

**IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP.
GO KEM ALIAS WILLIAM GO, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G. R. No. L-20227. May 31, 1965

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Petitioner Go Kem Lim, alias William Co, single, born in the Philippines of Chinese parents on May 7, 1939, "filed a declaration of intention to apply for Filipino citizenship on March 24, 1960. Subsequently, or on May 3, 1961, he filed his petition for naturalization in the Court of First Instance of Misamis Occidental.

Notices of the petition were duly published and posted. At the hearing:, on January 15, 1962 and March 3, 1962, petitioner and his two character witnesses testified as follows :

Ricardo Villanueva, 68, married, resident of Baliangao, Misamis Occidental, said that he is a Filipino citizen and incumbent mayor of Baliangao; that he has personally known petitioner since the latter's birth in 1939 in Baliangao; that petitioner has resided in Baliangao continuously from birth to the present; that he personally knows that petitioner is a person of good repute, morally irreproachable, attached to the principles of the Philippine Constitution and disposed to the good order and happiness of the Philippines; that in his opinion petitioner has all the qualifications, and is not disqualified, to become a Filipino citizen; that he agrees to petitioner's naturalization because he is a "very good man and a law abiding citizen and is very cooperative for the improvements of the municipality".

Ramon Villanueva, 62, married, resident of Baliangao, Misamis Occidental stated that he is a Filipino citizen and municipal secretary of Baliangao; that since petitioner's birth, in Baliangao, he knew him because petitioner was reared therein and because he was well-acquainted with petitioner's mother and is, in fact, the godfather of petitioner's sister; that in his opinion petitioner is of good repute, morally irreproachable, attached to the principles underlying the Constitution and well disposed to the good order and happiness of the Philippines, and has all the qualifications and no disqualification for naturalization; and that petitioner is "very cooperative to both social and civic undertakings of the government" and was in fact recently appointed treasurer of the Jose Rizal Centenary Celebration of their municipality.

Petitioner testified, inter alia, that he has resided in Baliangao since birth except during the time he was studying at Dumaguete and Cebu; that he is a storekeeper of Go Kung Commercial, owned by his uncle, with a salary of P300.00 per month, as shown in his income tax return for 1960 (Exh. B.); that he is a shareholder in the amount of P2,700.00 in the Lim Feng business firm; that he speaks and writes English and Cebu-Visayan; that he believes in the principle underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during his entire residence in the Philippines in his relations with the constituted authorities as well as with the community he lives in; that he has mingled freely with Filipinos in their social functions and has evinced a sincere desire to adopt or embrace the customs and ideals of the Filipinos; that some instances of his social

mingling with Filipinos are "during fiesta and in one of the celebrations of the Philippines, I was appointed as Treasurer of the Jose Rizal Centenary Celebration".

Furthermore, on cross-examination, petitioner stated that he studied at the Cebu Chinese High School around four years, "grades 3 to 5 then for the 4th year"; that he is not supporting his mother, although a deduction of P1,000.00 in regard to his mother was claimed in his income tax return for 1960. Reiterating that he believes in the principle that underlie the Philippine Constitution, he could not, however, mention one of them. Asked to mention some of the Filipino customs, he replied: "We eat three times a day". Asked what else, he added: "During fiesta celebrate".

In his re-direct testimony petitioner said that while he is no longer supporting his mother, he did so in 1960, the year the tax deduction was claimed for; and that, at any rate, he paid P46.00 as income tax per official receipt (Exh. B-1), that is, more than the tax due even if the deduction were disallowed.

The Republic presented no evidence but submitted, on March 12, 1962, a memorandum opposing petitioner's naturalization. Petitioner in turn filed his memorandum on March 17, 1962.

On March 28, 1962, the Court of First Instance rendered its decision granting Filipino citizenship to petitioner. The Republic thereupon appealed.

First, appellant contends that petitioner has not conducted himself in a proper and irreproachable manner during the entire period of his residence in his relation with the constituted government, as required by Sec. 2, par. 3, of the Naturalization Law. In support thereof it is argued that petitioner made a false income tax return by claiming a deduction of P1,000.00 for his mother although he is not supporting her. The record shows that during the trial in 1962, petitioner stated he is not supporting his mother; nonetheless, he later explained that in 1960 he was supporting her and this was not rebutted. Furthermore, petitioner admittedly paid sufficient income tax for 1960 even disallowing the aforesaid deduction.

Appellant also points out that petitioner's Alien Certificate of Registration was not presented. Petitioner, however, adduced his Native Born Certificate of Registration (Exh. F). Furthermore, the presentation of the Alien Certificate of Registration is required only upon demand by the authorities, which was not made herein (Sec. 7, RA 562 as amended by Sec. 3, RA 751). Both of the instances cited, therefore, are not prejudicial to petitioner's application.

Secondly, appellant maintains that petitioner has not proven his belief in the principles underlying the Constitution. We find merit in this contention. For while petitioner repeatedly claimed to hold such beliefs, he could not even mention a single one of the principles he allegedly believed in. It is now argued on his behalf that he has shown such beliefs in action rather than in words. Specifically, by helping his mother in spending for his brother's education, he is said to have believed in the principle that "the natural right and duty of parents in the rearing of the youth for civic efficiency should receive the aid and support of the Government" (Sec. 4, Art. II); and his participation in civic and community projects is said to have shown belief in the principle that "the Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as part of the law of the Nation" (Sec. 3, Art. II). We see no necessary relation between petitioner's actions and the principles abovementioned. Such actions could just as readily be taken for reasons foreign to or independent from the Philippine Constitution and the principle underlying it. For action to indicate belief in the principles underlying the Constitution, the same must be so conclusively attributable to said principles as to convince the Court that they spring from a belief in them.

Finally, on appeal in naturalization cases the entire record is open to scrutiny whether objection is made or not

(Kwan Kwock How vs. Republic, L-18521, Jan. 30, 1964; Tio Tek Chai vs. Republic, L-19112, Oct. 30, 1964). We may therefore add that petitioner's evidence is fatally defective on two other counts.

Petitioner, while resident of Baliangao since birth, has not continuously resided therein; a good portion of his time was admittedly spent in Cebu where he studied at the Cebu Chinese High School. Since his two character witnesses, Ricardo Villanueva and Ramon Villanueva, only claim to be both residents of Baliangao, they cannot, as such, qualify to attest to his good conduct and irreproachable character during the entire period of his residence in the Philippines (De Lara vs. Republic, L-18203, May 29, 1964).

Petitioner's evidence on his social mingling with Filipinos consists in general statements that he cooperates in social and civic undertakings, mixes with Filipinos "during fiesta", and the specific instance of his having been appointed treasurer of the Jose Rizal Centenary Celebration of Baliangao on December 30, 1961.

Social mingling, as this Court has said in *Chua vs. Republic*, L-19776, Sept. 29, 1964, means that "an applicant must deal with and receive Filipinos in his home, and visit Filipino homes in a spirit of friendliness and equality, without any discrimination." It was therein pointed out that this must be shown not by general statements but by "concrete instances (with dates, places and names)" to satisfy the Court that disqualification under Sec. 4(f) of the Naturalization Law does not exist. Said social mingling, furthermore, must have taken place "during the entire period of the applicant's residence in the Philippines in order to preclude any temporary sporadic social intercourse set up for naturalization purposes".

Far from showing the foregoing, petitioner stated that he studied and finished high school in the Cebu Chinese School where Filipinos are not allowed to enroll (Tsn., Jan. 15, 1962, p. 20). Neither can it be said that petitioner has evinced a sincere desire to learn and embrace the customs, traditions and ideals of our people, inasmuch as when asked to mention a Filipino custom his first reply was: "We eat three times a day".

Wherefore, the decision appealed from is hereby reversed and the petition denied, with costs against petitioner-appellee.

It is so ordered.

Bengzon, C. J., Bautista Angelo, Reyes, J. B. L., Barrera, Paredes, Makalintal and Zaldivar JJ., concur.

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