

IN THE MATTER OF THE PETITION FOR NATURALIZATION. CHUNG HONG, ALIAS JOSE VILLANUEVA, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-17391. November 29, 1962

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

On 19 March 1956, Chung Hong alias Jose Villanueva filed a petition for naturalization with the Court of First Instance of Catanduanes, docketed as Case No. 6. After hearing, the lower court rendered a decision on 21 November 1959 granting the petition. However, the Office of the Provincial Fiscal of Catanduanes filed a motion for consideration on 23 December 1959, which petitioner, in turn, answered on 3 March 1960.

The court *a quo* reconsidered its judgment, and denied petitioner's application for naturalization in an order dated 2 April 1960 on the ground that the applicant "is not exempt from filing a declaration of intention to become a Filipino citizen * * *, because he has not proved that two of his children of school age namely, Herminia and Jose Villanueva, Jr.", have finished their secondary education. On 13 April 1960, petitioner subsequently filed a motion for reconsideration which was denied on 27 April 1960.

Thus, the present appeal is from both orders, dated 2 and 27 April 1960. In his brief, petitioner-appellant made only one assignment of error, to wit:

"The trial court erred in denying petitioner-appellant's motions to be allowed to introduce additional evidence with respect to the schooling of his two children, Herminia Villanueva and Jose Villanueva, Jr."

Among others, insofar as it is material with the issues involved in this case, petitioner testified that he was married to Priscilla Tulalian on 26 November 1932, and that they have eight children, namely: Lilia, Herminia, Jose Jr., Arnulfo, Maria Annie, Rosario, Joel, and Leo—all surnamed Villanueva, and born in the Philippines, respectively, on 2 February 1934, 20 December 1935, 4 November 1941, 14 August 1946, 17 July 1948, 6 October 1950, 12 July 1953, and 5 July 1956; that only six of his eight children, i.e., Lilia, Jose Jr., Arnulfo, Maria Annie, Rosario, and Joel, except the first who was registered in 1948, were registered with the Bureau of Immigration in August, 1958, as shown by their respective alien certificates of registration, Exhibits "T", "U", "W", "Y", "AA" and "CC"; that Lilia finished both her elementary and secondary education; that Herminia finished the elementary course but reached only the third year in high school during the school year 1953-1954 in the Catanduanes Agricultural and Industrial School; that Jose Jr. finished his elementary education (Viga Elementary School); that the children, Arnulfo, Maria Annie, and Rosario, are enrolled in Grades VI, V, and II respectively, at the Viga Elementary School; that Joel and Leo are not yet of school age; that he owns a lot and house in Viga, Catanduanes, worth more than P10,000.00; that the land was inherited by him from his father, Chung Yan in 1930; and that Exhibit "SS" is the tax declaration of said land.

Throughout his brief, petitioner-appellant contends that this case should be remanded to the lower court for the taking of additional evidence to show that he is exempted from the requirement of filing a declaration of intention,

citing the case of *Ong Que vs. Republic*, 108 Phil., 1109. If remanded, appellant wants to prove that his son, Jose Villanueva, Jr., actually finished high school, and that his daughter, Herminia, was not able to graduate from high school because of her marriage to Sofio Arcilla after she finished her third year secondary education. We see no reason for reopening the case, since there is no adequate excuse for the failure to prove at the trial the facts now offered, which were well known to petitioner from the very start.

Moreover, careful study of the records of this case shows that, as contended by the Solicitor General, "the reception of evidence for this purpose by the lower court would be an empty ceremony", because other and stronger grounds to deny petitioner's application for Philippine citizenship appear on record.

In the first place, it is an admitted fact that appellant never registered two of his children (Herminia and Leo) with the Bureau of Immigration. Likewise, it was only in August, 1958, after having filed the petition, that he took the trouble of registering as aliens his other minor children, Jose Jr., Arnulfo, Maria Annie, Rosario, and Joel. This questionable conduct of applicant is fatal to his petition.

"Our law also requires that petitioner must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living. It is contended that petitioner has also failed to comply with this legal requirement for he failed to show that he has complied with his obligation to register his wife and child with the Bureau of Immigration as required by the Alien Registration Act. He has, therefore, failed to conduct himself in a proper and irreproachable manner in his relation with our government." (*Benjamin Co vs. Republic*, 108 Phil., 265)

Secondly, petitioner alleged that he is the owner of a piece of land and a house thereon worth, at least, P10,000.00 which he inherited from his father. But the tax declaration, Exhibit "SS", submitted by him to show ownership is not only insufficient to prove it but also contradicts his testimony. His name does not even appear in the exhibit. The property is specifically declared as that of his wife (Priscilla T. Villanueva) alone. The land is assessed at only P2,020.00, and on the face of this exhibit, no improvement was made on the land. There is, therefore, grave doubt that appellant owns property or real estate worth not less than P5,000.00, as required by law (cf. *Alfonso Teh Lopez vs. Republic*, G. R. No. L-9155, 23 April 1957).

The government interposed other objections which need no further discussions.

Wherefore, the denial of the petition for naturalization of Chung Hong alias Jose Villanueva is hereby affirmed. Costs against appellant.

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

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