

102 Phil. 1071

[G.R. No. L-10472. February 26, 1958]

IN THE MATTER OF THE PETITION OF DIONISIO SY TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.

DIONISIO SY, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

D E C I S I O N

BAUTISTA ANGELO, J.:

This is a petition filed by Dionisio Sy in the proper court of first instance praying that he be declared Filipino citizen. The government did not present any opposition to the petition and after hearing the court granted the same subject to the condition prescribed in Republic Act No. 530. From this decision, the provincial fiscal has appealed.

Petitioner was born of Chinese parents in Cebu City on September 19, 1929. He has continuously resided therein for 26 years. He is provided with Alien Certificate of Registration No. A-75365 and an Immigrant Certificate of Residence No. 46694 duly issued by the immigration authorities. He finished his elementary education on April 18, 1947 and his secondary education on April 19, 1950 at the Colegio de San Carlos established in Cebu City, and obtained his degree of Bachelor of Science in Commerce on March 27, 1953 from the University of San Carlos. He had been employed by Lam Shan Trading Company established in Cebu City from April 1, 1954 to March 31, 1955 with a monthly salary of P150 and at present he is employed as supervising agent at Chong Ban Yek & Co., Inc., also established in said city with a monthly salary of P500, including allowances and traveling expenses. And he has always paid his taxes regularly.

Petitioner never left the Philippines since birth and he has never been charged with, nor convicted of, any crime. He has also observed good behavior in his relations with the community in which he lives, and he has always evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people. He has mingled socially with the Filipinos. He does not practice polygamy nor is he opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposed to organized government. He does not defend or teach the necessity of violence, personal assault or assassination for the success and predominance of his ideas. If declared Filipino citizen, he will renounce forever his allegiance to any foreign state or sovereignty, especially Nationalist China of which he is at present a subject. He can speak and write English and the Cebu dialect and believes in the principles underlying our Constitution. In view of these qualifications, the lower court declared him entitled to Filipino citizenship.

The government however believes that petitioner has failed to establish by competent evidence that he has all the qualifications required by law to become a Filipino citizen for the reason that his two character witnesses Jose Batiquin and Maximino S. Ylaya have not shown to have intimate knowledge of his life as to qualify them to testify that he possesses good moral character or had conducted himself in a proper and irreproachable manner during the entire period of his stay in the Philippines. With this opinion we disagree.

Analyzing the testimony of Batiquin, we find that he came to know petitioner when he was studying in the City Central School of Cebu and they oftentimes met in the Cebu Christian Center where they used to play pingpong and other games before the outbreak of the war. During the Japanese occupation he knew that petitioner evacuated to Bogoto and he used to go to his house. He met him in 1945 or 1946 somewhere in Cebu City because he was residing in the store of his uncle Quezon Tan and he used to frequent said store. Considering the years of his acquaintance with petitioner, he can say that he never left the Philippines and he has always mingled with Filipinos.

Ylaya, on the other hand, testified that he first met petitioner in 1941 when he was a student in the Colegio de San Carlos in Cebu City. He used to meet him in the store of one Pablo Cadigan where he used to eat and play with him the local game called "takyan." They used to see each other twice in the afternoon after classes. After liberation in 1947, he and petitioner continued their studies in the Colegio de San Carlos where they used to meet each other. He was then an instructor of the ROTC and of the PMT in said college where he used to see petitioner either in the vicinity of the school or in the room where they used to hold their classes. He knows that at present petitioner is working with Chong Ban Yek & Co., Inc., and on certain occasions he would go with him to attend the fiesta in the town or in the barrio. Cross-examined by the court, he testified that petitioner mingled socially with Filipinos and has adopted their customs during his association with them.

A cursory examination of the declarations of these two witnesses will show that they have evinced actual and personal knowledge of the behavior and conduct of petitioner during the many years of their acquaintance from which one can infer that he is a person of good repute and character as to qualify him to become a Filipino citizen. And considering that petitioner has complied with all other requirements of the law especially with regard to his educational and social qualifications, we are of the opinion that the above declarations substantially comply with the requirement as to his conduct and behavior more so when no contrary evidence was presented by the government to dispute them. There is therefore no reason to disturb the findings of the lower court on this matter.

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

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

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