

BIENVENIDO YAP, PETITIONER AND APPELLEE, VS. THE SOLICITOR GENERAL, OPPOSITOR AND APPELLANT.*G.R. No. L-1602. September 09, 1948*

Ponente: PERFECTO, J.

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PERFECTO, J.:

Bienvenido Yap was born of Chinese parentage on May 27, 1918, in Capiz, where he has been continuously residing ever since. He speaks and writes English and Hiligaynon, the Visayan language in the locality. He started his studies in the Capiz Chinese Elementary School and continued in the Capiz High School where he was in the fourth year at the outbreak of the last war. He is married to Gloria Lim, a native, born of a Chinese father and by this union he has two children born in Capiz, Wilfred Yap on May 26, 1944 and Roubin Yap on April 12, 1946. He is engaged in business with an invested capital of P10,000. During the occupation he rendered services to the guerrillas.

The lower court granted his application for Philippine Citizenship.

The Solicitor General raises two questions in this appeal.

He contends, in the first place, that the lower court erred in not finding that the applicant has failed to establish satisfactorily that he had previously filed his declaration of intention to become a citizen of the Philippines and that he is not exempted from the prerequisite of filing said declaration.

Applicant alleged under oath in his petition that he had filed his declaration of intention to become a Filipino citizen with the office of the Solicitor General in 1941, although all the records have been lost by reason of the war. This allegation is not disputed in any answer or objection and is supported by the un rebutted testimony of applicant, who was duly cross-examined in the trial court. This is enough evidence. Appellant's contention that applicant's testimony should be supported by documentary proof is not well taken. There is nothing in the law in support of such requirement.

The second and last question raised by the Solicitor General is that the lower court erred in not finding that applicant has failed to establish that the laws of China grant Filipinos the right to become naturalized citizens thereof.

We find on record Exhibit E, a document supposed to be a copy of the Chinese law of citizenship, where it appears that a Filipino can acquire Chinese citizenship by naturalization. Although we do not see any certification attached to the exhibit, the lower court's decision states that applicant presented a copy of the Chinese law certified by a clerk Of Court of Cebu. The pronouncement is in a way supported by the fact that Exhibit E carries the dry seal of the Court of First Instance of Cebu. The pronouncement Of the lower court has not been disputed, and it can be assumed that when the copy was submitted to the lower court, the latter must have seen a certification attached to it which might have been misplaced. At any rate, the controversy appears to be academic, considering the fact that at the hearing of this case, counsel for appellant stated that in another case there is such

certified copy of the Chinese law where it appears that Filipinos are given the right to acquire Chinese citizenship. There being no error in the appealed decision, the same is affirmed.

Parás, Actg. C. J., Feria, Pablo, Bengzon, Briones, Padilla, and Tuason, JJ., concur.

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