

IN THE MATTER OF THE PETITION OF MARTIN NG TO BE ADMITTED A FILIPINO CITIZEN

G.R. No. L-24054. March 07, 1988

Ponente: NARVASA, J.

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NARVASA, J.:

Martin Ng filed with the then Court of First Instance of Cebu an application for naturalization as a citizen of the Philippines, in accordance with Commonwealth Act No. 473.[1] Notice of the Order setting the petition for hearing was duly published once a week for three (3) consecutive weeks in the Official Gazette, as well as in a newspaper of general circulation in the City and Province of Cebu.[2]

At the scheduled hearing of the petition no one appeared to register any opposition other than the Assistant City Fiscal in representation of the Solicitor General. He entered a general opposition without specifying any grounds therefor. The Court thereafter proceeded to receive the petitioner's evidence, after which the Fiscal declared that the proceedings had failed to disclose any ground for opposing the petition.[3]

The Lower Court then rendered judgment finding the petition to be well founded and adequately supported by competent evidence, and declaring the petitioner entitled to naturalization as a Filipino citizen subject to subsequent compliance with the other requisites provided for in Republic Act No. 530.[4]

Upon the lapse of the two-year period set by said statute for the finality of the decision, the petitioner filed with the Court "Motion to Set Case for Final Hearing." [5] The motion was granted,[6] and on the day appointed the petitioner presented proof of his compliance with the requirements laid down by said Republic Act No. 530. Unexpectedly, the City Fiscal of Cebu, in representation of the Solicitor General, filed an opposition on the ground of lack on petitioner's part of a lucrative business, trade or profession, it being asserted that his employment in Kian Bee Trading -- an establishment owned by his own father -- "is not at all convincing to be one that is lucrative." [7] The Court a quo however overruled the opposition and declared the petitioner "entitled to a grant of Philippine citizenship by naturalization as soon as the same shall be in order and as soon as he shall be disposed to do so." [8] The Court pointed out that the matter of petitioner's lucrative income should have been ventilated during the original hearing; it could no longer be raised at the final hearing which is limited only to a determination of compliance with the four requirements of R.A. No. 530.[9]

From this Order the Solicitor General, in behalf of the Republic, has appealed and seeks to persuade this Court to reverse the aforesaid judgment and order of the Lower Court, postulating several serious defects in the proceeding.

The correctness of the first point raised by the Government cannot be gainsaid, which is that it is not precluded from objecting to a petitioner's qualification for naturalization during the hearing of the latter's petition to take the oath in accordance with R.A. No. 530, even if it failed to so object at the original hearing.[10]

However, the Government's contention -- that the Court a quo never acquired jurisdiction of the subject matter on

account of the petitioner's omission to state that he was, during World War II, a resident of Loboc, Bohol; his failure to comply with the statutory requirement for posting the petition and notice of hearing; and his failure to file a declaration of intention one year prior to the filing of the petition -- must be rejected.

The actuality of the posting of the petition and the notice of hearing in a public and conspicuous place in accordance with law, was attested to by the Court's Clerk-in-Charge whose certification to this effect was duly submitted in evidence.[11] The omission of the petitioner to state in his application the circumstance that he had for a brief period during the last War stayed in Loboc, Bohol, is not a fatal one. It was so ruled by this Court in *Tan v. Republic*. [12] Moreover, the evidence shows that the petitioner was brought by his parents to Loboc at a time when he was only two (2) years of age, and stayed there only for four (4) years; end that he had no intention whatever to hide the fact of his sojourn at Loboc, or make it difficult for the Government authorities to check up on his activities, is satisfactorily demonstrated by his having testified freely and openly about it in the proceedings below. [13] Finally, that he was exempt from filing a declaration of intention, has also been satisfactorily established by the un rebutted proof, testimonial and documentary, that he was born in the Philippines and completed his elementary and secondary education in schools recognized by the Government and where Philippine History, Government and Civics were taught without limitation as regards nationality or race. [14]

This Court is also satisfied that the evidence adduced adequately established petitioner's "lucrative income." [15] It is also satisfied that the petitioner's character witnesses -- Messrs. Bartolome Avancena and Vicente Fernan -- are persons not merely of good standing but of no little prominence in the community, competent to speak of the petitioner's person and reputation. [16] Finally, as to the petitioner's asserted failure to prove that the laws of his country, Nationalist China, grant reciprocal rights to Filipinos to become citizens of that country, this Court has more than once ruled it to be of judicial notice that that reciprocity does exist. [17]

This Court finds no reason to modify the Decision and Final Order challenged in this appeal and therefore AFFIRMS the same.

Teehankee, C.J., Cruz, Gancayco, and Griño-Aquino, JJ., concur.

[1] Docketed as Naturalization Case No. 597; assigned to the Branch presided over by Hon. Amador E. Gomez; Record on Appeal, pp. 1-6

[2] R.A., p. 8: CFI Decision dated April 28, 1962

[3] Id., pp. 8-9

[4] Id., pp. 8-17. The requirement is for the petitioner to prove that during the two-year period after the judgment of naturalization: (1) he has not left the Philippines, (2) he has dedicated himself continuously to a lawful calling or profession, (3) he has not been convicted of any offense or violation of government promulgated rules, and (4) he has not committed any act prejudicial to the interests of the nation or contrary to any government-announced policies.

[5] Id., pp. 17-18

[6] Id., p. 19

[7] Id., pp. 19-21

[8] Id., pp. 22-32: Order dtated August 24, 1964

[9] SEE footnote No.1, supra

[10] SEE Kwan Kwock How v. Republic, 10 SCRA 33; Tio Tek Chai v. Republic, 12 SCRA 224; Cheng v. Republic, 13 SCRA 437; Tan Ching v. Republic, 123 SCRA; Republic, 114 SCRA 244; Reyes v. Deportation Board, 122 SCRA 478

[11] R.A., p. 9; Exhibits E and E-1

[12] 16 SCRA 671

[13] See Go Bon The v. Republic, 9 SCRA 812

[14] TSN, pp. 8, 15-16

[15] Exhs. H, H-1, I, I-1 J; R.A., pp. 22-25

[16] SEE Ong v. Republic, 103 Phil. 964, 971; TSN, pp. 50-51; 63

[17] Yee Bo Mann v. Republic, 83 Phil. 749; Lock Ben Ping v. Republic, 84 Phil. 217; Pardo v. Republic, 85 Phil. 323; Cu v. Republic, 97 Phil. 746

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