

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES, AO LIN, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G. R. No. L-18506. January 30, 1964

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of First Instance of Manila, Hon. Gustavo Victoriano, presiding, finding the petitioner Ao Lin in the above-entitled proceedings qualified to be naturalized as a citizen of the Philippines. The court found that petitioner was born in Fookien, Amoy, China on September 1, 1921, and arrived in the Philippines in the Port of Manila in October, 1929; that he was married to Co Piak Ngo of Fookien, Anaoy, China in November, 1935; that he has three children, one of 12 years of age, another of 11 years and a third of 6 years, and still another child by the name of Ay Tian Tuao born on April 27, 1936 in Amoy, China, which last child, according to petitioner, is 25 years old and has not been found by him; that he sends his children to school; that he is a merchant dealing in lumber and hardware and construction supplies with an income of around P6,500.00 a. year; that he has paid income taxes and believes in the principles underlying the Constitution of the Philippines, etc. The court further found that he was found guilty of violation of city ordinances of Manila in 1954 and that he paid as penalty a fine of P55.00 and costs; that he was also charged and found guilty of violation of Section 288, National Internal Revenue Code, for using a meter stick without seal for which violation he was sentenced to pay a fine of P30.00 with imprisonment in case of insolvency, etc.

Against the petition, the office of the Solicitor General presented various exhibits containing records of the complaints filed against petitioner in the office of the city fiscal of Manila, in the Court of First Instance of Manila, and in the National Bureau of Investigation. According to the records of the office of the city fiscal of Manila, petitioner was accused in the following cases:

- "1. Case of viol. of Sec. 288 Int. Rev. Code bearing I.S. No. 17703 brought for action on 9/9/49 by the M.P.D. was docketed in the C.F.I. as Case No. 11023.
- "2. Case of Trespass bearing I.S. No. 100000 brought for action on 4/21/53 by Ng Keng Seng was dropped on 6/19/53 by the then Assistant Fiscal Guillermo Dacumos.
- "3. Case of Viol. of Sec. 86 E.O. brought for action on 6/5/54 by the Dept. of Engineering and bearing I.S. No. 18590 was docketed in the Municipal Court as case No. 22437-Bd. IV.
- "4. Case of Viol. of R.O. Bearing I.S. No. 380S1 brought for action on 12/21/55 by the D.P.S. was docketed in the Municipal Court as Case No. D-56184-Br. I.
- "5. Case of coercion & Etc. bearing I.S. No. 13293 brought for action on 5/26/58 by German Cruz was dropped on 6/20/58 by Assistant Fiscal Antonio G. Alindogan."

In the Court of First Instance of Manila the following civil cases were filed against him as defendant:

"1. Civil Case No. 24917—Felicidad Cee, et al. vs. Ao Lin, for damages. On Dec. 3, 1956, this case was ordered dismissed.

"2. Civil Case No. 19511—Ng Keng Seng vs. Ao Lin, for Specific Performance. On. Aug. 22, 1953, this case was ordered dismissed.

"3. Civil Case No. 7751—Juan D. Salvador vs. Ao Lin, for Specific Performance on Aug. 2, 1960, this case was ordered dismissed."

In the National Bureau of Investigation he was a defendant in the following cases:

"1. Crim. Case No. D-22437 for viol. of Sec. 86, RO on May 11, 1954. Paid P55.00 and costs on Aug. 31, 1954. (Mun. Court, Mla. 10-4-60).

"2. Crim. case No. L-56184 for viol. of Sec. 908 RO on Dec. 28, 1955. Dismissed with costs on Sept. 26, 1960. (Mun. Court; Mla., 10-4-60).

"3. Crim. Case No. 11023 for viol. of Sec. 288, National Internal Revenue Code. Sentenced to pay a fine of P30.00 with corresponding subsidiary imprisonment in case of insolvency and to pay the costs. Paid fine and costs under O.R. 507262 dated Feb. 9, 1960 (CFI, Mla, 8-8-60).

"4. Civil Case No. 7751 for Specific Performance. Case dismissed without costs on Aug. 2, 1950 (CFI, Mla., 8-8-60).

"5. Civil Case No. 19611 for Specific Performance. Case dismissed on Aug. 22, 1963 (CFI, Mla., 8-8-60).

"6. Civil Case No. 24917 for Damages. Case dismissed on Dec. 8, 1956 (CFI, Mla., 8-8-60).

"7. Case No. I.S. No. 100000 for Trespass on April 21, 1953 Dropped by the then Asst. Fiscal Guillermo Dacumos (City Fiscal, Mla., 9-30-60).

"8. Case No. I.S. No. 13298 for Coercion, etc. on May 26, 1958. Dropped by Asst. Fiscal Antonio A. Alindogan (City Fiscal, Mla., 9-80-60)."

The court of first instance found that the violations of the ordinances of the City of Manila and of the National Internal Revenue Code were not impediments to his naturalization because the said offenses do not involve moral turpitude. The Solicitor General contends before Us that the same do constitute offenses involving moral turpitude. But in addition, the Solicitor General contends that the petitioner cannot be considered as having an irreproachable character as required by the Naturalization Law.

We disagree with the opinion of the court below that none of the offenses of which the petitioner was convicted involves moral turpitude. We hold that the use of a meter stick without the corresponding seal of the Internal Revenue Office, by one who has been engaged in business for a long time, involves moral turpitude because it involves a fraudulent use of a meter stick, not necessarily because the Government is cheated of the revenue involved in the sealing of the meter stick, but because it manifests an evil intent on the part of the petitioner to defraud customers purchasing from him in respect to the measurement of the goods purchased.

But even assuming that the last conviction does not involve moral turpitude, at least the above convictions, together with the violations, civil and criminal, of which he had been complained of before the authorities, conclusively show that he has not conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines in his relation with the constituted government, as required in Sec. 2, par. 3 of the Revised Naturalization Act, (Com. Act No. 473.)

In view of this finding it is unnecessary to consider the other assignments of error made by the Solicitor General

in his brief.

Wherefore, the decision appealed from is hereby reversed and the petition of Ao Lin for naturalization dismissed, with costs against petitioner-appellee. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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