tion for relief of the appellants was therefore warranted.

As far as the record of this case is concerned, there seems to be no ground for doubting the regularity of the sale of the estate in favor of Lohman in 1926. The appellants do not question and they even indirectly admit that since 1926 when the estate was sold to Lohman, the latter had taken possession and had held it until 1948 when he sold it to petitioner-appellee Moldero. It was not shown that the heirs of Franz Vogel ever opposed or objected to the sale of the estate of their father by the special administrator to Lohman. It is not explained why since 1926 up to the present time, a period of about twenty-seven years, appellants had allowed the said hacienda to be occupied and enjoyed by Lohman and later by Moldero. However, the two other children of Franz Vogel named Florencio and Luisa were not included in the petition for relief or in this appeal. On the contrary, Luisa made an affidavit (Exhibit 2) saying that as daughter and heir of Franz Vogel she acknowledges the sale of the hacienda to Lohman whom she recognizes as the registered owner, and that she renounces all claim over the estate. These facts and circumstances do not favor the contention of the appellants. However, should they believe that they have a good cause of action and feel that they can prove that the sales made to Lohman and to Moldero were illegal and void, they could file a separate and independent action as suggested by the trial court.

But there is one point raised by appellants, which tho not decisive, merits consideration, were it only for the correction of the record and for the guidance of petitioners under Sec. 112 and other sections of the Land Registration Act. Appellants contend that the trial court had no jurisdiction over the petition of appellee Moldero because said petition was not filed and entitled in the original case in which the decree of registration was entered. The contention is correct. The petition should have been filed in the original case in which the decree of registration of August 24, 1917 was entered, and it should bear the same title. The appellee, however, answers that the reason for not filing the petition in the original registration case was that the records of said case have been lost, presumably during the last Pacific War. The explanation is satisfactory, but at least the petition could and should have been entitled in said original case, this to make it clear that the present petition invoking the provisions of the Land Registration Act, particularly Sec. 112 thereof, is not an ordinary civil action. (Cavan vs. Mislizenus, 48 Phil. 632).

In view of the foregoing, and with the understanding that petitioner-appellee Moldero will be directed to entitle his original petition and his motions, in the original registration case where the decree of registration of Hacienda San Fernando was entered, the order appealed from is hereby affirmed. No costs.

Paras, Pablo, Bengzon, Padilla, Tuason, Reyes, Jugo, Angelo; Labrador concur.

XI

In the matter of the petition for naturalization of Leoncio Ho Benluy, petitioner-appellant, vs. Republic of the Philippines, oppositor-appellee, G. R. No. L-5522, Dec. 21, 1953.

1. NATURALIZATION: APPLICANT GUILTY OF VIOLATION OF THE REVISED ELECTION CODE. — A foreigner who violates Sec. 56 of the Revised Election Code which prohibits foreigners from actively participating in any election is forever barred from becoming a Filipino citizen.

D E C I S I O N

MONTEMAYOR, J.:

The appellant LEONCIO HO BENLUY, a Chinese citizen, filed an application for naturalization in 1951. There was no opposition to the application on the part of the Government. At the hearing the applicant presented evidence in support of his application, including two character witnesses, one of them Atty. Marcial M. Anastacio, a resident of Obando, Bulacan. With one exception Benluy proved that he possessed all the qualifications for Philippine citizenship and none of the disqualifications, and the trial court so found. The exception is that Atty. Anastacio, one of his witnesses, in his endeavor, even enthusiasm to prove that the applicant had identified himself with the Filipinos, helped them when asked and was very congenial and friendly, said that Benluy even took part in two electoral campaigns in Bulacan, not only persuading some voters connected with his business but also contributing to the campaign fund of the Liberal Party. Said the trial court on this point:

> "To prove that the applicant is a strong believer in our constitution and in what is called 'free enterprise,' this witness emphasized this affirmation by stating that the applicant even went to the extent of taking active part during the election, so much so that he (applicant) gave financial contribution to be spent in the election campaign to this witness who, during the elections of 1947 and 1949, was the Campaign Manager of the Liberal Party in the municipality of Obando, Bulacan; that the applicant, aside from giving financial help during the said elections of 1947 and 1949 which amounted to ₱200.00 and ₱500.00 on two occassions, went with the witness to Obondo to talk personally with his sub-agents in said municipality, and due to this intervention of the applicant said sub-agents supported the party of Mr. Anastacio."

This evidence about the part played by the applicant in the past elections alerted the representative of the Solicitor General and after the trial he filed a strong written opposition to the granting of the application, resulting in the trial court denying the application for naturalization. Benluy is now appealing from that decision.

Considering the circumstances under which the evidence of applicant's political activities was presented, namely, that it did not come from the opposition or any other party but himself and through his own witness, we were at the beginning inclined not to attach much importance to that phase of his residence in the Philippines and association with the Filipinos. He was never prosecuted for that violation of the Election Code and even if the Government were now inclined to prosecute him, the offense has already prescribed. Furthermore, as already stated, in all other respects the applicant has established his qualifications and the absence of any disqualifications. However, the law is clear. Section 56 of the Revised Election Code reads —

> "Section 56. Active intervention of foreigners. — No foreigner shall aid any candidate, directly or indirectly, or take part in or to influence in any manner any election."

Under section 183 of the same Code, the violation is considered a serious election offense and under section 185 it is penalized with imprisonment of not less than one year and one day but not more than five years and in case of a foreigner, shall in addition be sentenced to deportation for not less than five years but not more than ten years, to be enforced after the prison term has been served. These provisions of the Revised Election Code may not be taken lightly, much less ignored. They were intended to discourage foreigners from taking active part in or otherwise interfering with our elections, under penalty not only of imprisonment but also deportation. It might well be that as already stated, the evidence about this violation of the election law was given by his own witness who in all likelihood gave it in good faith and in all friendship to the applicant to bolster the latter's application for naturalization, without realizing that by said declaration he was forever closing the door to Benluy's ever becoming a Filipino citizen. But the law must be applied and enforced. It is merely a piece of bad luck for him. From the standpoint of the Government however, it was fortunate that said evidence was brought up, thereby preventing the granting of Philippine citizenship to a foreigner who tho even in his ignorance of the law and at the instance of his Filipino friend, violated one of the important provisions of our election law. The decision appealed from is hereby affirmed, with costs.

Paras, C.J., Pablo, Bengson, Padilla, Tuason, Reyes, Jugo, Bautista Angelo, and Labrador, concur.

XII

Victoriano Capio, petitioner-appellee, vs. Fernando Capio, oppositor-appellant, G. R. No. L-5761, Dec. 21, 1953.

1. LAND REGISTRATION; WHEN JUDGMENT THEREOF BECOMES FINAL AND INCONTROVERTIBLE. — In numerous decisions, some of the latest being Afallo and Pinaroc v. Rosauro, 60 Phil. 622 and Valmonte v. Nable, G. R. No. L-2842, December 29, 1949, 47 O. G. 2917, we have held that the ajudication of land