



Republic of the Philippines  
 Supreme Court  
 Baguio City

FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES  
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REPUBLIC OF THE PHILIPPINES,  
*Petitioner,*

G.R. No. 212785

Present:

- versus -

SERENO,\* *C.J.*,  
 LEONARDO-DE CASTRO,\*\*  
 BERSAMIN,\*\*  
 DEL CASTILLO, *and*  
 TIJAM, *JJ.*

GO PEI HUNG,  
*Respondent.*

Promulgated:  
**APR 04 2018**

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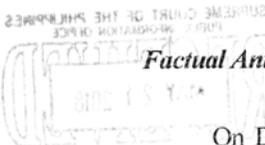
**DECISION**

**DEL CASTILLO, J.:**

A Petition for Naturalization must be denied when full and complete compliance with the requirements of Commonwealth Act No. 473 (CA 473), or the Revised Naturalization Law, is not shown.

This Petition for Review on *Certiorari*<sup>1</sup> seeks to set aside (1) the February 28, 2014 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 97542 affirming the July 21, 2010 Decision<sup>3</sup> of the Regional Trial Court (RTC) of Manila City, Branch 16 in Naturalization Case No. 07-118391, as well as (2) the CA's June 5, 2014 Resolution<sup>4</sup> denying petitioner's Motion for Reconsideration.

\* On leave.  
 \*\* Acting Chairperson per Special Order No. 2540 dated February 28, 2018.  
 \*\*\* Additional member per October 18, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.  
<sup>1</sup> *Rollo*, pp. 11-31.  
<sup>2</sup> Id. at 32-41; penned by Associate Justice Ramon M. Bato, Jr. and concurred in by Associate Justices Rodil V. Zalameda and Manuel M. Barrios.  
<sup>3</sup> Id. at 44-56; penned by Presiding Judge Carmelita S. Manahan.  
<sup>4</sup> Id. at 42-43.



**Factual Antecedents**

On December 3, 2007, respondent Go Pei Hung - a British subject and Hong Kong resident - filed a Petition for Naturalization<sup>5</sup> seeking Philippine citizenship. The case was lodged before the RTC of Manila, Branch 16 and docketed as Naturalization Case No. 07-118391.

After trial, the RTC issued its July 21, 2010 Decision granting the respondent's petition for naturalization. The RTC declared, thus:

The issue to be resolve [sic] here is whether or not the petitioner deserves to become a Filipino citizen.

In Commonwealth Act No. 473, approved June 17, 1939, provided [sic] that persons having certain specified qualifications may become a citizen [sic] of the Philippines by naturalization.

**Section 2. Qualifications.** - Subject to Section 4 of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

*First.* He must be not less than twenty-one years of age on the day of the hearing of the petition;

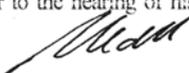
*Second.* He must have resided in the Philippines for a continuous period of not less than ten years;

*Third.* He must be of good moral character and believes 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.

*Fourth.* 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;

*Fifth.* He must be able to speak and write English or Spanish and any one of the principal Philippine languages; and

*Sixth.* He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where the 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.



<sup>5</sup> Id. at 57-61.

The Court, upon reviewing the records of this case, the pieces of documentary evidence and the testimonies of the petitioner and his two (2) character witnesses, x x x finds that petitioner Go Pei Hung, has complied with all the qualifications stated in Section 2 of Commonwealth Act 473.

It appeared that there is no impediment to the Court's nod of approval to petitioner's supplication[. H]e had presented at least two (2) credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required (Section 7 of CA 473).

*As held in Lim versus Republic 17 SCRA 424, 427, (1996[])] citing Vy Tain vs. Republic, L-19918, July 30, 1965.*

*'As construed by case law, they must have personal knowledge of the petitioner's conduct during the entire period of his residence in the Philippines.'*

*Also in [the] case of Edison So vs. Republic, G.R. No. 170603, January 29, 2007 and Republic vs. Hong, G.R. No. 168877, March 24, 2006[:]*

"In naturalization proceedings, the applicant has the *onus* to prove not only his own good moral character but also the good moral character of his/her witnesses, who must be credible persons."

Both witnesses presented by petitioner made common declarations that they came to know him [in] 1995 and became good friends with petitioner. Verily, given the birth of petitioner in 1961, the testimony of his two (2) witnesses, Mr. La To Sy Lai and So An Ui Henry Co Sy, that they came to know the petitioner sometime in 1995, [revealed] x x x that they had personal cognition of petitioner's demeanor during the petitioner's residence in the Philippines. Certainly, they see and observe the applicant continuously, every day and every week in order to be competent to testify on his reputation and conduct.

WHEREFORE, premises considered, the Petition for Naturalization filed by petitioner Go Pei Hung is hereby GRANTED.

Let [a] copy of this Decision be sent to the following concerned government agencies:

1. Bureau of Immigration
2. Department of Foreign Affairs
3. Office of the Solicitor General
4. National Bureau of Investigation

Under Republic Act 530, this decision granting the application for naturalization shall not become final and executory until after two (2) years from the promulgation of the decision and after another hearing is conducted to determine whether or not the applicant has complied with the requirements of Section 1 of said law with the attendance of the Solicitor General or his authorized representative x x x, and so finds [that] during the intervening time the applicant:



- (1) [has] not left the Philippines;
- (2) has dedicated himself continuously to a lawful calling or profession;
- (3) has not been convicted of any offense or violation of Government promulgated rules; and
- (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.

Set hearing on August 30, 2012 at 8:30 c'clock in the morning.

SO ORDERED.<sup>6</sup> (Emphasis in the original; citations omitted)

### *Ruling of the Court of Appeals*

Petitioner interposed an appeal with the CA, which was docketed as CA-G.R. CV No. 97542. On February 28, 2014, the CA issued the assailed Decision, pronouncing thus:

x x x [T]he Republic of the Philippines, through the OSG, filed the present appeal, alleging that:

I.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO FILE A DECLARATION OF INTENTION, AS REQUIRED BY SECTION 5 OF COMMONWEALTH ACT (C.A.) NO. 473;

II.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO ATTACH A CERTIFICATE OF HIS ARRIVAL IN THE PHILIPPINES, AS MANDATED BY SECTION 7 OF COMMONWEALTH ACT X X X NO. 473;

III.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO SHOW BY CLEAR AND CONVINCING EVIDENCE THAT HE HAS A LUCRATIVE TRADE, PROFESSION OR OCCUPATION, AS REQUIRED BY PARAGRAPH 4, SECTION 2 OF C.A. NO. 473; and

IV.

THE TRIAL COURT ERRED IN GRANTING THE PETITION DESPITE PETITIONER-APPELLEE'S FAILURE TO PRESENT DURING THE HEARING OF THE PRESENT



<sup>6</sup> Id. at 53-56.

CASE AT LEAST TWO CREDIBLE PERSONS AS PROVIDED BY SECTION 7 OF C.A. NO. 473.'

Petitioner-appellee opposes the appeal and claims that he has all the qualifications and none of the disqualifications to be a naturalized Philippine citizen.

The sole issue in this appeal is whether x x x the court a quo committed a reversible error in granting the petition for naturalization.

After [a] careful consideration of the arguments and the evidence on record, this Court rules to dismiss the appeal.

Anent the first assigned error, the Republic claims that the petitioner failed to file with the OSG a Declaration of Intention as required under Section 5 of Commonwealth Act (CA) No. 473, as amended, which provides that:

**'Sec. 5. Declaration of Intention. - 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 that it is bona fide his intention to become a citizen of the Philippines.**  
x x x'

As the foregoing Section 5 of CA No. 473, as amended, provides, the declaration shall be filed with the Bureau of Justice, now the OSG, at least one year before the filing of the petition, and shall set forth the following:

- (a) name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft in which he came to the Philippines, and the place of residence in the Philippines at the time of making the declaration;
- (b) a certificate showing the date, place and manner of his arrival;
- (c) a statement 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, now the Department of Education, 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; and
- (d) two photographs of himself.

Petitioner-appellee does not deny that he failed to file with the OSG the required declaration of intention, but he claims that he is exempted from filing the same pursuant to Section 6 of CA 473, as amended, which provides that:



*“Sec. 6. Persons exempt from requirement to make a declaration 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 filing their application, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act. To such requirements 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 to be applicable with respect to the widow and minor children of an alien who has declared his intention to become a citizen of the Philippines, and dies before he is actually naturalized.”*

According to petitioner-appellee, he has been continuously residing in the Philippines since 1973, during which he resided at 2277-B Luna Street, Pasay City. Also, he studied [at the] Philippine Pasay Chinese School in 1974 and later graduated [from] Grade VI in 1976. Thus, petitioner-appellee claims that, counted from 1973 to 2007 when he filed the petition for naturalization, he [had] been continuously residing in the Philippines for a period of thirty-four (34) years.

As to why petitioner-appellee stated in his petition that he continuously resided in the Philippines starting in 1989 only, he explained that it was [in] that year that he was officially issued a Certificate of Permanent Residence by the Bureau of Immigration. But, to be entitled to that status, he had to [have] resided in the Philippines for a longer period of time.

This Court is convinced that petitioner-appellee has been residing in the Philippines earlier than 1989. As narrated in the petition, he commenced his residence in the Philippines in 1973 at 2277-B Luna Street, Pasay City. A year later, he enrolled at the Philippine Pasay Chinese School, where he later graduated [from] Grade VI in 1976. That he had been living in the Philippines in 1973 was also established by petitioner-appellee during his direct examination, thus:

X X X X

It bears stressing that this testimony was not contradicted or refuted by the Republic which was represented by the City Prosecutor of Manila.

Thus, counted from 1973 to 2007 when he filed the petition for naturalization, petitioner-appellee had been continuously residing in the Philippines for more than thirty (30) years, or a period of thirty-four (34) years to be exact. Pursuant to Section 6 of CA 473, as amended, petitioner-appellee is exempted from filing the aforesaid declaration of intention.



Relatedly, considering that petitioner-appellee is exempted from filing the declaration of intention, petitioner-appellee is also exempted from filing the certificate of arrival which is, after all, just a component of the declaration of intention as provided under Section 5 of CA No. 473, as amended.

It is also not amiss to mention that all the information needed to be stated in the declaration of intention were stated also in the petition for naturalization and were proven during the presentation of evidence. So, while petitioner-appellee is exempted from filing the said declaration, he, nevertheless, provided and proved the facts needed to support his petition for naturalization.

As for the third assigned error, the Republic claims that the petitioner-appellee does not have a lucrative trade, profession or occupation within the meaning of the Naturalization Law, and that while petitioner-appellee alleged in his petition that he derived an annual income of ₱165,000.00 as a businessman, he failed to present any evidence to support his supposed business.

The Court is not persuaded.

According to Section 1 of CA No. 473, as amended, one of the qualifications of a person applying to be a naturalized Philippine citizen is that he must either own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or have some known lucrative trade, profession, or lawful occupation. Petitioner-appellee sought to establish that he is a businessman, [from] which he derives an average annual income of ₱165,000.00. During the trial, he marked and offered in evidence his Annual Income Tax Returns for the years 2007, 2008 and 2009. He also testified that he was helping in the business, which was put up by his wife, called the Excel Parts Sales Center, located at 1161 R. Hidalgo Street, Quiapo, Manila. This was affirmed by petitioner-appellee's witness, Lato Sy Lai, who told the court that petitioner-appellee's business is the sale of automobile parts.

Thus, contrary to the claim of the Republic, petitioner-appellee was able to prove that he has a lucrative trade, profession or occupation, which is the sale of automobile parts, one which has not been rebutted by the Republic nor has been shown to be illegal, immoral or against public policy.

As for the fourth and last assigned error, the Republic claims that the petitioner-appellee failed to present credible persons as character witnesses, and that the two persons who testified for the petitioner-appellee resorted to mere generalizations.

Again, the Court is not persuaded.

Petitioner-appellee presented two character witnesses: Lato Sy Lai and So An Ui Henry Sy. Both witnesses testified in court and were cross-examined by the City Prosecutor of Manila on such matters as how they met petitioner-appellee, how the petitioner-appellee related to Filipinos and how petitioner-appellee has adapted to Filipino culture, customs and traditions. We have reviewed the testimonies of these witnesses and we find no error on the part of the trial court when it found these witnesses credible. As held in *People vs. dela Cruz*, the matter of evaluating the credibility of witnesses depends largely on the



assessment of the trial court, and appellate courts rely heavily on the weight given by the trial court on the credibility of a witness as it had a first-hand opportunity to hear and see the witness testify.

It must be stressed again, that despite its opportunity to do so, the Republic failed to present any evidence or witness to oppose the testimonial evidence presented by the petitioner-appellee.

In fine, the Republic has failed to show that the court a quo committed reversible error in granting petitioner-appellee's petition for naturalization.

**WHEREFORE**, the instant appeal is **DISMISSED** and the Decision dated July 21, 2010 of the Regional Trial Court of Manila, Branch 16, in Naturalization Case No. 07-118391 is **AFFIRMED**.

**SO ORDERED.**<sup>7</sup> (Emphasis in the original; citations omitted)

Petitioner moved for reconsideration, but in its June 5, 2014 Resolution, the appellate court held its ground.

#### Issues

In the present Petition, it is argued that —

The petition for naturalization should not [have been] granted because: i) respondent did not file his declaration of intention with the OSC; ii) respondent did not state the details of his arrival in the Philippines in his petition and the certificate of arrival was not attached to the petition; iii) respondent is not engaged in a lucrative profession, trade or occupation; and iv) respondent failed to present during hearing qualified character witnesses as required under CA No. 473.<sup>8</sup> (Emphasis in the original)

#### *Petitioner's Arguments*

In its Petition and Reply<sup>9</sup> seeking reversal of the CA dispositions and denial of respondent's Petition for Naturalization in Naturalization Case No. 07-118391, petitioner contends that naturalization should be denied due to the failure of respondent to attach a Declaration of Intention and Certificate of Arrival to his Petition for Naturalization, as required under CA No. 473; that contrary to the CA's pronouncement, respondent is not exempt from filing the required Declaration of Intention as he was neither born in the Philippines, nor had he

<sup>7</sup> Id. at 36-41.

<sup>8</sup> Id. at 18.

<sup>9</sup> Id. at 99-113.



resided therein for a period of 30 years or more, as the record showed that he was born in Hong Kong and became a permanent Philippine resident only in 1989 - or for a period less than the required 30-year residency counted from the filing of his Petition for Naturalization in 2007; that the Certificate of Arrival - which is lacking - is equally important as it prevents aliens who have surreptitiously entered the country without the proper document or certificate of entry from acquiring citizenship by naturalization, and the absence of such document renders the Petition for Naturalization null and void; that the Petition for Naturalization was not validly published in its entirety; that respondent was not engaged in a lucrative trade, profession or occupation as he only had an average annual income of ₱165,000.00 in 2007 - when he filed the Petition for Naturalization - or a monthly income of only ₱13,750.00, which was insufficient for the support of his wife and three minor children, much less for his sole sustenance; that the two witnesses presented in respondent's favor were not credible character witnesses as they resorted to mere generalizations in their testimonies and did not delve into specific details - and they did not actually know respondent well since they both came to know him only in 1995.

Regarding procedural matters, petitioner argues that, while it did not attach the annexes to the instant Petition to the copy sent to respondent, these documents were nonetheless known to the latter and he had them in his possession all throughout these proceedings.

### ***Respondent's Arguments***

In his Comment,<sup>10</sup> respondent argues that the instant Petition should be denied as it violated Section 4 of Rule 45 of the Rules of Court<sup>11</sup> as petitioner did not attach the annexes to the copy of its Petition sent to respondent; besides the Petition is without merit. In particular, respondent argues that he is exempt from filing a Declaration of Intention and submitting a Certificate of Arrival, as he has been a resident of the Philippines for more than 30 years, having arrived in the country in 1973 and residing therein since; that the petitioner's computation of

<sup>10</sup> Id. at 70-92.

<sup>11</sup> Sec. 4. *Contents of petition.* - The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition; and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42.

respondent's residency from 1989 reckoned from the issuance of his certificate of permanent residence, was incorrect; that the Certificate of Arrival is a mere "component part in the filing of the Declaration of Intention"<sup>12</sup> - which is thus no longer required since respondent is exempt from filing the said Declaration of Intention; that the Petition for Naturalization was validly published in accordance with the requirements of law; that respondent was engaged in a lucrative trade, as in fact since January 2010, he was already earning a monthly income of ₱50,000.00 as a commission sales executive; and that the witnesses for respondent gave credible testimonies on the latter's character and behavior.

### Our Ruling

The Court grants the Petition.

In *Republic v. Huang Te Fu*,<sup>13</sup> a case decided by this *ponente*, the following pronouncement was made:

In *Republic v. Hong*, it was held in essence that an applicant for naturalization must show full and complete compliance with the requirements of the naturalization law; otherwise, his petition for naturalization will be denied. This *ponente* has likewise held that "[t]he courts must always be mindful that naturalization proceedings are imbued with the highest public interest. Naturalization laws should be rigidly enforced and strictly construed in favor of the government and against the applicant. The burden of proof rests upon the applicant to show full and complete compliance with the requirements of law."<sup>14</sup> (Citations omitted)

Section 7 of the Revised Naturalization Law or CA 473 requires, among others, that an applicant for naturalization must attach a Certificate of Arrival to the Petition for Naturalization:

Section 7. Petition for citizenship. - 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 the father of children, the name, age, birthplace and residence of the wife and 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;** a declaration that he has the qualifications required by this Act, specifying the same, and that he is not disqualified for naturalization under the



<sup>12</sup> *Rollo*, p. 78.

<sup>13</sup> 756 Phil. 309, 321 (2015).

<sup>14</sup> *Id.* at 321.

provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act 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 this Act. The petition shall also set forth the names and post-office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case. **The certificate of arrival, and the declaration of intention must be made part of the petition.** (Emphasis supplied)

Respondent came to the country sometime in 1973; thus, he should have attached a Certificate of Arrival to his Petition for Naturalization. This is mandatory as respondent must prove that he entered the country legally and not by unlawful means or any other manner that is not sanctioned by law. Because if he entered the country illegally, this would render his stay in the country unwarranted from the start, and no number of years' stay here will validate his unlawful entry. The spring cannot rise higher than its source, so to speak.

In *Republic v. Judge De la Rosa*,<sup>15</sup> this Court held that the failure to attach a copy of the applicant's certificate of arrival to the petition as required by Section 7 of CA 473 is fatal to an applicant's petition for naturalization. The ruling in said case proceeds from pronouncements in the past, to wit:

Finally, petitioner-appellant failed to attach in his petition a certificate of arrival as required by Sec. 7 of Com. Act No. 473, as amended, which omission likewise nullifies his petition. The reason for the requirement that the certificate of arrival should form part of the petition is to prevent aliens, who illegally entered the Philippines, from acquiring citizenship by naturalization. If, as he pretends, his certificate was taken back by the Bureau of Immigration and in lieu thereof he was issued an immigrant's certificate of residence, he could have submitted the same or a certified true copy thereof.<sup>16</sup>

Naturalization granted without the filing of a certificate of arrival as required by the statute, the same being a matter of substance, is illegally procured. (*U.S. vs. Ness*, 62 L. Ed. 321).<sup>17</sup> (Citations omitted)

x x x Again in the above quoted Section 7 of the law, the certificate of arrival must be made a part of the petition. This provision is mandatory and it has been enacted for the purpose of preventing aliens, who have surreptitiously come into



<sup>15</sup> 302 Phil. 829 (1994).

<sup>16</sup> *Chiu Tek Ye v. Republic*, 147 Phil. 165, 170-171 (1971).

<sup>17</sup> *Republic v. Cokeng*, 132 Phil. 26, 32 (1968).

the islands without the proper document or certificate of entry, from acquiring citizenship by naturalization, unless the said provision is complied with. This Court cannot grant the petition as the said grant would be a clear violation of the express mandate of the law.<sup>18</sup>

The Certificate of Arrival should prove that respondent's entry to the country is lawful. Without it, his Petition for Naturalization is incomplete and must be denied outright.

Even if respondent acquired permanent resident status, this does not do away with the requirement of said certificate of arrival. An application to become a naturalized Philippine citizen involves requirements different and separate from that for permanent residency here.

Respondent likewise argues that the required certificate of arrival is a "mere component part in the filing of the Declaration of Intention"<sup>19</sup> and thus unnecessary since he is exempt from submitting the latter document. This is not correct. The Declaration of Intention is entirely different from the Certificate of Arrival; the latter is just as important because it proves that the applicant's entry to the country was not illegal - that he was a documented alien whose arrival and presence in the country is in good faith and with evident intention to submit to and abide by the laws of the Republic. Certainly, an illegal and surreptitious entry into the country by aliens whose undocumented arrival constitutes a threat to national security and the safety of its citizens may not be rewarded later on with citizenship by naturalization or otherwise; to repeat, a spring will not rise higher than its source.

On the issue of petitioner's alleged failure to attach the required annexes to the copy of the instant Petition that was sent to respondent, this is rendered insignificant and moot by the fact that respondent's application for naturalization - which is patently defective for failure to attach the required certificate of arrival - involves the national interest, as well as the security and safety of the country and its citizens. Any procedural infirmities in this case are superseded by the national interest. "[T]echnicalities take a backseat against substantive rights, and not the other way around."<sup>20</sup>

To repeat, strict compliance with all statutory requirements is necessary before an applicant may acquire Philippine citizenship by naturalization. The absence of even a single requirement is fatal to an application for naturalization.



<sup>18</sup> *Charm Chan v. Republic*, 108 Phil. 882, 887 (1960).

<sup>19</sup> *Rollo*, p. 78.

<sup>20</sup> *Coronel v. Hon. Desierto*, 448 Phil. 894, 903 (2003).

In naturalization proceedings, the burden of proof is upon the applicant to show full and complete compliance with the requirements of the law. The opportunity of a foreigner to become a citizen by naturalization is a mere matter of grace, favor or privilege extended to him by the State; the applicant does not possess any natural, inherent, existing or vested right to be admitted to Philippine citizenship. The only right that a foreigner has, to be given the chance to become a Filipino citizen, is that which the statute confers upon him; and to acquire such right, he must strictly comply with all the statutory conditions and requirements. The absence of one jurisdictional requirement is fatal to the petition as this necessarily results in the dismissal or severance of the naturalization process.

Hence, all other issues need not be discussed further as respondent failed to strictly follow the requirement mandated by the statute.

It should be emphasized that 'a naturalization proceeding is so infused with public interest that it has been differently categorized and given special treatment. x x x Unlike in ordinary judicial contest, the granting of a petition for naturalization does not preclude the reopening of that case and giving the government another opportunity to present new evidence. A decision or order granting citizenship will not even constitute *res judicata* to any matter or reason supporting a subsequent judgment cancelling the certification of naturalization already granted, on the ground that it had been illegally or fraudulently procured. For the same reason, issues even if not raised in the lower court may be entertained on appeal. As the matters brought to the attention of this Court x x x involve facts contained in the disputed decision of the lower court and admitted by the parties in their pleadings, the present proceeding may be considered adequate for the purpose of determining the correctness or incorrectness of said decision, in the light of the law and extant jurisprudence.'

Ultimately, respondent failed to prove full and complete compliance with the requirements of the Naturalization Law. As such, his petition for naturalization must be denied without prejudice to his right to re-file his application.<sup>21</sup>

Having disposed of the case in the foregoing manner, this Court finds no need to resolve the other issues raised by the parties. With the finding that respondent's Petition for Naturalization did not include the Certificate of Arrival as required by CA 473, as amended, the said Petition should have been dismissed outright on that sole ground.

**WHEREFORE**, the Petition is **GRANTED**. The February 28, 2014 Decision and June 5, 2014 Resolution of the Court of Appeals in CA-G.R. CV No. 97542 are **REVERSED AND SET ASIDE**. The respondent's Petition for Naturalization in Naturalization Case No. 07-118391 before the Regional Trial Court of Manila City, Branch 16 is **DISMISSED**.



<sup>21</sup> *Republic v. Li Ching Chung*, 707 Phil. 231, 243-244 (2013).

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

*(On leave)*  
**MARIA LOURDES P. A. SERENO**  
*Chief Justice*

  
**TERESITA J. LEONARDO-DE CASTRO**  
*Associate Justice*

  
**LUCAS P. BERSAMIN**  
*Associate Justice*

  
**NOEL GOMEZ TIAM**  
*Associate Justice*

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**TERESITA J. LEONARDO-DE CASTRO**  
*Associate Justice*  
*Acting Chairperson*

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CAPIO**  
*Acting Chief Justice\**



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\* Per Special Order No. 2539 dated February 28, 2018.