

[G. R. No. L-10234. January 24, 1958]

IN THE MATTER OF THE PETITION OF VICTORIANO YAP SUBIENG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES; VICTORIANO YAP SUBIENG, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

D E C I S I O N

BAUTISTA ANGELO, J.:

Petitioner filed this petition in the Court of First Instance of Cebu seeking Philippine citizenship. The petition was opposed by the government on the ground that petitioner is not morally irreproachable, is anti-Filipino and has not evinced a sincere desire to become a Filipino citizen. After hearing, the court rendered judgment in favor of petitioner, and the government has appealed.

It appears that petitioner was born on May 5, 1923 in Manila and is a Chinese citizen. Since then he resided in said city until 1952 when he moved to Cebu City. He is at present employed as Assistant Manager of the East Visayan Motors Co., Inc., in Cebu City; with a monthly salary of P500. He is married to Josephine Hsieh, a Chinese citizen, who bore his one child now one year old. He is able to speak and write Spanish, the Visayan and Tagalog dialects. He believes in the principle underlying the Philippine Constitution and is not opposed to organized government. He does not defend or teach the necessity of violence, personal assault or assassination for the predominance of his ideas. He is not a believer in the practice of polygamy and does not suffer from any incurable or contagious disease. It is his intention to reside continuously in the Philippines and to renounce all allegiance to any foreign state or sovereignty, particularly China.

The government, on its part, tried to establish through the testimony of Leonardo P. Balaga and Enrique Arcenas, spokesmen of the workers of the East Visayan Motors Co., Inc., who signed a petition opposing the grant of Philippine citizenship to petitioner, the following facts: that petitioner showed his anti-Filipino attitude when he opposed the granting of

bonuses to the laborers of said company and when he discriminated against them in giving charitable contributions; that at one time and in the presence of several persons, he sarcastically uttered the following: "The Philippine Government has nationalized almost everything including labor, agriculture, professional practice and the onfy; thing that the Philippine Government can not nationalize is Nationalist China"; and that petitioner showed arrogance in dealing with his Filipino employees when on several instances he ridiculed them by giving them instructions in the presence of visitors.

The government now contends that the lower court erred (1) in not declaring that petitioner failed to file his declaration of intention to become a Filipino citizen in accordance with Section 5 of the Revised Naturalization Law; (2) in not finding Jesus Verallo incompetent to act as a witness for petitioner; and (3) in holding that petitioner has all the qualifications prescribed by law to acquire Philippine citizenship.

Section 5 of the Revised Naturalization Law provides that one year prior to the filing of a petition for Philippine citizenship, petitioner shall file in the Bureau of Justice a declaration of intention to become a Filipino citizen, except when he is born in this country or has continuously resided therein for a period of 30 years. Petitioner, it is true, did not file such declaration of intention but this is because he claims to have been born in the Philippines and this he has established not only by his own testimony and that of his father but by sufficient documentary evidence. Thus, he presented as evidence his Alien Certificate of Residence No. A-40086 and his Native Born Certificate of Residence No. 57370 wherein it appears that he was born in Manila on May 5, 1923. These are official documents which were issued in due course by the immigration authorities and unless their genuineness is assailed, which was not, we have to give them due probative value. It is not therefore correct to say that the evidence of petitioner on this point is not supported by documentary evidence. Moreover, it likewise appears that petitioner has resided continuously in this country for a period of more than 30 years and this has not also been disputed. This also has the effect of exempting petitioner from the requirement relative to the filing of a declaration of intention.

It is contended that Jesus Verallo, one of the character witnesses presented by petitioner, is incompetent to testify in his behalf because he admitted that while he came to know petitioner in 1939, he however lost contact with him in 1941, immediately after the outbreak of the war, and only met him again in 1952. From this admission the government draws the conclusion that said witness is incompetent to testify for petitioner because the law requires that he must have at least known petitioner continuously for a period of 5

years. It appears however, that this witness has known petitioner from 1939 to 1941, when he lost contact of him, and from 1952 to 1955 when he actually testified, which gives a resultant period of acquaintance of around 6 years. This period is more than sufficient to satisfy the requirement of the law, for undoubtedly one cannot exact a more stringent interpretation considering the well-known rule that "laws regulating citizenship should receive a liberal construction in favor of the claimant" (*Roa vs., Collector of Customs*, 23 Phil., 315; *See also U.S. vs. Ong Tianse*, 29 Phil., 333).

With regard to the third error, it is contended that petitioner is disqualified to become a Filipino citizen because he has shown to be arrogant, discriminatory and anti-Filipino in his behavior. This contention in effect is based on the testimony of Leonardo P. Balaga and Enrique Arcenas who testified that petitioner showed his anti-Filipino attitude when he opposed the granting of bonuses to the laborers of the company where they were working and discriminated against them in giving charitable contributions to Filipinos and that he on certain occasion sarcastically made the following remark: "The Philippine Government has nationalized almost everything including labor, agriculture, professional practice and the only thing that the Philippine Government cannot nationalize is Nationalist China." The government also lays stress on the petition of about 40 laborers opposing the granting of Philippine citizenship to petitioner.

It has been proven however that both Balaga and Arcenas have an axe to grind against petitioner who because of his appointment as Assistant Manager of the East Visayan Motors Co., Inc., caused the loss of their positions in that company. It appears that Balaga was formerly the business manager of that company and Arcenas its credit or collection manager but when petitioner assumed the position of assistant general manager, both were relieved of their positions for having petitioner assumed the duties discharged by them. It also appears that they were officers and prominent members of the union to which said laborers belong and as such they became resentful when petitioner did not evince sympathy to some of the demands of the union for their betterment which caused them to stage a walkout on May 9, 1955. It likewise appears that petitioner had nothing to do with the grant of bonuses or increase of salaries of the laborers but that the same are always acted upon by the board of directors. And it is noteworthy that not one of those who allegedly signed the petition has appeared to testify in court in spite of the opportunity given them to do so. And after examining and weighing the testimony or evidence of both parties, the lower court has reached the following conclusion:

“After examining the grounds adduced by the opposition witnesses in support of the opposition, the Court finds that same do not show that the petitioner does not possess the qualifications required by law for the acquisition of Philippine citizenship, nor do they establish that said petitioner is disqualified to be naturalized as Filipino citizen. On the contrary, from the preponderance of evidence, especially the testimonies of Dr. Fernando M. Aranda and Jesus Verallo whose testimonies this Court has no reason to doubt, it has been established that the petitioner possesses good moral character and has invariably conducted himself in a proper and irreproachable manner during his residence in the Philippines. It has, likewise, been shown through these witnesses that the petitioner mingles socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. In fact, according to Dr. Fernando M. Aranda, who has known the petitioner for sometime now and who is his neighbor at Orchid Street, Cebu City, said petitioner is a respected member of the community wherein they live and is a member of good standing of the so-called Good Neighbor Association in the Flower District, Cebu City, which is an organization dedicated to civic, social welfare and religious activities wherein petitioner actively participates.

“On the whole, from the evidence adduced during the hearing, the Court finds sufficiently established that the petitioner possesses all the necessary qualifications to become a Filipino citizen as enumerated in Section 2 of the Revised Naturalization Law and none of the disqualifications. Consequently, the Court is of the opinion that the present petition for naturalization should be granted.”

As regards the alleged utterance of petitioner of certain sarcastic remarks in connection with the enactment of the Nationalization Law, the same cannot be given much importance considering that at that time conflicting opinions had been expressed as regards the propriety of its enactment to the extent that there were even Filipinos who manifested their disapproval of the law. As the lower court has said: “Such free expression of opinion, needless to say, is but natural in a democratic country like the Philippines where people enjoy freedom of speech. Certainly, Filipinos and aliens alike who might have criticized the provisions of the nationalization law cannot be branded as anti-Filipino in sentiments.” We cannot therefore give to such remarks the implication that appellant now wants to draw from it in an attempt to disqualify petitioner from becoming a Filipino citizen.

Wherefore, the decision appealed from is affirmed,. without pronouncement as to costs.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Endencia, and Felix, JJ., concur.

REYES, J. B. L., J., *dissenting:*

The decision of the Court of First Instance practically admits that during the time that applicant was manager of the East Visayan Motors Co., Inc., there was discrimination against Filipinos in the matter of salary increases and bonuses. The only excuse given is that these matters were determined exclusively by the management and the Board of Directors, and were not decided by the applicant.

The excuse is insufficient, because there is not one iota of evidence to show that this applicant (who was a member of the Board of Directors) *ever protested or registered a protest* against the discrimination of which the Filipino employees were victims. By adopting a passive attitude towards discrimination against Filipinos, the applicant showed that he had not, as yet, become identified with them; that he still is a Chinese in sentiment. To my mind, the applicant has not evinced “a sincere desire to embrace Filipino customs, traditions and ideals”, and he is therefore disqualified under section 4, paragraph (f) of the Naturalization Act. The latter provision is proof that the admission of an alien to Filipino citizenship is predicated upon the assumption that he has become assimilated into being one of us in feelings and ideals. Certainly the process of identification is not expected to start with the naturalization itself; the conferment of citizenship should be the culmination of a process of assimilation started long before naturalization was sought. Why should we admit into our policy any one who remains an alien in thoughts, principles and sentiment?

For these reasons, I am compelled to dissent.

Padilla, Labrador and Concepcion, JJ., concur.

Date created: October 14, 2014