

[G. R. No. L-10559. May 16, 1958]

IN THE MATTER OF THE PETITION OF YU NEAM TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. YU NEAM, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

FELIX, J.:

This is an appeal by the Republic of the Philippines from a decision of the Court of First Instance of Cebu granting Yu Beam Philippine citizenship after making a find ins that he possesses all the qualifications and none of the disqualifications provided by law. The facts of the case are as follows:

On July 17, 1954, Yu Neam, a citizen of Nationalist China, filed a petition for naturalization alleging, among others, that he was born in China on August 5, 1915 emigrating to the Philippines where he arrived on board the vessel "*Tay Bing*" on August 19, 1913 when he was hardly 3 years old; that he has continuously resided in Cebu City from then on, except for 2 Occasions when he went to Amoy and Formosa, China, on vacation; that he is a businessman and a member of the partnership Jock Chuan Lam Company, with a share of P85,000.00 from which he derives an average annual income of P6,000.00; that he is married to Quin Wan, also a Chinese, with whom he had children, namely: Romdn Antonio Yu, Loreta Yu, Johnny Yu, Ronee Yu, Virginia Yu, Roberto Yu, Albert Yu and Elizabeth Yu., who were born on August 9, 1939, February 3, 1939, August 6, 1939, August 3, 1916, May 11, 1948, April 9, 1949, April 3, 1951 and July 26, 1953, respectively, 6 of whom were enrolled at the Cebu Chinese High School, an institution duly recognized by the government, which was not limited to any particular race or nationality and where Philippine history and civics were prescribed as part of the curriculum; that he speaks and writes English and Cebu Visayan dialect; that he believes in the principles underlying the Philippine Constitution; that he was not affiliated to any association or group of persons teaching or upholding doctrines opposed to organized governments; and that he had conducted himself in an irreproachable manner and had mingled with Filipinos evincing a desire to learn and Embrace Filipino customs and ideals. He also claims to be entitled to the benefit granted by Commonwealth Act No. 535 Exempting any person born in the Philippine

or who has continuously resided thereat for a period of 30 years from filing a declaration of intention.

After hearing the Court, in a decision dated February 10, 1956, admitted petitioner to Philippine citizenship upon finding that he possessed all the qualifications and none of the is qualifications provided for by law. Oppositor, the Republic of the Philippines, through the Solicitor General instituted instant appeal contending that the lower Court erred:

1. In not finding that petitioner has failed to file a declaration of intention pursuant to Section of the Revised naturalization Law;
2. In not finding Florentine Almacen as incompetent to act as witness for petitioner; and
3. In granting Philippine citizenship to said petitioner.

In raising the first issue, oppositor advances the argument that Section 6 of the Naturalization Law requiring that if an applicant for Philippine citizenship has children, all such children should be given primary and secondary education in public or private schools recognized by the government - must be given strict interpretation, and as petitioner admits that of his 8 children, only 6 are enrolled in an institution duly recognized by the Government, he can not avail of the Exemption allowed by Section 5 thereof.

Counsel for the expositor must have in mind petitioner's failure to enroll or provide primary and secondary education to 2 of his children in a public or private institution, but it must be noted that as of the date of the filing of the petition, said children, Albert and Elizabeth Yu, were aged 3 years, 3 months and 9 days and 11 months and 21 days, respectively. It certainly would be unreasonable to expect an applicant to comply with the aforementioned requirement where same is an impossibility as in the instant case. Furthermore, as this Court had already pronounced, "the additional requirement of said Section 6 of the Revised Naturalization Act refers only to children *of school age*, as made clear in Section 2, paragraph 6, of said Act" (Quezon Ong Tan vs. Republic of the Philippines, 101Phil., 690; 54 Off. Gaz., [12], 3811). It is obvious, therefore, that appellant's contention cannot be sustained.

Oppositor likewise alleges that Florentino Almacen, one of the witnesses introduced by

petitioner to vouch his petition, was not competent to testify as to the latter's qualifications, quoting certain portions in his testimony wherein said witness, in reply to certain questions propounded by counsel for petitioner in the direct examination, admitted not having knowledge of certain activities of applicant. We find appellant's contention, to be untenable, not only because the portions of the testimony referred to wherein the witness disavowed knowledge of petitioner's activities in social Circles and civic organizations as the Lions Club, Jaycees, etc. and the latter's relations with the government do not necessarily affect his credibility, but also because his lack of knowledge in keeping track of petitioner's participation in the afore-mentioned activities is understandable, for petitioner and the witness move in different circles in society. This, however, does not disqualify him from vouching for petitioner's general actuations and behavior in the community. In a very recent case, this Court, through Mr. Justice J. B. L. Reyes, held that the fact that a witness did not always see petitioner in his home whenever the former pay the latter's family a visit, and that said witness did not know the Chinese name of petitioner's mother, nor that said petitioner had any sister or not, are merely unimportant and insignificant to affect the witness' knowledge of the conduct and character of petitioner (*Antonio Te vs. Republic of the Philippines*, G.R. No. L-10805, April 23, 1958). The same thing may be said of the witness In the case at bar. Having been a customer of the Jock Chuan Lam Company of which petitioner Yu ream is a partner and co-manager from 1934 and being a "compadre" of the latter, Florentino Almacen certainly possesses sufficient knowledge of petitioner's character as to make him qualified to testify on the same.

Furthermore, the lower Court in giving the petition a favorable verdict apparently took into consideration the testimony of said witness, and as this Court has expressed in a long line of decided cases, appellate courts are not prone to disturb the findings of fact made by the trial court as to the credibility of witnesses by reason of its opportunity to observe the conduct and demeanor of said witnesses while so testifying (*Tiu Bon Hui vs. Republic of the Philippines*, G. R. No. L-8730, November 19, 1956) As appellant's exception to the decision involves the credibility of a witness, and the lower court obviously made its ruling in this matter, We find nothing to sustain the declaration that Florentine Almacen is not qualified to testify as a witness for petitioner. Obviously, the court *a quo* did not err in ruling that petitioner Yu lie am could be admitted to Philippine citizenship.

Wherefore, the decision appealed from is hereby affirmed. Without pronouncement as to costs. it is so ordered.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion,

Reyes, J.B.L., and Endencia, JJ., concur.

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