and in spite of that they failed in their mission, as where adverse finances besets the family, then cancellation proceedings shall not lie. It is never the intention of the law-making power to compel them to do what was impossible for them to perform.

5. If it is shown that the naturalized citizen has allowed himself to be used as a dummy in violation of the constitutional or legal provision requiring Philippine citizenship as a requisite for the exercise, use or enjoyment of a right, franchise or privilege. (Section 18, e).

Under the Philippine Constitution and Philippine statutes foreigners are excluded from political rights such as the right to vote and to hold public office. They cannot take up homesteads or lease or purchase public agricultural land; nor can they acquire, exploit, develop, or utilize the natural resources of the Philippines. Foreign corporations may freely engage in industrial pursuits upon obtaining license for the purpose. But only corporations or associations of which at least 60 per centum of the capital stock belongs wholly to citizens of the Philippines or of the United States or of any state thereof, and authorized to transact business in the Philippines, may buy or lease tracts of agricultural public land, and acquire, exploit, develop and utilize the natural resources of the Philippines. Only corporations or companies which are composed wholly of citizens of the Philippines or the United States may secure a certificate of Philippine registry for vessels to engage in coastwise trade. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty per centum of the capital of which is owned by citizens of the Philippines. And save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or association qualified to acquire or hold lands of the public domain in the Philippines. (Article V, section I; Article X, section 5; and Article XIII, section 8, of the Constitution. Com. Act No. 141; Act 2761; and Garcia, Questions And Problems In Political Law And Government, pp. 46-47).

When a naturalized alien allows himself to be used as a dummy in violation of these constitutional and statutory provisions, his certificate of citizenship must be cancelled. For the greatest crime that a citizen can commit against the state is to betray the trust reposed upon him. Violation of any of these constitutional and statutory mandates constitutes treachery, making such citizen the most contemptible and ignoble person, and unworthy of the association of his fellow citizens. Becoming a dummy brings him to the lowest stratum of human society, immoral, unprincipled and devoid of any civic pride.

It is but proper, therefore, for the lawmaking body to provide for the exclusion of naturalized aliens who have allowed themselves to become dummies; and the National Assembly, in doing so, has performed a praiseworthy and patriotic service to the nation.

CONCLUSION

Nationalism is the keynote of the times. Countries everywhere have enacted all kinds of legislation assuring to their own citizens the exclusive use of wealth found within their territorial borders. It may be said that our age is an age of mutual suspicion where peoples seek to safeguard their own interests by all means at their command. Perhaps this attitude is not altogether the most desirable, but it is nevertheless a fact that past history and present events point with unerring precision to the fact that eternal vigilance is yet the price of liberty.

The Philippines therefore cannot but fall in step with the march of times. We have adopted a Constitution nationalistic in character with the end in view that the patrimony of the nation shall be preserved. But shortly after the Commonwealth came into being, the nation was scandalized by numerous applications for citizenship which, in the final analysis, clearly indicated that unless steps should be immediately taken, the legitimate Filipinos would be robbed of their rights by persons who have become citizens for mere convenience. It did not take long for our officials to realize that the constitutional monopoly of our people over the immense national wealth was menaced by alien opportunists.

The National Assembly therefore passed the Revised Naturalization Law hoping thereby to prevent the possible abuse and misuse of Filipino citizenship. Our examination of the law convinces us that our legislators practically attain their objective. The strictness with which foreigners are admitted to the exercise the right of Filipino citizen have every indication of forever standing as a bar against the increase of Filipinos with alien hearts. The trade and residence requirements, the moral and educational qualifications, the social prerequisites,—these and other provisions of the new law stand out as assuring indications that whatever foreign blood may become part of Philippine citizenry will enrich the nation.

But legal provisions are not enough. The most well-drawn statutes are ineffectual if the people for whom they are enacted pay but lip service to their precepts. That the Revised Naturalization Law has practically every detail looking toward our racial improvement none will deny. But that they will have the effects intended, remain to be seen.

It rests upon the Filipinos who will act as witnesses, upon the judges of the land, and upon every official and citizen of the nation to see to it that the law is properly administered. We have seen how in our lifetime mercenary Filipinos have sold their rights for a mess of pottage. It is within the domain of possibility that men of similar type will conspire to render the law ineffective. It is, however, the writer's confident hope that the new outlook of national freedom will infuse our countrymen with a sense of vigilant responsibility to the end that they will all lend a hand in the successful enforcement and application of this law which has been enacted for the common welfare.