

DY PEK LONG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-18758. May 30, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioner seeks to be a Filipino citizen.

Petitioner is a citizen of the Chinese Nationalist Republic. He was born in Amoy, China, on October 13, 1930. He came to Manila in 1940 and since then resided in Daet, Camarines Norte. He has never left the Philippines except for a period of 2-1/2 years (1956-1959) when he went abroad to take up graduate studies in electrical engineering. He took up his high school course at the Mabini Junior Colleges and afterwards enrolled in the University of the Philippines and the Mapua Institute of Technology where he obtained the Degree of Bachelor of Science in Electrical Engineering. He is at present employed as Manager of the Bicol Trader of Daet, Camarines Norte, and at the same time is an attorney-in-fact of the East Visayas Products Company, with a total monthly income of P600.00.

Petitioner is of good moral character, and has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the government as well as with the community in which he lives. He evinces a desire to learn and embrace the customs, traditions and ideals of the Filipino people. He believes in the principles underlying our Constitution. He is not opposed to organized government, nor affiliated with any association that upholds or teaches doctrines opposed to organized government. He does not believe in the necessity of violence, personal assault or assassination for the success or predominance of men's ideas. He is not a polygamist or a believer in polygamy, or in the practice thereof. He does not suffer from any mental ailment or incurable contagious disease. He is ready to renounce his allegiance to any foreign sovereignty.

After hearing, the court a quo rendered decision admitting petitioner to Philippine citizenship, subject however to further proceedings, after two years, in accordance with law.

The provincial fiscal of Camarines Norte appealed from this decision. However, in a motion filed with this Court, the Solicitor General moved to withdraw the government's appeal considering it to be without merit, but this Court considered the motion as the brief of the government and directed petitioner to file his brief within 45 days from notice of its resolution.

The provincial fiscal objected to the grant of citizenship to petitioner on two grounds, to wit: (1) that petitioner has not mingled socially with the Filipinos which is a requirement of our law for one who desires to acquire our citizenship, and (2) that the two witnesses who vouched for the good conduct and character of petitioner have not known him for the time required by law. And because this opposition was disregarded or found unmeritorious by the court a quo, said official deemed it proper to appeal from its decision. We have, however, gone over the record and found the opposition not well taken. The findings made on this point by the court a quo are substantially supported by the evidence.

There is, however, one point which the court a quo has overlooked, as well as the government prosecutor, which in our opinion is decisive of the present case. This refers to the failure of petitioner to state in his petition for naturalization the different places of his residence during the period of his stay in the Philippines. Thus, the stenographic notes show the following facts: Upon his arrival in 1940, petitioner stayed in Daet, Camarines Norte; he studied in Chung Hua School established in Daet for 2-1/2 years; he also studied in Chiang Kai Shek High School established in Manila for two years; he also studied in Apolinario Mabini Institute at Daet, Camarines Norte in 1948-1951; he likewise studied engineering in Manila from 1952-1955. Then he returned to Daet. Later, he went again to Manila and stayed there until 1956. In 1956, he went to the United States and stayed there until 1959. In 1959, he returned to Manila and stayed there until 1960.

It would be seen that petitioner failed to specify his several places of residence in this country before April 27, 1960, when he filed his petition for naturalization. Specifically, he failed to declare his places of residence in Manila in the years 1947-1948 when he studied in the Chiang Kai Shek High School; he also failed to state his places of residence during the period of 1952-1955 when he studied in Manila; and in 1956 when he stayed in Manila preparatory to his departure for the United States. This omission is a serious flaw which disqualifies petitioner to become a Filipino citizen.

The reason behind such requirement is to "facilitate the checking up on the different activities of petitioner bearing on his petition for naturalization, especially as to his qualifications and moral character, either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or investigations thereon. Needless to say, by such omission, appellant, in effect, falsified the truth, indicating lack of good moral character on his part, which disqualifies him to be admitted to Philippine citizenship" (*Keng Giok vs. Republic*, L-13347, August 31, 1961).

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon and Regala, JJ., concur.

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