

IN THE MATTER OF THE PETITION OF WU SIOCK BOON (ALIAS) LAM HOY TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. WU SIOCK BOON (ALIAS) LAM HOY, PETITIONER AND APPELLANT VS. REPUBLIC ...

G. R. No. L-4688. February 16, 1953

Ponente: REYES, J.

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REYES, J.:

This is an application for naturalization.

Applicant is a Chinese citizen, born in Canton, China, in 1910, who immigrated to the Philippines in 1928 and has since then continuously resided here. He lives in Jolo, Province of Sulu. A merchant by profession, he has a business worth more than P14,000. He is a certified Chinese druggist and a 7th-grade graduate of the Central School of Jolo. Married to Lim Surian of Cagayan de Sulu, he has two children with her. He says that he is an orphan with no living relatives in China and wants to make the Philippines his home.

The trial court denied the application on the grounds that applicant had failed to prove (1) continuous residence in the Philippines for the necessary period immediately preceding the date of the application, (2) that he speaks and writes English and one or more of the principal Filipino languages, (3) that he understands the principles underlying the Philippine Constitution, and (4) that he mingles with the Filipinos socially. Appealing from the decision, appellant now maintains that the trial court's findings on these points are contrary to the evidence.

The Solicitor General concedes, and we think rightly, that applicant has continuously resided in this country since his arrival in 1928 and that he speaks and writes the English language. The evidence also abundantly shows that applicant has been mingling socially with the Filipinos in his locality, having studied in the Central School of Jolo and married a native Moro girl. The only question for determination, therefore, is whether applicant speaks and writes any of the principal Philippine languages and understands the principles underlying the Philippine Constitution.

The applicant testified that he could "speak and write English, Chavacano and Moro." By this last he meant the Tausug or Joloano, the Moro dialect in the Province of Sulu. But the Solicitor General contends that Chavacano and Tausug do not come under the category of "principal" dialects and that the applicant has admitted in court that he did not know how to write either of them.

The law does not say what should be considered as principal dialects. But a dialect that is spoken by a substantial portion of the population of the country would no doubt come under that category. To that class should, therefore, belong the Tausug, which is the Moro dialect in the Province of Sulu, and the Chavacano, which is a well-known dialect in the Philippines, being spoken in Cavite, Zamboanga and other parts of Mindanao. Knowledge of these two dialects in addition to English is we think amply sufficient to enable the applicant to mix socially and identify himself with the people of his locality. In this connection reference may be made to the case of *Bienvenido Yap*

vs. Solicitor General (46 Off. Gaz., Supp. No. 1, p. 250), where knowledge of Hiligaymon was considered sufficient.

The applicant's ability to write Tausug and Chavacano may indeed have been put in doubt by his contradictory testimony on that point. But that doubt appears to have been dispelled by the result of the practical test given him at the trial when he was made to write English and its translation into Chavacano and he amply demonstrated his ability to write both, as may be seen in Exhibit 1 for the Government. In addition, judicial notice may also be taken of the fact that in the Philippines the same alphabet is used for writing English, Spanish or any of the native dialects, so that one who, like the applicant herein, can write English well enough may also be expected to write Spanish, Chavacano or any other Philippine dialect that he knows. (Tan vs. Republic of the Philippines,[*] G. R. No. L-1551, October 31, 1949; Kookooritchkin vs. Solicitor General,[*] 46 Off. Gaz., Supp. No. 1, p. 217.)

The applicant also testified that he believes in the principles underlying the Philippine Constitution. But asked, on cross-examination, what he understood by that phrase, he replied that by it he understood "that the Philippine government is run under three departments: executive, legislative and judiciary." From this answer the Solicitor General concludes that applicant "did not have the slightest conception as to what are those principles underlying the Philippine Constitution." The inference is hardly fair. The answer was correct as far as it went, for, indeed, the tripartite system with its separation of powers is one of the basic features of our government (Sinco's Philippine Political Law, 2d Revised Enlarged Edition, pp. 139-141), and reference to it, far from denoting ignorance, indicates some knowledge of the working of a constitutional government, which might have enabled the applicant to elaborate on his statement if the fiscal had not abruptly dropped the subject by proceeding to cross-examine him on other matters. Moreover, as this court, through Mr. Justice Pablo, has said in a previous case.

"La ley de naturalizacion no exige que el solicitante pueda contestar, si se le preguntase, cuales son los principios basicos de la Constitucion de Filipinas * * *. Es bueno que el solicitante pueda contestar todas las preguntas que tienen relacion con la constitucion y gobierno de Filipinas; pero eso exige mas de lo que prescribe la ley. Adoptar ese criterio es enmendar la ley judicialmente." (Vicente Pang Kok Hua contra Republica de Filipinas, 91 Phil., 254.)

In view of the foregoing, the decision appealed from is reversed and judgment shall be entered admitting the applicant to Philippine citizenship subject to the usual conditions in such case made and provided. So ordered.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.

[*]84 Phil., 829.

[*]81 Phil., 435.

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