

MANUEL LAO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-17055. October 27, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Manuel Lao seeks to be declared a Filipino citizen in a petition filed before the Court of First Instance of Leyte, which petition is supported by the affidavits of Vicente Kangleon and Jose K. Bantug, both residence of Maasin, Leyte. In spite of the opposition filed by the provincial fiscal, the court, after trial, rendered decision on March 2, 1959 granting the petition. Hence this appeal.

Petitioner is a Chinese citizen owing allegiance to the Republic of China. He was born in Maasin, Leyte on May 25, 1925, where he resided continuously. He is a merchant by occupation, having engaged therein since 1950. His annual income is P1,500.00. He finished his high school at the Maasin Institute. He has four children, namely, Purificacion born on February 2, 1952, Virginia born on September 25, 1953, Celestina born on May 19, 1955, and Norma born on April 24, 1957. These children were born to Illuminada Lora whom petitioner married in a civil ceremony only on April 18, 1958, or four days before the filing of his petition for naturalization. These children at the time of hearing were not yet enrolled in any school because they were not of school age.

The court a quo in its decision found that petitioner "speaks and writes the English well as shown by his testifying for himself in fluent English; that he is a graduate of the secondary school of Maasin Institute according to Exhibit M; that he also speaks the Cebuano-Visayan dialect as he was born in Maasin, Leyte, stayed in this place since birth." This is now assigned as error in view of the fact that there is nothing in the record to support the finding that petitioner knows how to speak the Cebuano dialect, or any other dialect for that matter.

There is merit in this contention. The finding of the trial court that petitioner knows how to speak the Cebuano-Visayan dialect for the simple reason that he was born in Maasin, Leyte and stayed in that place since his birth, is an unwarranted assumption of a question of fact, for such being a qualification required by law, it cannot merely be presumed but must be established by clear evidence. Moreover, it is not uncommon for a person to reside in a place even for quite a long time and still fail to learn to speak or write the language or dialect spoken in the locality. And our law requires not only that one should be able to speak English or Spanish or any dialect but to write any one of them as well and this has to be established to the satisfaction of the court. Here the evidence is completely blank on this matter.

Another point raised by the government refers to the moral qualification of petitioner. It is claimed that the lower court erred in finding that petitioner had conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines considering the proven fact that he had been living illicitly or without benefit of clergy with one Illuminada Lora by whom he had four children and only thought of formalizing his status in a civil ceremony celebrated on April 18, 1958, or four days before he filed the present petition for naturalization. Such a conduct is indeed far from proper or becoming of one who desires to embrace our

citizenship for it runs counter to the custom, idiosyncrasy and moral standard that have prevailed in our country from time immemorial. Our society is mainly composed of religious people who abhor illicit relations between men and women even if our civil law contains liberal provisions with regard to illegitimate children. The conduct observed by petitioner in bringing up an illegitimate family is not in keeping with our moral standard.

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, and De Leon, JJ., concur.

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