



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,  
*Petitioner,*

G.R. No. 183110

- versus -

Present:

CARPIO, *Chairperson,*  
BRION,  
DEL CASTILLO,  
PEREZ, *and*  
PERLAS-BERNABE, *JJ.*

AZUCENA SAAVEDRA BATUIGAS,  
*Respondent.*

Promulgated:  
OCT 07 2013

DECISION

**DEL CASTILLO, J.:**

“It is universally accepted that a State, in extending the privilege of citizenship to an alien wife of one of its citizens could have had no other objective than to maintain a unity of allegiance among the members of the family.”<sup>1</sup>

This Petition for Review on *Certiorari*<sup>2</sup> assails the May 23, 2008 Decision<sup>3</sup> of the Court of Appeals (CA) in CA G.R. CV No. 00523, which affirmed the January 31, 2005 Decision<sup>4</sup> of the Regional Trial Court (RTC), Branch 29, Zamboanga del Sur that granted the Petition for Naturalization<sup>5</sup> of respondent Azucena Saavedra Batuigas (Azucena).

***Factual Antecedents***

On December 2, 2002, Azucena filed a Petition for Naturalization before

<sup>1</sup> *Moy Ya Lim Yao v. Commissioner of Immigration*, 118 3 Phil 773, 837 (1971). Citation omitted.

<sup>2</sup> *Rollo*, pp. 2-15.

<sup>3</sup> *CA rollo*, pp. 56-68; penned by Associate Justice Rodrigo T. Lim, Jr. and concurred in by Associate Justices Michael P. Elbintas and Edgardo T. Lloren.

<sup>4</sup> *Records*, pp. 174-176; penned by Judge Edgberto S. Absin.

<sup>5</sup> *Id.* at 15.

the RTC of Zamboanga del Sur. The case was docketed as Naturalization Case No. 03-001 and raffled to Branch 29 of said court.

Azucena alleged in her Petition that she believes in the principles underlying the Philippine Constitution; that she has conducted herself in a proper and irreproachable manner during the period of her stay in the Philippines, as well as in her relations with the constituted Government and with the community in which she is living; that she has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace their customs, traditions, and ideals; that she has all the qualifications required under Section 2 and none of the disqualifications enumerated in Section 4 of Commonwealth Act No. 473 (CA 473);<sup>6</sup> that she is not opposed to organized government nor is affiliated with any association or group of persons that uphold and teach doctrines opposing all organized governments; that she is not defending or teaching the necessity or propriety of violence, personal assault, or assassination for the success and predominance of men's ideas; that she is neither a polygamist nor believes in polygamy; that the nation of which she is a subject is not at war with the Philippines; that she intends in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to China; and that she will reside continuously in the Philippines from the time of the filing of her Petition up to the time of her naturalization.

After all the jurisdictional requirements mandated by Section 9<sup>7</sup> of CA 473 had been complied with, the Office of the Solicitor General (OSG) filed its Motion to Dismiss<sup>8</sup> on the ground that Azucena failed to allege that she is engaged in a lawful occupation or in some known lucrative trade. Finding the grounds relied upon by the OSG to be evidentiary in nature, the RTC denied said Motion.<sup>9</sup> Thereafter, the hearing for the reception of Azucena's evidence was then set on May 18, 2004.<sup>10</sup>

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<sup>6</sup> THE REVISED NATURALIZATION LAW. Approved June 17, 1939.

<sup>7</sup> Sec. 9. *Notification and appearance.* - Immediately upon the filing of a petition, it shall be the duty of the clerk of court to publish the same at the petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides, and to have copies 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 of the notice. The clerk shall, as soon as possible, forward copies of the petition, the sentence, the naturalization certificate, and other pertinent data to the Department of the Interior (now Office of the President), the Bureau of Justice (now Solicitor General), the Provincial Inspector of the Philippine Constabulary of the province (now Provincial Commander) and the Justice of the Peace of the municipality wherein the petitioner resides (now the RTC).

<sup>8</sup> Records, pp. 24-28.

<sup>9</sup> See Order dated November 19, 2003, id. at 33-34.

<sup>10</sup> See Order dated March 9, 2004, id. at 39-40.

Neither the OSG nor the Office of the Provincial Prosecutor appeared on the day of the hearing. Hence, Azucena's counsel moved that the evidence be presented *ex-parte*, which the RTC granted. Accordingly, the RTC designated its Clerk of Court as Commissioner to receive Azucena's evidence.<sup>11</sup> During the November 5, 2004 *ex-parte* hearing, no representative from the OSG appeared despite due notice.<sup>12</sup>

Born in Malangas, Zamboanga del Sur on September 28, 1941 to Chinese parents,<sup>13</sup> Azucena has never departed the Philippines since birth. She has resided in Malangas, Zamboanga del Sur from 1941-1942; in Margosatubig, Zamboanga del Sur from 1942-1968; in Bogo City for nine months; in Ipil, Zamboanga del Sur from 1969-1972; in Talisayan, Misamis Oriental from 1972-1976; and, in Margosatubig, Zamboanga del Sur, thereafter, up to the filing of her Petition.

Azucena can speak English, Tagalog, Visayan, and Chavacano. Her primary, secondary, and tertiary education were taken in Philippine schools, *i.e.*, Margosatubig Central Elementary School in 1955,<sup>14</sup> Margosatubig Academy in 1959,<sup>15</sup> and the Ateneo de Zamboanga in 1963,<sup>16</sup> graduating with a degree in Bachelor of Science in Education. She then practiced her teaching profession at the Pax High School for five years, in the Marian Academy in Ipil for two years, and in Talisayan High School in Misamis Oriental for another two years.<sup>17</sup>

In 1968, at the age of 26, Azucena married Santiago Batuigas<sup>18</sup> (Santiago), a natural-born Filipino citizen.<sup>19</sup> They have five children, namely Cynthia, Brenda, Aileen, Dennis Emmanuel, and Edsel James.<sup>20</sup> All of them studied in Philippine public and private schools and are all professionals, three of whom are now working abroad.<sup>21</sup>

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<sup>11</sup> See Order dated May 18, 2004, *id.* at 43.

<sup>12</sup> *Id.* at 51.

<sup>13</sup> *Id.* at 21.

<sup>14</sup> *Id.* at 61. Azucena testified that she has no elementary school records as the school was already burned down in the 80s.

<sup>15</sup> *Id.* at 101-102.

<sup>16</sup> *Id.* at 103-107.

<sup>17</sup> *Id.* at 70.

<sup>18</sup> *Id.* at 95.

<sup>19</sup> *Id.* at 140-142.

<sup>20</sup> *Id.* at 96-100.

<sup>21</sup> Except for Cynthia, who studied elementary in Talisayan Central Elementary School, the Batuigas children studied in Margosatubig Central Elementary School. The female children all went to Pax High School in Margosatubig, while Edsel went to San Carlos Boy's School. Dennis's first two years of high school were in Pax High School, while the last two were in San Carlos Boy's School. All of them are graduates of University of San Carlos. Cynthia graduated with a degree in BS Commerce in 1988, Aileen graduated with a degree in BS Nursing in 1993, while Dennis graduated with a degree in BS Architecture in 1995. As of the time of the filing of the petition, Cynthia was residing in the Netherlands, Aileen was working in Texas, USA, while Dennis, who then worked in Singapore, was already working in Michigan, USA. On the other hand, the remaining children remained in the Philippines, Brenda obtained her BS Pharmacy degree in 1992 and BS Physical Therapy in 1994, and Edsel got his BS Computer Engineering degree in 1998.

After her stint in Talisayan High School, Azucena and her husband, as conjugal partners, engaged in the retail business of and later on in milling/distributing rice, corn, and copra. As proof of their income, Azucena submitted their joint annual tax returns and balance sheets from 2000-2002<sup>22</sup> and from 2004-2005.<sup>23</sup> The business name and the business permits issued to the spouses' store, 'Azucena's General Merchandising,' are registered in Santiago's name,<sup>24</sup> and he is also the National Food Authority licensee for their rice and corn business.<sup>25</sup> During their marital union, the Batuigas spouses bought parcels of land in Barrio Lombog, Margosatubig.<sup>26</sup>

To prove that she has no criminal record, Azucena submitted clearances issued by the Philippine National Police of Zamboanga del Sur Provincial Office and by the National Bureau of Investigation.<sup>27</sup> She also presented her Health Examination Record<sup>28</sup> declaring her as physically and mentally fit.

To further support Azucena's Petition, Santiago and witnesses Eufemio Miniao and Irineo Alfaro testified.

### ***Ruling of the Regional Trial Court***

On January 31, 2005, the RTC found that Azucena has amply supported the allegations in her Petition. Among these are her lack of a derogatory record, her support for an organized government, that she is in perfect health, that she has mingled with Filipinos since birth and can speak their language, that she has never had any transgressions and has been a law abiding citizen, that she has complied with her obligations to the government involving her business operations, and that the business and real properties she and Santiago own provide sufficient income for her and her family. Thus, the RTC ruled:

x x x In sum, the petitioner has all the qualifications and none of the disqualifications to be admitted as citizen of the Philippines in accordance with the provisions of the Naturalization Law.

WHEREFORE, premises considered, the petition is hereby granted.

SO ORDERED.<sup>29</sup>

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<sup>22</sup> Records, pp. 144-159.

<sup>23</sup> CA *rollo*, pp. 35-49.

<sup>24</sup> Records, pp. 119-121.

<sup>25</sup> Id. at 122-124.

<sup>26</sup> Id. at 125, 127 and 129. One certificate of title is registered in Santiago's name, while the other two lots are separately titled in their sons Edsel and Dennis.

<sup>27</sup> Id. at 135 and 137.

<sup>28</sup> Id. at 136.

<sup>29</sup> Id. at 176.

In its Omnibus Motion,<sup>30</sup> the OSG argued that the *ex-parte* presentation of evidence before the Branch Clerk of Court violates Section 10 of CA 473,<sup>31</sup> as the law mandates public hearing in naturalization cases.

Rejecting this argument in its March 21, 2005 Order,<sup>32</sup> the RTC held that the public has been fully apprised of the naturalization proceedings and was free to intervene. The OSG and its delegate, the Provincial Prosecutor, are the only officers authorized by law to appear on behalf of the State, which represents the public. Thus, when the OSG was furnished with a copy of the notice of hearing for the reception of evidence *ex-parte*, there was already a sufficient compliance with the requirement of a public hearing.

The OSG then appealed the RTC judgment to the CA,<sup>33</sup> contending that Azucena failed to comply with the income requirement under CA 473. The OSG maintained that Azucena is not allowed under the Retail Trade Law (Republic Act No. 1180) to engage directly or indirectly in the retail trade. Hence, she cannot possibly meet the income requirement. And even if she is allowed, her business is not a “lucrative trade” within the contemplation of the law or that which has an appreciable margin of income over expenses in order to provide for adequate support in the event of unemployment, sickness, or disability to work. The OSG likewise disputed Azucena’s claim that she owns real property because aliens are precluded from owning lands in the country.

The OSG further asserted that the *ex-parte* proceeding before the commissioner is not a “public hearing” as *ex-parte* hearings are usually done in chambers, without the public in attendance. It claimed that the State was denied its day in court because the RTC, during the May 18, 2004 initial hearing, immediately allowed the proceeding to be conducted *ex-parte* without even giving the State ample opportunity to be present.

Azucena countered that although she is a teacher by profession, she had to quit to help in the retail business of her husband, and they were able to send all their children to school.<sup>34</sup> It is highly unlikely that she will become a public charge as she and her spouse have enough savings and could even be given sufficient support by their children. She contended that the definition of “lucrative

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<sup>30</sup> Id. at 177-181.

<sup>31</sup> Section 10. *Hearing of the petition.*—No petition shall be heard within the thirty days preceding any election. The hearing shall be public, 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. If, after the hearing, the court believes, in view of the evidence taken, that the petitioner has all the qualifications required by, and none of the disqualifications specified in this Act and has complied with all requisites herein established, it shall order the proper naturalization certificate to be issued and the registration of the said naturalization certificate in the proper civil registry as required in section ten of Act Numbered Three thousand seven hundred and fifty-three.

<sup>32</sup> Records, pp. 182-183.

<sup>33</sup> CA *rollo*, pp. 15-22.

<sup>34</sup> Id. at 31-33.

trade/income” should not be strictly applied to her. Being the wife and following Filipino tradition, she should not be treated like male applicants for naturalization who are required to have their own “lucrative trade.”

Azucena denied that the hearing for her Petition was not made public, as the hearing before the Clerk of Court was conducted in the court’s session hall. Besides, the OSG cannot claim that it was denied its day in court as notices have always been sent to it. Hence, its failure to attend is not the fault of the RTC.

### ***Ruling of the Court of Appeals***

In dismissing the OSG’s appeal,<sup>35</sup> the CA found that Azucena’s financial condition permits her and her family to live with reasonable comfort in accordance with the prevailing standard of living and consistent with the demands of human dignity. It said:

Considering the present high cost of living, which cost of living tends to increase rather than decrease, and the low purchasing power of the Philippine currency, petitioner-appellee, together with her Filipino husband, nonetheless, was able to send all her children to college, pursue a lucrative business and maintain a decent existence. The Supreme Court, in recent decisions, adopted a higher standard in determining whether a petitioner for Philippine citizenship has a lucrative trade or profession that would qualify him/her for admission to Philippine citizenship and to which petitioner has successfully convinced this Court of her ability to provide for herself and avoid becoming a public charge or a financial burden to her community. x x x<sup>36</sup>

As for the other issue the OSG raised, the CA held that the RTC had complied with the mandate of the law requiring notice to the OSG and the Provincial Prosecutor of its scheduled hearing for the Petition.

Thus, the instant Petition wherein the OSG recapitulates the same arguments it raised before the CA, *i.e.*, the alleged failure of Azucena to meet the income and public hearing requirements of CA 473.

### **Our Ruling**

The Petition lacks merit.

Under existing laws, an alien may acquire Philippine citizenship through either judicial naturalization under CA 473 or administrative naturalization under Republic Act No. 9139 (the “Administrative Naturalization Law of 2000”). A

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<sup>35</sup> Supra note 3.

<sup>36</sup> Id. at 65.

third option, called derivative naturalization, which is available to alien women married to Filipino husbands is found under Section 15 of CA 473, which provides that:

“[a]ny 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.”

Under this provision, foreign women who are married to Philippine citizens may be deemed *ipso facto* Philippine citizens and it is neither necessary for them to prove that they possess other qualifications for naturalization at the time of their marriage nor do they have to submit themselves to judicial naturalization. Copying from similar laws in the United States which has since been amended, the Philippine legislature retained Section 15 of CA 473, which then reflects its intent to confer Filipino citizenship to the alien wife thru derivative naturalization.<sup>37</sup>

Thus, the Court categorically declared in *Moy Ya Lim Yao v. Commissioner of Immigration*:<sup>38</sup>

Accordingly, We now hold, all previous decisions of this Court indicating otherwise notwithstanding, that under Section 15 of Commonwealth Act 473, an alien woman marrying a Filipino, native born or naturalized, becomes ipso facto a Filipina provided she is not disqualified to be a citizen of the Philippines under Section 4 of the same law. Likewise, an alien woman married to an alien who is subsequently naturalized here follows the Philippine citizenship of her husband the moment he takes his oath as Filipino citizen, provided that she does not suffer from any of the disqualifications under said Section 4.<sup>39</sup>

As stated in *Moy Ya Lim Yao*, the procedure for an alien wife to formalize the conferment of Filipino citizenship is as follows:

Regarding the steps that should be taken by an alien woman married to a Filipino citizen in order to acquire Philippine citizenship, the procedure followed in the Bureau of Immigration is as follows: The alien woman must file a petition for the cancellation of her alien certificate of registration alleging, among other things, that she is married to a Filipino citizen and that she is not disqualified from acquiring her husband's citizenship pursuant to Section 4 of Commonwealth Act No. 473, as amended. Upon the filing of said petition, which should be accompanied or supported by the joint affidavit of the petitioner and her Filipino husband to the effect that the petitioner does not belong to any of the groups disqualified by the cited section from becoming naturalized Filipino citizen x x x, the Bureau of Immigration conducts an investigation and thereafter promulgates its order or decision granting or denying the petition.<sup>40</sup>

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<sup>37</sup> *Moy Ya Lim Yao v. Commissioner of Immigration*, supra note 1 at 829.

<sup>38</sup> Id.

<sup>39</sup> Id. at 839.

<sup>40</sup> Id. at 855-856. Citations omitted.

Records however show that in February 1980, Azucena applied before the then Commission on Immigration and Deportation (CID) for the cancellation of her Alien Certificate of Registration (ACR) No. 030705<sup>41</sup> by reason of her marriage to a Filipino citizen. The CID granted her application. However, the Ministry of Justice set aside the ruling of the CID as it found no sufficient evidence that Azucena's husband is a Filipino citizen<sup>42</sup> as only their marriage certificate was presented to establish his citizenship.

Having been denied of the process in the CID, Azucena was constrained to file a Petition for judicial naturalization based on CA 473. While this would have been unnecessary if the process at the CID was granted in her favor, there is nothing that prevents her from seeking acquisition of Philippine citizenship through regular naturalization proceedings available to all qualified foreign nationals. The choice of what option to take in order to acquire Philippine citizenship rests with the applicant. In this case, Azucena has chosen to file a Petition for judicial naturalization under CA 473. The fact that her application for derivative naturalization under Section 15 of CA 473 was denied should not prevent her from seeking judicial naturalization under the same law. It is to be remembered that her application at the CID was denied not because she was found to be disqualified, but because her husband's citizenship was not proven. Even if the denial was based on other grounds, it is proper, in a judicial naturalization proceeding, for the courts to determine whether there are in fact grounds to deny her of Philippine citizenship based on regular judicial naturalization proceedings.

As the records before this Court show, Santiago's Filipino citizenship has been adequately proven. Under judicial proceeding, Santiago submitted his birth certificate indicating therein that he and his parents are Filipinos. He also submitted voter's registration, land titles, and business registrations/licenses, all of which are public records. He has always comported himself as a Filipino citizen, an operative fact that should have enabled Azucena to avail of Section 15 of CA 473. On the submitted evidence, nothing would show that Azucena suffers from any of the disqualifications under Section 4 of the same Act.

However, the case before us is a Petition for judicial naturalization and is not based on Section 15 of CA 473 which was denied by the then Ministry of Justice. The lower court which heard the petition and received evidence of her qualifications and absence of disqualifications to acquire Philippine citizenship, has granted the Petition, which was affirmed by the CA. We will not disturb the findings of the lower court which had the opportunity to hear and scrutinize the evidence presented during the hearings on the Petition, as well as determine, based on Azucena's testimony and deportment during the hearings, that she indeed

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<sup>41</sup> Records, pp. 138-139.

<sup>42</sup> Id. at 133-134.



possesses all the qualifications and none of the disqualifications for acquisition of Philippine citizenship.

The OSG has filed this instant Petition on the ground that Azucena does not have the qualification required in no. 4 of Section 2 of CA 473 as she does not have any lucrative income, and that the proceeding in the lower court was not in the nature of a public hearing. The OSG had the opportunity to contest the qualifications of Azucena during the initial hearing scheduled on May 18, 2004. However, the OSG or the Office of the Provincial Prosecutor failed to appear in said hearing, prompting the lower court to order *ex parte* presentation of evidence before the Clerk of Court on November 5, 2004. The OSG was also notified of the *ex parte* proceeding, but despite notice, again failed to appear. The OSG had raised this same issue at the CA and was denied for the reasons stated in its Decision. We find no reason to disturb the findings of the CA on this issue. Neither should this issue further delay the grant of Philippine citizenship to a woman who was born and lived all her life, in the Philippines, and devoted all her life to the care of her Filipino family. She has more than demonstrated, under judicial scrutiny, her being a qualified Philippine citizen. On the second issue, we also affirm the findings of the CA that since the government who has an interest in, and the only one who can contest, the citizenship of a person, was duly notified through the OSG and the Provincial Prosecutor's office, the proceedings have complied with the public hearing requirement under CA 473.

No. 4, Section 2 of CA 473 provides as qualification to become a Philippine citizen:

4. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, **or** must have known lucrative trade, **profession,** or lawful occupation.

Azucena is a teacher by profession and has actually exercised her profession before she had to quit her teaching job to assume her family duties and take on her role as joint provider, together with her husband, in order to support her family. Together, husband and wife were able to raise all their five children, provided them with education, and have all become professionals and responsible citizens of this country. Certainly, this is proof enough of both husband and wife's lucrative trade. Azucena herself is a professional and can resume teaching at any time. Her profession never leaves her, and this is more than sufficient guarantee that she will not be a charge to the only country she has known since birth.

Moreover, the Court acknowledged that the main objective of extending the citizenship privilege to an alien wife is to maintain a unity of allegiance among family members, thus:

It is, therefore, not congruent with our cherished traditions of family unity and identity that a husband should be a citizen and the wife an alien, and that the national treatment of one should be different from that of the other. Thus, it cannot be that the husband's interests in property and business activities reserved by law to citizens should not form part of the conjugal partnership and be denied to the wife, nor that she herself cannot, through her own efforts but for the benefit of the partnership, acquire such interests. Only in rare instances should the identity of husband and wife be refused recognition, and we submit that in respect of our citizenship laws, it should only be in the instances where the wife suffers from the disqualifications stated in Section 4 of the Revised Naturalization Law.<sup>43</sup>

We are not unmindful of precedents to the effect that there is no proceeding authorized by the law or by the Rules of Court, for the judicial declaration of the citizenship of an individual.<sup>44</sup> "Such judicial declaration of citizenship cannot even be decreed pursuant to an alternative prayer therefor in a naturalization proceeding."<sup>45</sup>

This case however is not a Petition for judicial declaration of Philippine citizenship but rather a Petition for judicial naturalization under CA 473. In the first, the petitioner believes he is a Filipino citizen and asks a court to declare or confirm his status as a Philippine citizen. In the second, the petitioner acknowledges he is an alien, and seeks judicial approval to acquire the privilege of becoming a Philippine citizen based on requirements required under CA 473. Azucena has clearly proven, under strict judicial scrutiny, that she is qualified for the grant of that privilege, and this Court will not stand in the way of making her a part of a truly Filipino family.

**WHEREFORE**, the Petition is **DENIED**. The May 23, 2008 Decision of the Court of Appeals in CA-G.R. CV No. 00523 which affirmed the January 31, 2005 Decision of the Regional Trial Court, Branch 29, Zamboanga del Sur that granted the Petition for Naturalization, is hereby **AFFIRMED**. Subject to compliance with the period and the requirements under Republic Act No. 530 which supplements the Revised Naturalization Law, let a Certificate of Naturalization be issued to **AZUCENA SAAVEDRA BATUIGAS** after taking an oath of allegiance to the Republic of the Philippines. Thereafter, her Alien Certificate of Registration should be cancelled.

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<sup>43</sup> *Moy Ya Lim Yao v. Commissioner of Immigration*, supra note 1 at 837-838. Citations omitted.

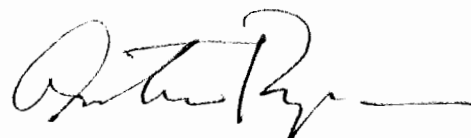
<sup>44</sup> As mentioned in *Moy Ya Lim Yao*, "x x x what substitute is there for naturalization proceedings to enable the alien wife of a Philippine citizen to have the matter of her own citizenship settled and established so that she may not have to be called upon to prove it everytime she has to perform an act or enter into a transaction or business or exercise a right reserved only to Filipinos? The ready answer to such question is that as the laws of our country, both substantive and procedural, stand today, there is no such procedure x x x.' The ruling that there is no action for judicial declaration of an individual's citizenship has been held in the cases of *Tan v. Republic*, 107 Phil. 632 (1960), *Tan v. Republic*, 113 Phil. 391 (1961), and *Soria v. Commissioner of Immigration*, 147 Phil. 186 (1971).

<sup>45</sup> *Wong Sau Mei v. Republic*, 148 Phil. 26, 31 (1971).

**SO ORDERED.**

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

WE CONCUR:

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

  
**ARTURO D. BRION**  
*Associate Justice*

  
**JOSE PORTUGAL PEREZ**  
*Associate Justice*

  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*

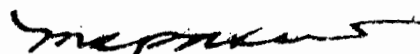
**ATTESTATION**

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.

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division 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.

**MARIA LOURDES P. A. SERENO***Chief Justice*