

81 Phil. 244

[G.R. No. L-1715. July 17, 1948]

**IN THE MATTER OF THE PETITION OF THOMAS PRITCHARD TO BE ADMITTED A
CITIZEN OF THE PHILIPPINES.**

**THOMAS PRITCHARD, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE
PHILIPPINES, OPPOSITOR AND APPELLANT.**

D E C I S I O N

PERFECTO, J.:

In the Court of First Instance of Manila, Thomas Pritchard, on January 22, 1947, petitioned for his naturalization. Notice of the filing of the petition and of the hearing of the case addressed to the Solicitor General and to all whom it may concern has been published in the *Philippine Liberty News*, No opposition has been filed and no one appeared to contest the petition. After evidence has been taken, the Court rendered decision on August 29, 1947 ordering that a Naturalization certificate be issued in favor of petitioner.

On September 29, 1947, the Solicitor General appealed. Felixberto G. Bustos, 39, Secretary to the Consul General of New York. testified that petitioner has been known to him since 1926, He was the manager of the Tom's Dixie Kitchen, a public eating place of representative people. He is well-esteemed, despite his race, by everybody, and he is very democratic in his dealings with our people. He has been associated socially in business with prominent people and the witness has heard nothing about petitioner other than good comment from the people. Except himself and two other Americans, he employs Filipinos in his business and his employees have nothing except good comment about his good relation with them. He is a legitimate democratic person in so far as high principles of democracy are concerned. The witness does not know of any disqualification of petitioner to become a Filipino citizen and he knows that Filipinos are given the privilege of citizenship in the United States. (3 to 5).

Manuel Collantes, 30, Legal Assistant, Department of Foreign Affairs, a lawyer, identified

Exhibit "C" as a true copy of Public Law 483 passed in second session of the 79th Congress of the United States, said copy being on file in the Malacañan Library. (11 to 12). Filipinos, persons of African descent, persons of Chinese descent and persons of races indigenous to India may become naturalized citizens of the United States according to said Act. (13 to 14).

Victor Buencamino, 60, testified that he knows petitioner for many years. His reputation or conduct in relation to the Government of the Philippines and the community is very good, irreproachable. He does not belong to any group or groups of persons who teach doctrines opposed to organized governments. He does not practice or believe in polygamy. He does not defend or teach the necessity or propriety of violence of personal assault or assassination for the success or predominance of his ideas. He has not been convicted of any crime involving moral turpitude. He will be a valuable asset to the Philippine Government as a Filipino citizen. (17 to 18).

Arsenio Luz, 56, Commissioner, SPC, testified that he has known petitioner since 1911. The petitioner has resided in the Philippines continuously up to the time hearing of the case. His attitude in relation to the constituted authority in the community has always been sympathetic and cooperative. He has always been friendly to many Filipinos. Most of the prominent Filipinos are his friends, including President Roxas. (22 to 23). Petitioner has mingled socially with Filipinos and has evinced the desire to embrace the customs and traditions and ideals of the Filipino people. He has never been convicted of any crime. He does not believe in polygamy nor practice it. (24). During the Japanese occupation he was not interned but was feeding many of his American friends who were interned in the Sto. Tomas, such as Theo. Rogers, Mr. Dick of the Free Press, and several newspapermen. (25 to 26). The Japanese were most sympathetic with American colored people because they knew the racial antagonism that existed between the whites and the colored. (27).

Thomas Pritchard, 64, married, restaurateur, testified that he has been residing continuously in the Philippines for about 36 years. When he first landed in the Philippines he was with Clark at the Escolta. When the building of Jones Bridge was started, petitioner established a business for himself, which is Tom's Dixie Kitchen located at Plaza Goiti. People of different classes gathered there. (27 to 28). He was born in Granada, West Indies, on July 11, 1883. He left West Indies as a sailor in 1906 on a sailing merchant ship under the American flag, where he served for 4 years. Then he went to the American Army transport service as a civilian member of the crew. (29). He served there until 1911 when he stopped in Manila. He served about 6 years in the Army with the US Army transport. In 1902, he filed in New York a declaration of his intention to become American citizen. He

was made to understand that after 3 years of service in the merchant ship he would become an American citizen automatically, because the sailors are on sea all the time and they have not much time to file papers in Court. During the last few years before the war his average income from his business was P12,000 a year. After the war he established his business in Santa Mesa. (30 to 31). He acquired in the Philippines real property valued at P30,000. He has his bank account. He is married to Mary Beatty Pritchard, who was born in Iloilo. They have three children, Thomas, Rosemary and William. They are now in the United States with their mother and grandmother. They have attended different schools in the Philippines, the eldest in Letran, Rosemary in Sta. Escolastica, and William in San Beda—private colleges recognized by the Government. (32 to 33).

He believes in the principles underlying the Philippine Constitution and that the man owes himself to the State and that this is a democratic government, that there are three coordinate powers of the government, legislative, executive and judicial, and that there is absolute separation of the church and the state. He had never joined any association opposed to government of the Philippines. He does not believe in violent opposition against the government. (34). His papers as American citizen have been destroyed sometime in 1906 in the earthquake of San Francisco, where he left them while on his way to the Philippines. (36). The boats in which he served as seaman were over 1,500 tons. (37). He desires to become a Filipino citizen because he has been living here, and is getting old and does not intend to move to another country. He intends to spend the rest of his days in the Philippines. All his friends are here. His wife is a Filipina. He is always ready to serve the Philippines and its government. He is not a communist. (38). Granada, where he was born, is a British colony. He moved with his parents to Barbelos in 1900. He has been living in the Philippines as an American for many years. (39). His children went to the United States after the liberation to continue their studies because they were three years behind in their schooling. After the liberation the school facilities in the Philippines did not look very good. (49). His son, Thomas, studied high school in Letran. (40-41). His daughter, Rosemary, studied in Sta. Escolastica. His son, William, has attended San Beda. He speaks and writes English and has a working knowledge of Spanish. (43). He has a working knowledge of Tagalog. (44). Among the exhibits presented by petitioner are Exhibit D, a certificate issued by the Registrar of San Beda College to the effect that William Pritchard has studied in said college from 1942 to 1944 Exhibit "E", a certificate issued by the Secretary of Colegio San Juan de Letran to the effect that Thomas Pritchard Jr., was a student of said college from 1940 to 1944 in the High School Department; and Exhibit "F", a certificate issued by the Directress of Sta. Escolastica College to the effect that Rosemary Pritchard studied high

school in said school from 1941 to 1944.

There is no controversy as to the truth of the facts testified to by petitioner and his witnesses as above summarized, not only because no evidence was presented to belie the testimony of petitioner and his witnesses, but because there is no reason to disbelieve them.

The first question raised by the Solicitor General in his appeal is whether or not petitioner is exempted from the requirement of filing his declaration of intention to become a Filipino citizen as provided in section 5 of the Naturalization Law. The requirement can be dispensed with if the appellant falls under any of the two classes of persons excepted by section 6 of the law, namely: 1. those born in the Philippines and have received their primary and secondary education in any of the schools specified by law; and 2. those who have resided continuously in the Philippines for a period of 30 years or more before filing their application, provided that, in each case, they fulfil the additional requirements mentioned therein, namely: "that it established that the applicant has given primary and secondary education to all his children in the public schools or private schools recognized by the government and not limited to any race. Petitioner claims exemptions on account of his more than 30 years of continuous residence in the Philippines before filing his application for naturalization.

The Solicitor General advances the theory that for petitioner to be exempted from the requirement of filing the declaration as provided in Section 5 of the Naturalization Law, the completion of the primary and high school education by all his children in public schools or in private schools recognised by the government is necessary, the fact that petitioner's children have studied two or more years in the said schools not being sufficient.

The contention is untenable. It is based on an interpretation of the law not only too literal but unreasonable. The legal provision requiring that the applicant "has given primary and secondary education to all his children in the private or public schools recognized by the government" should be construed in the sense that, if the applicant has children, and they are of school age, they should be given primary or secondary education in the schools mentioned by the law. The words "has given" should be interpreted to mean that the children, if of school age, should be given the opportunity of getting primary or secondary education, by their opportune enrolment and attendance in the schools mentioned by the law, but not that both must have completed in said schools both primary and secondary education. The narrow point of view of appellant can be shown by the absurdities to which it leads. In the first case, it will compel applicants to have in the first place, children; What

about unmarried persons or sterile spouses? Because the former can not procreate without indulging in illicit sexual relations or the latter by limitations imposed by nature, shall they be denied the opportunity of being naturalized, regardless of their substantial merits to apply for it? Suppose the applicant has children who are already old, are university graduates, have careers and have absorbed all the knowledge that can possibly be imparted in our primary and secondary public schools, shall said children be compelled to attend said schools in the company of youngsters that can be their grandchildren, before their parent is given the opportunity of being naturalized? Suppose the applicant has children of school age and they are enrolled in our public schools but by sons constitutional defects they are unable to be graduated, regardless of the years they spend in school, or due to illness they have to stop their schooling, because to save their lives is of more paramount importance than their education, shall said applicant be deprived of the opportunity of being Filipino citizen even if he has rendered meritorious services to our country?

The next point is that under section 2 of the Naturalization Act, "it is imperative that petitioner's children could be enrolled during the entire period of residence in the inlands required of the applicant."

Appellant's contention is not well taken. In the present case, petitioner has been residing in the Philippines since 1911, 37 years ago, and the residence required by section 6 of the Naturalization Law is for a period of 30 years or more. How could petitioner keep his three children enrolled in our schools for 37 years? Why shall a student be kept enrolled in primary and secondary schools for 37 years long? And how could petitioner enroll in the schools his children from the very beginning of his residence in 1911 when his eldest son, Thomas, was born only on January 10, 1925? The provision of law invoked by appellant must be interpreted in the sense that the enrollment required by law must be made at any time during the entire period of the residence of the applicant in the Philippines. The drafters of the law could not have intended to create absurd or impossible situations. A sensible reading of the text of the law will show that some words are missing in the text, due either to a mere clerical error or to an oversight.

The next question raised by appellant refers to petitioner's American citizenship.

The record offers enough evidence to show that petitioner is an American citizen as stated in the decision of the lower court. Having been in an American merchant ship and later in an Army transport of the United States continuously for more than three years and having presented his declaration of intention to become citizen of the United States of America,

petitioner became an American citizen after the filing of such declaration, as he is among those qualified to become an American citizen. In virtue of the United States Statute of Naturalization as amended by Public Act No. 483 of the 79th. Congress, Chapter 584, second session H.R. 3517.

The same authorities quoted in appellant's brief support petitioner's contention that he had acquired American citizenship. Under the United States law, every seaman, being an alien, shall, after his declaration to become a citizen of the United States, and after he shall have served three years upon merchant or fishing vessels of the United States of more than twenty tons burden, be deemed an American citizen for the purpose of serving on board any such merchant or fishing vessel of the United States. (Paragraph 376 of title 8, U.S.C.A. 1927 edition.) Such seaman is entitled to the protection as an American citizen. Appellant's contention that petitioner is not an American citizen because his citizenship was only for the purpose of serving on board any merchant or fishing vessel of the United States and for purposes of his protection. The limitations of petitioner's American citizenship, if there are any, do not divest him of that citizenship. It is elemental that not all the citizens of a country enjoy all the rights and privileges of a citizen. The right of suffrage is one of the functions that all citizens can exercise, but not all citizens are entitled to vote or to become candidates for a public office.

Appellant advances the theory that as no documentary evidence has been offered by petitioner as to his declaration of his intention to become an American citizen, by virtue of which he acquired his citizenship, petitioner cannot be pronounced as having been naturalized as American citizen, because naturalization cannot be established by parol evidence. We do not see any valid reason for the last proposition. There is nothing in our law of evidence making inadmissible parol evidence to prove naturalization. Of course, in the petitioner's case documentary evidence would be the best, but not being procurable, because it was destroyed in the fire caused by the well-known San Francisco earthquake, parol or secondary evidence is admissible. There is nothing exceptional in the fact of naturalization to require documentary evidence to the exclusion of other evidence.

No error having been committed by the lower court in ordering that a naturalization certificate be issued in favor of petitioner, the same is affirmed.

Parás, Actg. C.J., Feria, Pablo, Bengzon, Briones, Padilla, and Tuason JJ., concur.

Date created: April 24, 2018