

**IN THE MATTER OF THE PETITION OF KARAM SINGH TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES BY NATURALIZATION.
KARAM SINGH, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE
PHILIPPINES...**

G.R. No. L-7567. September 29, 1955

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of First Instance of Quezon, approving the naturalization of the petitioner-appellee, Karam Singh, a citizen of the Republic of India. The petition is supported by the joint affidavit of two witnesses, namely, Ernesto Morato of Tagkawayan, Quezon, and Ratan Singh of 242 San Anton, Manila. At the hearing of the case, however, only Ratan Singh was introduced as a witness; Ernesto Morato was not, and one Vicente Salumbides, Justice of the Peace of Tagkawayan, Quezon, was made to take his place.

Ratan Singh testified that he has known the petitioner from the time of his birth in Dagupan more than twenty years ago; that petitioner lived in Dagupan from the time he was born up to 1947, but that, thereafter, he did not know where the petitioner transferred his residence; that since 1952, when witness transferred to Manila, the petitioner has been going to his house in San Anton. Vicente Salumbides testified that he came to know the petitioner in 1949 in Tagkawayan, Quezon (so that at the time of the hearing of the petition for naturalization in October, 1953, he had known the petitioner for only four years); that during that time the petitioner was associated with the Filipinos, giving contributions to charitable institutions; and that petitioner is working as a clerk of his brother, who is engaged in logging contracts, with a salary of around P150 a month.

For his part, the petitioner testified that he was born in the Philippines on August 20, 1925; that he speaks Tagalog, Pangasinan and English; that he believes in the principles underlying the Philippine Constitution; that he is opposed to Communism; that he has studied in Philippine schools, having graduated from the Quezon College in 1952; that he has mingled socially with the Filipinos and has come to learn and embrace their customs and traditions; so that he now desires to live permanently in the Philippines.

He also submitted, after the formal hearing, a joint affidavit of Josefa Solar de Casilang and Procesa M. de Melecio (Exhibit R) to show his good moral character, his good social standing and his being a law-abiding citizen, and that of Angel B. Fernandez, former mayor of Dagupan, as to the fact that he was a law-abiding citizen of Dagupan, possessing good moral character.

On the strength of the evidence above set forth in brief, and of other documents, the court found that the petitioner possesses the qualifications required by Section 2 of the Naturalization Law (C. A. No. 473) and none of the disqualifications under Section 4 of the said law and, therefore, admitted him as a naturalized citizen. Against this decision, the Solicitor General has prosecuted this appeal on two grounds, namely, (1) that only one of the two character witnesses whose joint affidavit is attached to his petition testified at the hearing of the case, and (2) that the appellee failed to establish that the laws of India, of which he is a citizen, grant Filipinos the right to become

citizens thereof. The petitioner has not filed a brief in reply to that of the Government.

The first objection is against the competency of witness, Vicente Salumbides, to act as a witness in the place of Ernesto Morato, who had signed the joint affidavit accompanying the petition for naturalization. No reason or excuse was given why Ernesto Morato was not called upon to testify in support of the applications. If he had died or become incompetent to testify, a substitute witness could have declared for the petitioner, but such is not the case. The Solicitor General contends that the joint affidavit, attached to the petition for naturalization is a part thereof, and the failure to present an affiant therein and the substitution of another witness in his place amounts to an amendment of the petition. So the issue squarely presented before us is, may a petitioner for naturalization present a witness, who is not one of those who have signed the joint affidavit, in substitution of an original affiant?

For obvious reasons, in order that an imposition may not be made upon the court, it is necessary that the Government be informed in advance of the witnesses by whom or by whose testimonies a petitioner for naturalization seeks to prove that he possesses the qualifications and none of the disqualifications enumerated in the law. Without previous investigation, it is difficult, if not impossible, on the part of the Government to determine if the witness had really known or had the occasion or opportunity to know the petitioner and for such a period of time as may qualify him to testify on the petitioner's character, conduct and actuations during the entire period of his stay in the Philippines. The Government must have time to investigate, prior to the hearing, where the expected witness had lived during the period of time that an applicant has lived in the Philippines. The Government must also have time to investigate the real character of the witnesses, that they may not make impositions upon the court hearing the petition. A hearing without such preparation on the part of the Government would not be a fair hearing. These considerations demand that the petitioner must present the very witnesses who have signed the joint affidavit supporting his petition; if no valid legitimate excuse for not presenting any of the affiants is given, the petitioner may not change or substitute other persons for said affiants, otherwise the proceeding should be declared void.

There is another fundamental objection to the sufficiency of the evidence on which the judgment of the court is based. Vicente Salumbides, the substitute witness, came to know the petitioner only in the year 1949, or only a period of four years before the date of the hearing. As the petitioner was born in 1925, he was already 24 years of age when the witness came to know him. Therefore, the witness did not have the opportunity to observe the conduct and character of the petitioner during the longer period of his stay in the Philippines and incompetent to testify on petitioner's required "good moral character" or that he had "conducted himself in a proper and irreproachable manner during the entire period of his stay in the Philippines * * *."

The second objection to the decision is evidently based on the rule that a foreign law must be proved (*Lim vs. Col. of Customs*, 26 Phil., 472; *Int. Harvester Co. vs. Hamburg-American Line*, 42 Phil., 845; *Phil. Manufacturing Co. vs. Union Ins. Society of Canton*, 42 Phil., 378; *Adong vs. Choeng Seng Geo*, 43 Phil., 53). One of the disqualifications of an applicant for naturalization is that his country does not grant Filipinos the right to become naturalized citizens or subjects thereof (Sec. 4, (h), C.A. 473). Under section 10 of the same law, the court must be convinced "in view of the evidence taken that the petitioner has all the qualifications required by and none of the disqualifications specified in this Act." A petitioner, therefore, must establish by proof that he has none of the disqualifications specified in the Act. This the petitioner-appellee failed to do because he has not proved that the laws of the country of which he is a citizen permit Filipinos to be naturalized therein as citizens.

"It was not the duty of the government to specify the grounds of its opposition. It is not bound in naturalization proceedings by the pleadings relative to the presence or absence of qualifications. Without objection by the government, it is the duty of applicant for citizenship affirmatively to establish all the legal requirements, and

the court motu proprio may and should deny his application if from his evidence he is found lacking in any of these requirements." (Yap Chin vs. Republic of the Philippines, G.R. No. L-4177, May 29, 1953).

In view of the foregoing, the decision appealed from should be, as it is hereby, reversed, and the application for naturalization dismissed. With costs against petitioner-appellee.

Bengzon, Acting C.J., Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, and Reyes, J. B. L., JJ., concur.

Jugo, J., concurs in the result.

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