FOR A STRINGENT APPLICATION OF PHILIPPINE NATURALIZATION LAWS

The resurgence of nationalism has brought with it varied consequences. Nationalism as the feeling for one's country is not novel. Through generations Filipinos have proved themselves nationalists. Our people have always resisted any attempt at subjugation by foreign powers. However, the show of force is not the sole manifestation of nationalism. The passion to preserve the patrimony of the nation is another evidence of nationalism.

For the past few years, our government has been plagued with problems of naturalization. It is perhaps not too rash for us to say that majority of the aliens who seek naturalization do so out of a selfish desire to exploit our economic resources. Only a few seek Philippine citizenship out of love for our customs, traditions, and people. To safeguard our patrimony against selfish interests, to protect the unity of our people, we should weed out the opportunists from the applicants through the stringent application of our naturalization laws.

We have two problems raised by naturalization of aliens: (1) the problem of wise legislation and (2) the problem of effective implementation. It is proposed that we reexamine all our naturalization laws now existing and guided by the policy of selective naturalization, see that they are adequate for the exigencies of our time. A special committee should be appointed for this purpose. It will be the duty of this committee to weed out all dead letter provisions and formulate more effective ones.

A good law if not implemented effectively is as useless as a diseased limb. A good law is a failure unless made the basis of action, of confirmatory deeds. A good law can only serve its purpose if judges interpret it in accordance with the true intent of the legislators. It is so easy to turn a good law into a bad law through erroneous interpretation. This is an actuality for in a sense judges are lawmakers and judicial rulings become part of our law.

In a short span of five years, the Supreme Court rendered two contradictory decisions in interpreting section 6 of Commonwealth Act No. 473, otherwise known as the Revised Naturalization Laws. We shall attempt to examine these decisions. It is necessary to read Section 6 of the aforementioned Act in connection with section 5 of the same Act.

Section 5 provides for the filing of a declaration of intention prior to the filing of the petition for admission to Philippine citizenship. Section 6 provides:

> *"Persons exempt from the requirement to make a eclaration of intention*—Persons born in the Philippines and *have received their primary and secondary education* in public schools, or those recognized by the Government and not limited to any race or nationality and those who have resided continuously in the Philippines for a period of thirty years or more before the filing of their application may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act. To such requirement shall be added that which establishes that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality. The same shall be understood applicable with respect to the widow and minor children of an alien who has declared his intention to become citizen of the Philippines and dies before he is actually naturalized." (Italics supplied)[1]

Thus section 5 prescribes a declaration of intention as a condition precedent to the filing of a petition for admission to Philippine citizenship while section 6 gives to the alien the right to be exempted from filing a declaration of intention upon complying with its requirements. Since grant of citizenship is a matter of favor and not a right, it is effective only after a strict compliance with the acts of Congress.[2] Hence, the terms and conditions prescribed and specified by Congress respecting the naturalization of aliens must be strictly construed and enforced and aliens are bound by such terms and conditions. Any doubt, therefore, as to whether or not an alien is entitled to naturalization should be resolved against him.[3]

What is the purpose of the declaration of intention? In the cases of *Chua v. Republic*[4] and *Tan v. Republic*,[5] the Supreme Court stated that this requirement is intended to give the government a reasonable time to screen and study the qualifications of an applicant. It is a means by which his good intention and sincerity of purpose can be tested. There are many aliens who have accumulated wealth and who resort to this means merely out of a desire to protect their interests and not out of a genuine desire to embrace our citizenship. It is to guard against such designs that these restrictions are placed by law.

The question, therefore, under section 6 of Commonwealth Act No. 473 is completion of the four-year high school course necessary in order that an alien may be exempt from filing a declaration

---

[1] As amended by Commonwealth Act No. 535.
[2] Petition of Counal, 8 F(2d) 374 (1925).
[3] United States v. Grimminger, 236 F 285.
[4] G.R. No. L-4112, Aug. 28, 1952.
[5] G.R. No. L-5663, April 30, 1954.

of intention or is the completion of the second or third year alone sufficient to exempt him from this provision?

In *Son v. Republic*,[6] the Supreme Court ruled categorically that the law requires completion of secondary education because this comprehends not only knowledge of morality but also knowledge of democratic processes and beliefs which a student insensibly assimilate in the crucible of the classroom. However, in *King v. Republic*,[7] the Court, through Justice Padilla, held that if the applicant who was born in the Philippines was a senior high school student at the time of hearing of his application for citizenship, he is exempt from filing a declaration of intention. In that case, King was born of Chinese parents in Victoria, Tarlac. With the exception of several months of visit to China, he resided continuously in the Philippines. He completed his elementary schooling in Tarlac and at the time of his application for naturalization he was a senior high school student at the Gregg Business Institute. The Solicitor General opposed the application on the ground that the petitioner failed to file his declaration of intention. The Court, however, granted the petition and held that in the same way that the requirement of enrollment in schools prescribed by law could not be exacted of an alien whose children are not of school age, the petitioner who was then a senior student could not allege or prove completion of the high school requirements.

Justice Pablo registered a strong dissent on the ground that the ruling of the Court was contrary to the cases of *Uy Boco v. Republic*,[8] and *Son v. Republic*[9] where the Court denied naturalization on the ground that the petitioners were sophomore students and had not therefore completed their secondary education. The dissenter stressed the fact that the phrase "have received secondary education" means have *completed* secondary education and to rule otherwise would be to open wide the door to naturalization to aliens who have not complied with the statutory requirement for admission.

We are inclined to agree with Justice Pablo for it is not unlikely that the situation might arise when a petitioner starting his senior year after having been granted Philippine citizenship stops his schooling then and there. The effect would be that an alien becomes a citizen without complying with the statutory requirements.

In *Dy v. Republic*,[10] the Supreme Court through Justice Pablo held that it is not sufficient for a petitioner for citizenship to have

---

[6] 48 O.G. No. 5 1778 (1950).
[7] G.R. No. L-2687, May 23, 1951.
[8] G.R. No. L-2247, January 23, 1950.
[9] *Supra* note 5.
[10] G.R. No. L-5098, March 10, 1953.

paid his matriculation fees as a senior student or have studied as such for three or four months. The petition for naturalization was denied because the petitioner was at that time a senior high school student. The Supreme Court ruled that "it is necessary that the entire four years is completed in order that one may be considered as having received his secondary education." Chief Justice Paras and Justice Bautista dissented on the ground that although the legal provisions prescribing the qualifications of alien should be strictly construed, the criterion may be relaxed when the point involved refers merely to a technical or procedural matter. In effect, the dissenting opinion considered a senior student, as having completed his high school education.

It seems that the majority opinion states the better rule. In a 1955 decision, the Supreme Court through Justice Concepcion ruled that when the petitioner reached only the third year in the high school, he is not deemed to have completed his secondary education.[11]

There is no doubt that the Supreme Court were never unanimous in their decisions as to the meaning of the phrase "have received secondary education." If we are to admit aliens as citizens of our country, we must naturalize only those who have adequate knowledge of civics, Philippine history and government. Since our laws bestow on our citizens many and varied rights, it is only proper that only those truly deserving be conferred such citizenship. To this end, it is proposed that section 6 of Commonwealth Act No. 473 be amended so as to change the phrase "have received secondary education" to "have graduated from secondary school."

The policy of selective naturalization should receive proper implementation because we want to have for our body politic a people imbued with a high sense of duty to our country — a living consciousness that our patrimony should be conserved for Filipinos whose hearts are for the Philippines. To our legislators and justices, here is our plea: let not our voice be lost in the wilderness of politics, but rather let our voice ring triumphant — through you.

AMELIA CUSTODIO

[11] Pidelo v. Republic, G.R. No. L-7796, Sept. 29, 1955.