

**IN THE MATTER OF THE PETITION OF ARSENIO G. PE TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES. ARSENIO G. PE,
PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR A...**

G.R. No. L-16980. November 29, 1961

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3419fac1f654/>

REYES, J.B.L., J.:

Appeal from a judgment of the Court of First Instance of Antique denying the petition of Arsenio Go Pe for naturalization.

The ground upon which the trial court disapproved the petition was brought to light in the course of petitioner's presentation of evidence, when one of his own character witnesses testified that the Applicant owns a public utility passenger truck plying from Guisijan to Iloilo. Later, this witness amended his testimony and said that the truck belongs to Arsenio's father, and that petitioner only manages it. Applicant, for his part, belied both versions, asserting that the public utility truck is owned by one Zacarias Sarabia; that because its owner usually borrows tools from them, said truck is frequently seen in their premises.

From the circumstances elicited, the trial court has found that the truck in question is definitely owned either by petitioner or his father; and since applicant admitted knowing that ownership of a public utility vehicle by him or his father violates the Public Service Act, he cannot claim to have "conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he is living" (Sec. 2, C.A. 473).

Said the trial court—

"The explanation offered by Pe fails to convince the Court that neither he nor his father owns the truck. Baylon's testimony, replete as it is with particulars as to where the truck is kept, its route, the fare charged, and who actually operates it, leaves no doubt in the mind of the Court that the truck is owned by either the petitioner or his father.

"Baylon is a close neighbor and friend of Pe and his family. Pe said that he choose Baylon out of his many acquaintances in Laua-an to be one of his character witnesses because he knew him to be truthful. Later, when he remembered that Baylon's testimony on the matter of the truck may be damaging, he said that sometimes, he misinterpreted things." (p. 24, Record on Appeal)."

A review of the record fails to disclose anything that warrants a reversal of this finding. This fact was brought out no less than by the applicant's own witness in a tenor that was distinctly intended to draw a favorable inference on the civic spirit of the applicant by the latter's act of even offering "the services of their truck freely whenever it is needed by the municipality * * *".

Petitioner in this appeal suggests alternative explanations as to the ownership of the truck: It was just left in

petitioner's premises for lack of parking space; it was left in the place to load it with petitioner's cargo to Iloilo; it could even be owned by the applicant's own brother who is already a naturalized Filipino. But then, the burden of proof was on the applicant, and it does not appear that he has adduced sufficient proof to overcome what his own witness spontaneously declared, not even the testimony of the alleged registered owner, Sarabia. Not impugned by the record, the trial court's findings in this regard should not be disturbed.

Moreover, petitioner's claim that he earns P250 a month is not supported by the evidence. Conveniently, this income allegedly represents applicant's salary as manager in his father's business, and aside from Arsenio himself, was averred only by his father in a statement that is not even sworn to (Exhibit 0). Both this salary and applicant's alleged income from farming as reported in his tax returns for 1958 and 1959 (Exhibit P; P-1) do not appear in the returns for the previous years (Exhibit P-2; P-3), during which, in fact, petitioner was exempted from tax on the basis of an income of only P1,800 per annum. His increased income as shown in the tax returns for 1958 and 1959 deepens its dubious tint considering further that his petition for naturalization was instituted on May 26, 1958, the same year that his income suddenly increased. Consequently, petitioner has also failed to prove satisfactorily that he has a lucrative trade, profession or occupation, which is another ground for denying his petition, since he does not appear to own real state worth P5,000.

In naturalization cases, the burden is on the applicant to prove by competent and satisfactory evidence that he has all the qualifications and none of the disqualifications specified by law. The naturalization law should be strictly construed, and doubts resolved, against the applicant (*Yap Joco vs. Com.* 40 Off. Gaz., 1235; *Cho vs. Republic*, 106 Phil. 755; 57 Off. Gaz., [47] 8477, *Karam Singh vs. Republic*, 97 Phil., 622, 51 Off. Gaz., [10] 5172. Without objection by the government, the court may *motu proprio* deny the application if the evidence fails to prove that all requirements have been met (*Yap Chin vs. Republic*, 93 Phil., 215; *Singh vs. Republic*, *supra*). Accordingly, there is no merit to the contention that a written opposition must be filed by the government before the petition could be denied.

Wherefore, the judgment appealed from is affirmed, with costs against petitioner-appellant.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, and De Leon, 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.