

CHAY GUAN TAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-9682. April 23, 1957

Ponente: ENDENCIA, J.

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ENDENCIA, J.:

The Provincial Fiscal of Sulu, in representation of the Solicitor General, seeks the reversal of the decision of the Court of First Instance of that province, granting the petitioner-appellee's application for naturalization, on the ground that the lower court erred: (1) in allowing such application despite the fact that (a) the petition has not satisfactorily proven that he was born in Jolo and (b) that he has not registered his wife and child with the Bureau of Immigration as required by Republic Act No. 562, the Alien Registration Act of 1950, as amended; and (2) in not allowing that petitioner-appellee be subjected to oral and written tests to show that he can speak and write Tausug and Samal dialects.

Firstly, it is contended that the evidence presented by the petitioner about his birth in Jolo is not sufficient, his testimony on the matter being self-serving and the certificate issued by Dr. Paciano T. Garcia who claimed to have been the attending physician at his delivery being not the best evidence of appellee's birth and because he has not presented any certificate of birth issued by the corresponding civil registrar. It appears however that Exhibit G was admitted by the trial court without any objection on the part of appellant and the said exhibit was fully identified by the appellee. Thus we have in this case the testimony of the appellee that he was born in Jolo, Sulu, on March 15, 1929, corroborated by Exhibit G, not impugned but admitted by the court without appellant's objection, all of which sufficiently establish the birth of the appellee in the province above mentioned. It is however contended by the appellant that Exhibit G should not have been admitted because the same was not even sworn to by Dr. Garcia and the latter was not presented as a witness to identify it, but no objection was offered against its admission, and once admitted it gathered corroborative value and may be taken into consideration together with the testimony of the appellee about his birth in Jolo to reach the conclusion that the disputed place of birth of the appellee was sufficiently proven.

Secondly, it is contended that the appellee has not presented in evidence the certificate of alien registration of his wife Lena Itum and his only child Helen in the Bureau of Immigration as required by Republic Act No. 562, and therefore it may be inferred that he failed to register his wife and child in said office or to comply with a duty imposed upon him by law and consequently his petition should not be granted. The appellee contends, however, that such failure should not disqualify him from becoming a Filipino citizen for it is not one of the specific grounds for disqualification enumerated in section - 4 of Commonwealth Act No. 473 and, in support of this contention, the appellee cites the case of Tan Chong Yao alias Jacinto Tan vs. Republic of the Philippines * (G.R. No. L-5074, March 3, 1953) wherein this Court has ruled that "failure to file the income tax returns and secure Residence Certificate Class B does not constitute a ground for disqualification of the applicant." We find appellee's contention to be well taken for we hold the view that the failure of the appellee to register his wife and his child with the Immigration Office as aliens is not of such a gravity as to disallow his petition for citizenship

after he has proven conclusively that he has all the qualifications required by the Naturalization Act and none of the disqualifications enumerated therein.

Thirdly, it is claimed that there is no evidence on record "that he fulfills the requirement of being able to speak and write a principal Philippine dialect, for which reason his petition for naturalization should be denied." The record discloses that the appellee was not subjected to a practical test to determine his ability to speak and write the Tausug and Samal dialects, but this happened thru no fault of his or of his counsel, for during the hearing of the case the following transpired:

"Q.

Do you speak any of the principal Philippine dialects?

A.

Yes, sir, I speak Tausug, Samal

Q.

How about Tagalog?

A.

I speak a little.

ATTY. COSCOLLUEIA—

We beg permission to allow the witness to have practical exercise to show that he knows how to write.

COURT—

There is no need for that. Make it of record that the Court resolved that there is no need of proving in writing that the applicant speaks Tausug and Samal . inasmuch as he was born in this place of Sulu; and as to English, the applicant is actually or presently speaking in good English before this Court, he being a high school graduate of Notre Dame High School which is recognized by the government."

On the other hand, in the case of *Wu Siok Boom vs. Republic of the Philippines*, 92 Phil., 671, 49 Off. Gaz., p, 489, we held:

"The law does not say what should be considered as principal dialects of the Philippines. 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 amply sufficient to enable an applicant for naturalization to mix socially and identify himself with the people of his locality.

"In addition, judicial notice may 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 can write English well enough may also be expected to write Spanish, Chavacano, or any other Philippine dialect that he knows."

During the trial of the case, it was proven that the herein appellee was born of Chinese parents in Tulay, Jolo, province of Sulu, on March 15, 1929; that he is married to Lena Itum, a Filipina, with whom he has a daughter one year old; that he finished his primary and intermediate courses at the Bongao Elementary School and his secondary course at the Notre Dame High School, a private high school recognized by the government, where history, civics and government are required subjects; that he is a cashier at his brother's store with a salary of P120 a month and has real property worth P5,000; that he can speak and write English, Tausug, Samal and a little Tagalog; that he has never been convicted or accused of any crime and is not connected with any subversive movement; that he believes in democracy and strongly disapproves of communism; that he does not believe in the use of violence or assassination for the success and predominance of his ideas; that he is not a polygamist nor a believer in polygamy; that he mingles freely with the Filipinos and has always desired to learn and embrace the customs, traditions and ideals of this country; that he has behaved irreproachably towards his neighbors and the community in general; that he is not suffering from mental alienation or incurable contagious diseases; that he showed his familiarity with the Philippine Constitution by reciting its preamble, mentioning some provisions of the Bill of Rights, freedom in the practice of religion and the meaning of social justice.

Evidently the foregoing facts entitle the herein appellee to secure the Philippine citizenship applied for and while great caution should be exercised in granting such citizenship, we find that the evidence of record satisfactorily established appellee's fitness to acquire Filipino citizenship.

Wherefore, finding no error in the decision appealed from, the same is hereby affirmed.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Conception, Reyes, J. B. L., and Felix, JJ., concur.

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