

**IN THE MATTER OF THE PETITION OF SY CHHUT TO BE ADMITTED A  
CITIZEN OF THE PHILIPPINES. SY CHHUT, PETITIONER AND  
APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND  
APPELLEE.**

*G.R. No. L-17960. September 30, 1964*

Ponente: DIZON, J.

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**DIZON, J.:**

Appeal taken by Sy Chhut from the judgment of the Court of First Instance of Manila in Case No. 39194 denying his petition for naturalization on the ground that he lacked the qualification of good moral character.

Prior to the filing of the above mentioned petition, appellant had filed another Case No. 24659 which the same court denied. On appeal, We affirmed the decision on the following grounds:

(1) "It appears that in his declaration of intention to become such citizen, appellant stated that he has not been convicted of any crime, and that, in paragraph 13 of his petition for naturalization appellant alleged that he had conducted himself "in a proper and irreproachable manner" during the entire period of his residence. However, the record shows that petitioner had ordered the construction of a two-story building, in the City of Manila, without securing the building permit required by a municipal ordinance for which reason he was charged criminally with a violation thereof, convicted therefor, and sentenced to pay a fine of P20, which was paid on August 21, 1951. Hence, he made in the declaration of intention and the petition for naturalization, both of which are sworn to, false statements on material matters. Apart from thus indicating that appellant's character has not been irreproachable, the foregoing reflects against his moral character.

(2) That appellant's petition did not comply with the provisions of Section 7 of the Revised Naturalization Law in that "the affidavit of witness Arcebal, attached to appellant's application, states that the former had known the latter since 1946, or less than ten (10) years prior to February 13, 1954, when said petition was filed".

(3), What appellant failed to establish that private schools where his children were studying are recognized by the government and that Philippine history, government and civics are taught therein as part of the curriculum.

About a year later, on February 5, 1959, appellant filed the present petition for naturalization alleging, among other things, that his failure to state in his declaration of intention that he was sentenced to pay a fine of P20.00 for violation of a municipal ordinance was not intentional, as shown by the fact that when asked about it during the former hearing, he readily admitted having been accused therefor and having paid the fine imposed on him; that the second ground for the denial of his first petition had already been corrected with the affidavits of two new character witnesses to the effect that they knew appellant to have been residing in the Philippines for more than ten years prior to the filing of the petition.

After the requisite publication and hearing, the trial court rendered the appealed decision, mainly on the ground that:

"\* \* \* the Supreme Court had already ruled that petitioner's conduct in his relations with the constituted government as well as with the community in which he is living has not been irreproachable, and this circumstance reflects against his moral character. Certainly, such a finding cannot be overcome by the mere testimony of the character witnesses presented by the petitioner during the trial of the case".

Appellant's own testimony shows, as admitted by the Solicitor General:

"\* \* \* that he was born in Chingkiang, Amoy, China, on April 20, 1909 (p. 2, t.s.n.( session of Jan. 16, 1960); that he is a citizen of Nationalist China (p. 2, t.s.n., id.; Exhibit E, p. 16, folder of exhibits); that he immigrated to the Philippines on November 23, 1928 (p. 2, t.s.n., id.); that he registered with the Bureau of Immigration (p. 2, t.s.n., id.; Exhibits D, D-1, pp. 14-15, id.); that he remarried Lee Ten in Manila in 1940 in accordance with Philippine customs and laws although he had already married her in China in 1930 (p. 3, t.s.n., id.; Exhibit F, p. 17, id.); that his wife bore him six children: Marcela, William, Manuel, Juanita, Lolita and Delia; all of whom, except Marcela stopped schooling in 1958 due to poor health, are enrolled in schools recognized by the Government where Philippine government, history and civics are taught (pp. 3-6, t.s.n., id.; Exhibits G, H, H-1, J, J-1 to J-6, pp. 18-38, id.); that he went to China in 1929, 1933 and 1937 to visit his parents (p. 6, t.s.n., id.); that he is now a merchant with a yearly income of about P29,000.00, paying all taxes to the Government (p. 6, t.s.n., id. Exhibits C, C-1 to C-5, K-7, pp. 7-13, 46, id.); that he speaks and writes English and Tagalog (p. 7, t.s.n., id.; Exhibit 1, p. 49, id.); that he mingles socially with Filipinos (p. 7, t.s.n., id.); that he is a Protestant (p. 8, t.s.n., id.); that he is not suffering from any contagious or incurable disease (p. 8, t.s.n., id.; Exhibit K-9, p. 48, id.); that he has a sincere desire to learn and embrace the traditions, customs and ideals of the Filipinos (p. 9, t.s.n., id.) ; that he was fined P20.00 for illegal construction of his house in 1951 which fact he failed to state in his declaration of intention (pp. 7, 16, t.s.n., id.; p. K-1, p. 40, id.)."

Upon the other hand, appellant's character witnesses, Atty. Enrique C. Corpus and Joel M. Iglesias, testified that they respectively had known him since 1945 to be a person of good reputation and morally irreproachable, fair, courteous, attached to the principles underlying the Philippine Constitution, disposed to the good order and happiness of the Philippines, and that if admitted as a citizen, he would become an asset to the country.

On the question of whether the finding made against appellant in the previous proceeding to the effect that he lacked the requisite moral qualification or moral character is a permanent bar to his acquiring Philippine citizenship, we have found the following: cases to be more or less pertinent:

In *Yu Lo, appellant vs. Republic*, 92 Phil., 105, we affirmed the decision of the lower court denying therein appellant's petition for citizenship on the ground of improper and reproachable conduct, having cohabited with a woman and maintained with her what the law considers illicit relations but "this denial of appellant-petitioner for Naturalization is without prejudice to a renewal thereof if and when the petitioner shall have seen his way clear to mending his ways such as for instance, legalizing his relations with the mother of his children by marriage, civil or religious, so as to comply with the requisites of the law on naturalization".

In *Sy Kiam vs. Republic*, 102 Phil., 575, we also dismissed the petition therein involved but without prejudice to a renewal thereof provided applicant had observed irreproachable conduct after his marriage for the five year period required by Section 3, Commonwealth Act No. 473 of aliens who are married to Filipino women, provided no other disqualification appeared.

It may be inferred from the above decision that the finding of lack of irreproachable conduct or moral character based on specific acts does not necessarily constitute a permanent bar to the acquisition of Philippine citizenship by an alien, this being still feasible if for a reasonable period of years after the denial of his application on that particular ground, he successfully proves in the requisite proceeding that he had observed irreproachable conduct and had shown himself to be of good moral character.

In the case before Us, the evidence of record is not sufficient to prove that, subsequent to the denial of his first application, appellant had observed irreproachable conduct and had been a man of good moral character for a number of years sufficient to give the State a reasonable guaranty that he will continue to be so. In fact, the final decision upon his previous application for citizenship was promulgated on January 8, 1958, and his second application was filed a little less than one year thereafter. In view of this circumstance, we can not find that the lower court erred in denying his petition for naturalization.

WHEREFORE, the decision appealed from is affirmed, with costs.

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

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