

IN THE MATTER OF THE PETITION OF SAW CEN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, SAW CEN, PETITIONER-APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-20310. April 30, 1965

Ponente: PAREDES, J.

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PAREDES, J.:

On August 29, 1961, Saw Cen, a citizen of the Republic of China, who had been in the Philippines since 1932, presented with the CFI of Manila, a petition for admission as Filipino citizen. The petition which contained the requisite jurisdictional facts and enumeration of his qualifications, upon which he based his application, was accompanied by the Joint Affidavit of Jose S. Tanchoco, Jose S. Zuñiga and Gregorio R. Viar, who claimed to have personal knowledge of petitioner's having resided continuously in the Philippines, prior to the filing of the petition; that petitioner was of good moral character and repute and morally irreproachable, during his stay in the islands, although they contend that they have known him since 1949 and 1946, respectively, and that he is not in any way disqualified under Sec. 4 of Commonwealth Act No. 473, as amended.

Under date of August 31, 1961, the lower Court issued an order for the publication of the petition in the Official Gazette and the Daily Mirror, for three consecutive weeks. After the publication of the petition, it appears that an opposition was presented by the office of the Solicitor General, although the records do not show on what grounds the opposition was based. After trial, or on August 2, 1962, less than a year from the presentation of the petition, the court a quo rendered judgment, the pertinent portions of which recite:

"* * * that before, so me of his children bore the family name "Tan," but during the last ten years they are using the family name "SAW" because previously petitioner had an alias "TAN HU CHI" and his wife gave this alias name when she gave birth; that petitioner has not been using the paid name for more than ten years because he knows that it is prohibited by law; that now he has boon only the name Saw Cen even in his business dealings;

* * * . * * * * *

"* * *, this Court finds that petitioner has nil the qualifications required by, and none of the disqualifications specified in, Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, and has complied with all the requisites established therein.

"WHEREFORE, the said petition of SAW CEN to be admitted a citizen of the Philippines is hereby granted, and let the proper naturalization certificate be issued in his favor and the registration thereof in the proper civil registry, this decision to become executory in accordance with the provisions of Section 1 of Republic Act No. 530."

Against the above decision, the instant appeal had been interposed by the Solicitor General, claiming that the trial court erred:—

- (1) in finding that petitioner has all the qualifications and none of the disqualifications to become a naturalized Filipino citizen: and
- (2) in not holding that the two character witnesses for the petitioner do not meet the requirements of the law.

By his own admission, it is clear that petitioner was known by another name, an alias which he had been using for quite a number of years. So much so that even the five (5) older children (the first to the fifth) adopted a word in his alias (Tan) as their family name. The non-inclusion of the other name of petitioner in the publication of the petition has resulted fatal, for it has deprived any person, knowing him by that name, to come forward and inform the authorities of any matter which might affect his application for naturalization. In other words, the publication was incomplete and insufficient, thereby affecting the jurisdiction of the court to take cognizance of his petition. The unauthorized use of the alias is not at all denied by appellee. In fact, he recognized the illegality of the use when he said that he has not been using it for more than ten (10) years (before the presentation of the petition) because he knew that it was prohibited by law.

Moreover, We find that the character witnesses of petitioner did not measure to the requirements provided for by law, to be considered as "credible persons." In the case of *Ong vs. Republic*, L-10642, May 30, 1958, this Court stated that a credible person, for purposes of naturalization cases, is one as having a good standing in the community; known to be honest and upright; reputedly trustworthy, and reliable so that his words may be taken on its face value to serve as warranty of the worthiness of the petitioner. This must be so, because said witnesses are in a way, the insurers of the character of applicant (*Cu vs. Rep.*, 89 Phil. 473). In the case at bar, evidence was not adduced to show that the character witnesses of petitioner had the above qualities, and therefore, they could not live up to the category of credible persons (*Sy Shin vs. Rep.*, 107 Phil., 718). One thing more, We find no evidence on record to show that petitioner has had intimate social relations with his witnesses. Witness Tanchoco declared that he came to know the petitioner because said witness was the accountant of the La Compañía Factory, the General Fabrikoid Manufacturing Company and the Atlantic Development Company, all of which were managed by the petitioner. The relation then was merely on a business level, since there is paucity of evidence to show that they had social relations. The lack of social relations is crystallized by the fact that Tanchoco did not even know the parents, brother's, sisters and other matters pertaining to petitioner's social life. He could not, therefore, be an insurer of petitioner's worthiness. Witness Tanchoco being an employee of petitioner, his partiality is not far-fetched.

PREMISES CONSIDERED, the decision of the lower court granting SAW CEN Philippine citizenship should be, as it is hereby reversed. Another is entered denying his petition, with costs against said Saw Cen.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur.

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