

WHEREFORE, as this appellant is guilty of malversation of public funds and as the penalty imposed on him accords with the law, we hereby affirm the judgment with costs against him. So ordered.

Paras, Pablo, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador, Concepcion and Diokno, J.J., concur.

VIII

Santiago Ng, Petitioner-Appellant, vs. Republic of the Philippines, Oppositor-Appellee, G.R. No. L-5253, February 22, 1954, Jugo, J.

1. NATURALIZATION; FULL COMPLIANCE WITH STATUTORY PROVISION BY APPLICANT NECESSARY.—It is not within the courts to make bargains with applicants for naturalization. The courts have no choice but to require that there be full compliance with the statutory provisions. (2 Am. Jur., 577).
2. IBID; IBID.—An alien who seeks political rights as a member of this nation can rightfully obtain them only upon terms and conditions specified by Congress. Courts are without authority to sanction changes or modifications; their duty is rigidly to enforce the legislative will in respect a matter so vital to the public welfare. (U.S. vs. Ginsberg, 243 U.S., 472; 61 L. ed. 853; 856).

*Panfilo M. Manguera for appellant.
Solicitor General Juan R. Licaog and Solicitor Isidro C. Borromeo for appellee.*

DECISION

JUGO, J.:

On October 25, 1949, Santiago Ng filed with the Court of First Instance of Marinduque a petition praying for his naturalization as a Filipino citizen.

The petition was accompanied by the affidavit of Jose Madrigal, Municipal Mayor of Boac, Marinduque, and the affidavit of Filemon Ignacio, Chief of Police of the same municipality, together with two pictures of the petitioner. However, the petition was not accompanied by the declaration of intention to apply for Philippine citizenship presented one year prior to the filing of the petition.

The notice of hearing of the petition had been posted in a conspicuous place in the Capitol Building of Marinduque and published in the newspaper "Nueva Era," a newspaper of general circulation in said province, on October 31, November 7, and 14, 1949, and in the Official Gazette in October, November and December, 1949.

The petition was called for hearing on September 8, 1950, at 9:10 a.m. No opposition was filed, except that of the Provincial Fiscal, which was presented on September 13, 1950.

At the hearing it was established that the petitioner was born on May 28, 1927, at Boac, Marinduque, Philippines, his father being Ng Kin and his mother Ching Kiat, who are still living, both citizens of the Republic of China, the petitioner, therefore, being also a citizen of said country; that the petitioner was 22 years old, single, native and resident of the municipality of Boac, Marinduque, where he had been residing continuously from the time of his birth up to the date of the hearing; that he is of good moral character and believes in the principles underlying the Philippine Constitution; that during his residence he had conducted himself in a proper and irreproachable manner both in his relations with the

constituted authorities as well as with the people in the community with whom he mingled; that he has a lucrative and lawful occupation as a trained mechanic; and that he is able to read and write English and Tagalog. He has no children. He has completed the primary and elementary courses and the first and second year high school. After he finished the second year high school he stopped and entered the vocational school known as the National Radio School and Institute of Technology in Manila, Philippines, which is duly recognized by the Philippine Government. He graduated from said school on May 23, 1948, obtaining a diploma.

The court of first instance of Marinduque denied his petition on the ground that he had not made a declaration of intention to become a Filipino citizen one year before he filed his petition.

The petitioner appealed from said decision, alleging that the trial court erred in not exempting him from the requirement of making his declaration of intention to become a Filipino citizen one year before the filing of his petition by virtue of Section 6 of the Naturalization Law, as amended, which, among other things, provides as follows:

"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. x x x".

It is clear that he has not resided for thirty years in the Philippines. He has finished only the second year of high school.

The question is whether the course that he took in the National Radio School and Institute of Technology is equivalent to the third and fourth year high school. The court below on this point said:

"1.—The subjects given in the High School course are entirely different from those given in the vocational school; cultural training is emphasized in the first while scientific and practical training in the second;

"2.—The number of unit hours required to finish the first and second year High School is much more than those required in finishing the vocational course.

"The petitioner does not have sufficient knowledge of Philippine history, government and civics.

"In view thereof, the Court has come to the conclusion that the vocational course cannot be the equivalent of the third, and fourth year High School course. In other words, the petitioner did not complete his secondary education as required by section 6 of the Revised Naturalization Law for exemption from filing a declaration of intention to acquire Philippine citizenship one year before an alien may file a petition for the acquisition of Philippine citizenship by naturalization."

This Court, in the case of Jesus Uy Yap v. Republic of the Philippines, G. R. No. L-4270, held as follows:

"Because of petitioner's failure to file his intention to become a citizen of the Philippines, we are constrained to deny his application for naturalization. It would seem rather unfair to do this because outside of his failure to file a declaration of intention, the applicant is clearly entitled to naturalization. According to the findings of the trial court, not impugned by the Government, the applicant was born and raised in the Philippines, resided continuously here up to the time he applied

for naturalization, is married to a Filipino, and is now living as a peaceful resident in this country. Besides possessing all the qualifications required of an applicant for naturalization, the evidence shows that during the last war, he clearly identified himself with the Filipinos, even helping in the underground resistance movement. However, the law must be complied with.

The following authorities may be cited:

"x x x It is not within the province of the courts to make bargains with applicants for naturalization. The courts have no choice but to require that there be a full compliance with the statutory provisions" (2 Am. Jr., 577).

"An alien who seeks political rights as a member of this nation can rightfully obtain them only upon terms and conditions specified by Congress. Courts are without authority to sanction changes or modifications; their duty is rigidly to enforce the legislative will in respect of a matter so vital to the public welfare" (U.S. vs. Ginsberg, 243 U.S., 472; 61 L. ed. 853; 856).

In view of the foregoing, the judgment appealed from is affirmed, with costs against the appellant.

SO ORDERED.

Paras, Pablo, Bengzon, Padilla, Montemayor, Reyes, Bautista Angelo, Labrador, Concepcion, and Diokno, J.J., concur.

IX

Allied Workers Association of the Philippines, vs. Insular Lumber Company, G.R. No. L-6128, February 25, 1954, Montemayor, J.

EMPLOYER AND EMPLOYEE; UNFAIR LABOR PRACTICES; CASE AT BAR. — The Insular Lumber Co. employed laborers who belonged either to the Allied Workers Association of the Philippines or to a rival union known as the United Labor Union. Santos, a foreman of the Saw Mill Department of the Company, had previously been an active and leading member of the Allied Workers Association of the Philippines, but recently had been President of a rival union (the United Labor Union). On April 18, 1952, the Allied Workers Association of the Philippines demanded the immediate expulsion and dismissal of Santos, and one of the grounds for the petition was that he had committed and continued to commit acts which constitute unfair labor practices, cruel and detrimental to the members of the Association. These unfair and cruel labor practices consisted in the threats made by Santos against the workers that if they did not join the United Labor Union, they would be expelled from their jobs or reported to the special policemen of Governor Lacson to be manhandled and said laborers were forced to pay P1.00 each and to enter said union against their will and desire, etc. The Lumber Co. filed a motion stating that as may be seen from the charges filed by the Association, the charges against Catalino who was the president of the United Labor union, a rival of the Association had nothing to do with the performance of his duties as an employee of the Lumber company, and that the charges were motivated by the fact of Catalino's being president of the United Labor Union; that the Lumber Company was under no obligation to take any part in the charges and countercharges of rival unions.

HELD: — We cannot agree to the order appealed from stating that the charges against Catalino de los Santos were made against him as president of a rival labor union and in no manner affected the Lumber Company. It will be remembered that Catalino in allegedly making the threats and put-

ting pressure upon the laborers working under him so acted while he was working as a foreman of the Lumber company, exercising the functions and authority of an important employee or official of the Company. Furthermore, if he so acted with the knowledge and consent of the company, the parties to this case and the Court wants to know and have the right to know. We are more inclined to agree with Presiding Judge Roldan in his dissent that under the circumstances the Lumber company should take direct interest in the case, deny or meet the charges for the reason that its good name is involved; that the continued employment of Catalino would in no way solve the industrial conflict between the parties to the case, and that unless the Lumber Company could show that the acts of Catalino complained of, if proven, were individual acts without the authority of the Company, or if authorized, were exceeded, the Company could not escape blame, and that Catalino as foreman exercised to a limited extent managerial functions as a result of which his acts as an agent may be considered as the acts of his principal.

Emilio R. Severino for petitioner.

Ross, Selph, Carrasasco and Janda for respondent.

DECISION

MONTEMAYOR, J.:

There is no dispute as to the facts. Respondent INSULAR LUMBER COMPANY (later to be referred to as the Lumber Company) is a domestic corporation engaged in the lumber business in Fabrica, Negros Occidental, employing laborers who belong either to the petitioner ALLIED WORKERS ASSOCIATION OF THE PHILIPPINES (later to be referred to as the Association) or to a rival union known as the UNITED LABOR UNION, of which Catalino de los Santos is the President. On April 18, 1952, the petitioner Allied Workers Union sent a letter to the respondent Lumber Company presenting three demands, namely:

- (1) The immediate expulsion and dismissal of Catalino de los Santos, foreman of the Sawmill Department of the Insular Lumber Company on the ground that he had committed and continued to commit acts which constitute unfair labor practices, cruel and detrimental to the members of the petitioner;
- (2) The standardization of salaries and wages based on proper job classification and evaluation; and
- (3) A general daily increase of P2.00 in wages and salaries of all the employees and laborers of the company.

According to the memorandum filed on behalf of the Lumber Company dated January 7, 1953, on April 18, 1952, the company replied to the petition as regards the demand for the expulsion and dismissal of Catalino de los Santos, saying that the latter had been the foreman of the sawmill department of the company for many years, had previously been an active and leading member of the petitioner Association, but recently had been the President of a rival union (The United Labor Union) of which many employees and laborers of the company were affiliated; that while the accusations made against Catalino might be well founded the company wanted to say that the United Labor Union had made more or less similar charges from time to time against several members of the Association, and that inasmuch as the company had always followed a strictly neutral attitude as between the two unions, said company had ignored said complaints; consequently, the company felt that in order to be fair it should not take the drastic action of dismissal requested but that if the Association sent proof that Catalino had been enriching himself at the expense of the laborers working under him, the company would immediately investigate the matter.