

IN THE MATTER OF THE PETITION OF ALBERT ONG LING CHUAN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ALBERT ONG LING CHUAN, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINE...

G.R. No. L-18550. February 28, 1964

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/302a49e35cd3/>

PAREDES, J.:

The Court of First Instance of Manila, on May 20, 1961, rendered judgment granting Albert Ong Ling Chuan, Philippine citizenship, upon the following findings:

Petitioner was born in Atimonan, Quezon, on March 1, 1938, of Chinese vintage, duly registered with the Chinese Embassy in Manila (Exh. G), and with the Immigration Bureau (ACR Exh. II and ICR, Exh. 1). He is an employee in the Cosmos Industrial Company, at Mandaluyong, Rizal, where he draws a salary of P2,400.00 annually, single, and provided with free board and lodging by his father. Income Tax Returns in his name for the years 1959 to 1960 were presented in evidence (Exhs. J, K and K-2), and payments of taxes due for the said years were proved by Exhibits K-1 and K-3. He finished his primary schooling at the Immaculate Conception Anglo-Chinese Academy of Manila, covering first to fifth grades (1947- 1952, Exh. L), his intermediate and high school at San Beda College, (Exhs. M, M-1 and M-2). At the time of the hearing, he was taking Architecture in the University of Santo Tomas with his parents paying for the school fees. Exhibits N, N-1 to N-11, are his clearances from the police and other governmental agencies, including the Bureau of Internal Revenue and the Health Department. Being a native born and educated in the Philippines, no declaration of intention was presented in evidence.

It was also shown that petitioner has continuously resided in the Philippines since 1938; that he believes in the principles underlying the Constitution; behaved properly during the whole period of his stay in the Philippines, both in his relations with the government and the Filipino people; mingles socially with the citizens of this country and expressed the strong desire to learn and embrace the Filipino way of life, its customs, traditions and ideals; not opposed to organized government, nor affiliated with any association or group of persons which uphold and teach doctrine contrary thereto; he does not favor the propriety of violence as a means of securing one's ends or dissemination of ideas; he is riot a polygamist or a believer in its practice. He has no conviction of any crime involving moral turpitude, or is suffering mental or any contagious disease. He renounces his allegiance to any foreign sovereignty.

The petitioner presented three (3) character witnesses: Pedro del Mundo, 47 years old, sari-sari store owner; Domingo Cabatingan, 36 years, businessman, and Atty. Apolonio Gonzales, 47 years old, practicing lawyer. The first two executed affidavits, which were the supporting papers submitted with the petition (Exhs. D & E).

Del Mundo, at the witness stand declared that he had known petitioner since 1947, when Ong King Yee, petitioner's father and the witness became acquainted. The relation became closer when witness was employed as

an instructor at the Chinese Sporting Association, which was housed near petitioner's residence. He (witness) used to see petitioner within the premises, and at the gymnasium almost daily; and because of the proximity of witness' place of work and petitioner's residence, the former's visits to the family were frequent.

Cabatingan narrated that in 1949, he was working at the Up-To-Date Shirt Factory; that on one occasion Kee Bok, owner of the factory, introduced him to Ong King Yee, petitioner's father, as he was needed to get some papers from Yee's residence at Narra street. On his first visit at petitioner's residence, Cabatingan saw petitioner who was then about 11 to 12 years of age, and thereafter, he and Ong King Yee used to see each other often and became friends; that it was thru Ong King Yee that witness was able to obtain his business license. He came to know petitioner quite well and observed his ways; saw his schooling and that of his brothers and sisters. Although witness did not know how to read and write, he has shown his capabilities in some other ways. From a mere delivery man in a shirt factory, with a salary of P120.00 a month in 1947, he has become the owner of a fish business capitalized at P25,000.00.

Atty. Gonzales said he is a close friend of petitioner's father; and he came to know Albert Ong since 1947 and the latter is a person of good moral character.

The three witnesses informed the court that petitioner Albert Ong had all the qualifications and none of the disqualifications to become a citizen of the Philippines.

When petitioner rested his case, the government Solicitor manifested that he had no evidence to present except Exhibit 1, which was the writing made by petitioner, dictated by the Solicitor during the cross-examination.

The Solicitor-General interposed an appeal from the judgment heretofore recited, and alleges in his brief that the lower court erred:

- In finding the witnesses of the petitioner to be credible;
- In not finding that petitioner does not have a lucrative occupation; and
- In granting the petition for naturalization.

Anent the first count, no evidence was adduced by petitioner to show the standing of the character witnesses presented by him, in the community in which they live. Aside from showing their personal circumstances and how they came to know petitioner, the record is wanting of the important data. The law mandates that the petition must be supported by the affidavit of, at least, two credible persons, and

"* * *. Within the purview of the Naturalization Law, a 'credible' person is, to our mind not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose 'affidavit' or testimony is not incredible. What must be 'credible' is not the declaration made, but the person making it. This implies that such person must have a good standing in the community; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the petition." (Ong v. Republic, 55 Off. Gaz., 3290).

Del Mundo had been an instructor in the Chinese Sporting Association from 1949 to 1959; he was called only by the association every 4 or 6 months before tournaments in weightlifting. He did not have sufficient opportunity to observe well petitioner's conduct, behavior and inclinations. Cabatingan had been a delivery man for the Up-To-Date Shirt Factory from 1949 to 1958. The owner, Kee Bak, of said factory, is the compadre of petitioner's father who admittedly was the one responsible for securing witness' license to open the business of buying, and selling fish. Atty. Gonzales has been found to be holding office at the residence of petitioner's father; he has been and still is the lawyer for petitioner's father who is a business agent. These circumstances lend grave doubts as to

the veracity of the testimonies of said witnesses, and lead one to conclude that their declarations are biased, unreliable and untrustworthy. They are not, therefore, qualified to act as insurers of the character of petitioner.

Cabatingan, admittedly, an illiterate, did not know what are the qualifications and disqualifications of one desiring to become a Filipino citizen. And yet, he claimed that petitioner had all the qualifications and no disqualifications to become such. As the Solicitor General has well said:

"* * * Domingo Cabatingan started his business only in 1960. At a salary of P120.00 a month which reached P200.00 at his retirement in 1959, and a wife and child to support in Manila, a saving of P25,000 is incomprehensible. Considering that he as a Filipino, his conduct of having an alien help him secure his business' license throws him wide open to suspicion. There is more than meets the eye in the fact that his business is buying fish in Palawan and selling it in Manila, but he has only gone to Palawan once."

To become a Filipino citizen is merely a privilege and it is incumbent upon one desiring to become such citizen, to show the worthiness and reputation of his character witnesses.

Furthermore, petitioner has been allegedly employed as stock clerk with a salary of P200.00 a month with Cosmos Industrial Company, exclusively owned by his brother-in-law, since his graduation from "the high, school in April of 1957. Considering the low buying power of the peso at present, a salary of P200.00 a month is not lucrative (R. Ong vs. Republic, G.R. No. L-15764, May 19, 1961; Keng Giok vs. Republic, G.R. No. L-13347, Aug. 31, 1961).

Wherefore, the decision appealed from should be, as it is hereby REVERSED, and another entered, DENYING the petition of Albert Ong ling Chuan to become a Filipino citizen. Costs against petitioner-appellee.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Barrera, Dizon, Regala, and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.