

IN THE MATTER OF THE PETITION OF JOSE CHUA CHU TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, JOSE CHUA CHU, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELL...

G.R. No. L-24951. July 20, 1968

Ponente: ANGELES, J.

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ANGELES, J.:

Jose Chua Chu, a Chinese citizen, applied for naturalization in the Court of First Instance of Leyte. After hearing, the court granted the petition on the basis of its findings that the petitioner possesses all the qualifications and none of the disqualifications for Philippine citizenship.

The Solicitor-General has appealed, maintaining: (1) that the petitioner is not exempt from filing a declaration of intention; (2) that the subscribing witnesses to the petition are not qualified to become insurers of petitioner's good conduct; and (3) that the petitioner failed to state all his places of re-sidence.

The appeal is well taken.

1. The only evidence presented by petitioner in support of his allegation that he was born in the Philippines are his bare testimony and his "native born certificate of residence" which bears the date March 29, 1961. He did not bring along his parents, who are still living, to testify, nor did he present any baptismal certificate which could show his place and date of birth. His native born certificate of residence cannot on its face be acceptable as evidence of his birth because the officer who wrote the date therein contained as merely received them and has no personal knowledge of them.[1] With this failure on his part to establish that he was born in the Philippines, the petitioner should have been required to file a declaration of intention to become a citizen.

2. As to the character witnesses for petitioner, it appears that both are employees of the New Republic Bakery where petitioner works as sales manager. The first witness, Pedro Son, is a time keeper therein, while the other, Eptacio Sevilla is the bookkeeper of the same bakery.

It can be gathered from the testimony of Pedro Son that although he came to know the petitioner since birth, they did not see each other during the war and they only met each other for the first time after the war in 1947, when this witness saw the petitioner in Tacloban City; that except for occasional business dealings, they had no other occasion to meet until petitioner came to Ormoc in 1959; that the encounters they had had were only in connection with the payrolls of the New Republic Bakery. On the other hand, Eptacio Sevilla testified that he became acquainted with the petitioner only in 1953, so that he knew him (petitioner) only for ten years. The associations between petitioner and Pedro Son, which was not continuous and between said petitioner and Eptacio Sevilla, which was only for ten years, do not qualify these witnesses to testify as to the applicant's character and demeanor during his entire period of his residence in the Philippines. Since petitioner claims to have been born in this country, his attesting witnesses should be persons who have known him continuously

from childhood, because our law requires that one who desires to be a Filipino citizen must establish that he has observed a proper and irreproachable conduct during the entire period of his residence in the Philippines.[2]

3. An examination of the record reveals that petitioner really failed to state in his petition all his places of residence, present and former. He only alleged that his present place of residence is Real St., Ormoc City and that his former residence was 39 Salazar St., Tacloban City. In his testimony, however, he declared that he was born in Valencia, Ormoc City in 1929; that during the war, he evacuated to Lanao where he stayed until 1945; that in 1945 he went back to Ormoc City and stayed there until 1947 when transferred to Wilson St. Tacloban City; and that after six months, he again transferred to Salazar St., and then back to Ormoc City.

Section 7 of the Naturalization Law requires that a petition for naturalization state all of petitioner's present and former places of residence, which includes all places where petitioner actually and physically re-sided. The reason for this is that information regarding petitioner and objection to his application are apt to be provided by people who lived in his actual physical surroundings. Petitioner's omission to state all his former places of residence is fatal to his application.[3]

IN VIEW OF THE FOREGOING, the decision appealed from is hereby reversed, and consequently, the petitioner's application is dismissed. Costs against the petitioner-appellee.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, and Fernando, JJ., concur.

[1] See *De Lara vs. Republic*, G. R. No. L-18024, May 29, 1964.

[2] *Vy Tian vs. Republic*, L-19918, July 30, 1965.

[3] *Li Siu Liat vs. Republic*, G. R. L-25356, November 25, 1967, citing *Qu vs. Republic*, L-19834, October 27, 1964; *Tan vs. Republic*, L-22207, May 30, 1966; *Chang vs. Republic*, L-20713, April 29, 1966; *Chan Kiat Huat vs. Republic*, L-19579, February 28, 1966.

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