

102 Phil. 657

[G. R. No. L-9646. December 21, 1957]

**LAY KOCK, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND APPELLANT.**

D E C I S I O N

BENGZON, J.:

Appellant ascribes error to the decision of the Sulu court granting Lay Kock's petition for naturalization on three grounds, namely, (a) failure to file with the Bureau of Justice his declaration of intention one year before applying for citizenship; (b) lack of the requisite moral qualification and of sincere disposition to adopt Filipino ways of life, and (c) incompetency of his character witnesses.

As to the first ground, the record shows presentation of this petition on July 27, 1954. At the hearing, petitioner swore to having forwarded his declaration of intention "sometime in July 1953." The money order attached to such declaration bears the date July 2, 1953. As against this evidence the Solicitor General points to the receipt issued by his office (dated August 5, 1953) acknowledging payment of the fees for filing petitioner's declaration. We think however that this is not positive proof of the date of filing of the declaration. It is true, the petitioner did not specify the date he forwarded in but such omission obviously resulted from the absence of objection on that specific ground in the trial court; indeed the fiscal who handled the opposition, failed to cross-examine him for particulars. Now if "sometime in July" meant on or before July 27, 1953 the one year condition precedent had been complied with. On the other hand, if it meant any day afterwards (July 28-31) there would be a shortage of one to four days. Now, would such small difference be fatal? We do not deem it necessary to discuss this aspect, partly because it was not raised in the lower court—it could have been raised—and partly because although appellee's brief asserts that "factually the declaration was received in the Office of the Solicitor General on July 11, 1953, as its records show" we discover no denial of such assertion in the pleadings or memoranda subsequently submitted to this

Court.

On the second ground, appellant quotes appellee's own admission of having married his wife simply because she was his mother's choice and of having left the former in China to take care of the latter. This goes to show, argues appellant, Lay Kock's unwillingness to discard Chinese in favor of local customs; and considering that he has not brought his wife here, and has stopped sending her support ever since the last war, he may not be deemed to have observed a proper and irreproachable conduct.

Yet even among Filipino there are wives who have been selected by their respective mothers-in-law and who lived with and cared for them. As to appellee's failure to bring his wife to this country or to send her support, he explained that

"I went to China in 1947. My aim was to find out what happened to my mother and my wife but the town people told me that my mother died during the Japanese Occupation in China and afterwards my wife have evacuated but they did not know so I stayed only for a few months trying to find her but I could not locate her so I leave words to the people of that place to inform me if they happen to see my wife. * * *. And now in recent years even with the information I received from friends in Hongkong not long after that I sent a letter to my friends "but that letter "was never answered and so I gave up hope communicating with her. I wanted to communicate with her but I could not."

It is urged as a third ground of objection that petitioner's witnesses were incompetent because they did not know him *since 1923* when he began residing in the Philippines. One witness, it would seem, became his acquaintance in 1925 and the others in 1927.

Although the law requires the witnesses to state that they "personally know the petitioner to be a resident of the Philippines for the period of time required by this Act" (section 7) we have already interpreted this "period" to mean ten years before the petition, under section 2 or five years under section 3 of the Act.¹ Therefore, the said witnesses were competent on that score.

If the argument however is addressed not to their competency to declare on petitioner's residence, but on the latter's conduct "during the entire period of his residence in the Philippines" under section 2² our comment is that one does not need to personally know

another from the moment of the latter's birth or age of reason, to qualify as witness to his proper and law-abiding behaviour. Existing records, common reputation and mutual friends and acquaintances are available sources of information.

The appealed decision sets forth in detail the circumstances disclosed at the hearing of this petition which show petitioner's possession of all the qualifications prescribed by the Naturalization Law. As the objections of the appellant appear to be without merit, the said decision should accordingly be affirmed; and it is hereby affirmed, without costs.

Paras, C. J., Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Endencia, and Felix, JJ., concur.

¹ Chua Tiong vs. Republic of the Phil. 93 Phil., 117; Awad vs. Republic 97 Phil., 569, Padilla Civil Law 1956 Ed. Vol. I p. 155, 157.

² Supposing this is to be literally applied—not the ten or five year period already mentioned.