

102 Phil. 839

[ G. R. No. L-10202. January 08, 1958 ]

**IN THE MATTER OF THE PETITION FOR NATURALIZATION OF SY CHHUT ALIAS TAN BIN TIONG, PETITIONER AND APPELLANT VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.**

**D E C I S I O N**

**CONCEPCION, J.:**

Petitioner Sy Chhut *alias* Tan Bin Tiong seeks a review of an order of the Court of First Instance of Manila denying" his petition for naturalization as citizen of the Philippines.

It appears that in his declaration of intention to become such citizen, appellant stated that he had not been convicted of any crime and that, in paragraph 13 of his petition for naturalization, appellant alleged that he had conducted himself "in a proper and irreproachable manner", during the entire period of his residence in the Philippines, in his relations with the constituted government. However, the record shows that petitioner had ordered the construction of a two story building, in the City of Manila, without securing the building permit required by a municipal ordinance, for which reason he was charged criminally with a violation thereof, convicted therefor, and sentenced to pay a fine of P20, which was paid on August 21, 1951. Hence, he made in the declaration of intention and the petition for naturalization, both of which are sworn to, false statements on material matters. Apart from thus indicating that appellant's conduct has not been irreproachable, the foregoing reflects against his moral character.

Appellant would have us believe now that said false statements were unintentional, for he was unaware of his prosecution and conviction, and of the fine imposed upon him, and that the same was paid, without his knowledge or consent, by Inocencio Tan, a building contractor who undertook the construction of said building, according to a motion for new trial filed by appellant and the affidavit of said Inocencio Tan, attached to said motion, which was denied by the lower court. Appellant's brief shows, however, that Inocencio Tan was not a building contractor. Besides, being the defendant in said criminal case, appellant

is presumed to have been served with the corresponding notice, and, on the witness stand, he did not deny receipt thereof. Again, appellant admitted on the witness stand his prosecution and conviction, but he testified that the fine imposed was P10 only. This is another circumstance that reflects his lack of veracity and poor moral character.

Apart from this, appellant's petition does not comply with section 7 of our Revised Naturalization Law, which provides that:

“\* \* \* The petition must be filed by the applicant in his own hand writing and be supported by affidavit of at least two credible persons, stating: that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for a period of time required by this Act and a person of good repute and morally irreproachable \* \* \*”

The period of residence required for appellant herein is ten (10) years (section 2, Commonwealth Act No. 473). Yet, the affidavit of witness Arcebal, attached to appellant's application, states that the former had known the latter since 1946, or less than ten (10) years prior to February 13, 1954, when said petition was filed. Hence, said petition is fatally defective. (Robert Cu vs. Republic,<sup>[1]</sup> G. R. No. L-3018, July 18, 1951, and Awad vs. Republic,<sup>[2]</sup> G. R. No. L-7685, September 23, 1955.) It is true, that, testifying for appellant herein, Arcebal said that the year 1946 must have been written in his affidavit due to a “clerical or typographical” mistake. But, regardless of the veracity of this explanation, the law requires that the petition for naturalization be supported “by affidavit of at least two credible persons, *stating that they \* \* \* personally know the petitioner* to be a resident of the Philippines for a period of time required by this Act \* \* \*.” (Sec. 7.) This requirement has not been fulfilled.

Lastly, appellant testified that his daughter Marcela Sy is enrolled in the Chiang Kai Shek High School, and his children Manuel Sy and Juanita Sy are studying in the Chinese Republic School. There is no evidence that these private schools are recognized by our Government and that Philippine history, government and civics are taught therein as part of the curriculum. Hence, compliance with section 2, paragraph 6, of the Revised Naturalization Law has not been established.

Wherefore, the order appealed from is hereby affirmed, with costs against the petitioner. It is so ordered.

*Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Reyes, J. B. L., Endenda and Felix, JJ., concur.*

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<sup>[1]</sup>89 Phil., 473.

<sup>[2]</sup>97 Phil., 569.

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