

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, CHENG KIAT GIAM, PETITIONER AND APPELLANT VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.*G.R. No. L-16999. June 22, 1965*

Ponente: DIZON, J.

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Appeal taken by Cheng Kiat Giam from an order of the Court of First Instance of Manila dated January 6, 1960 in Civil Case No. 18453 entitled "In The Matter Of The Petition Of Cheng Kiat Giam To Be Admitted As A Citizen Of The Philippines" denying his petition for oath-taking as a Filipino citizen.

On December 27, 1953 appellant filed a petition for naturalization with, the Court of First Instance of Manila (Civil Case No. 18453). After due hearing, the court, on September 7, 1953, rendered a decision granting him Philippine citizenship. On November 9, 1959, or more than six years after the promulgation of such decision, appellant filed a petition for the reception of his evidence for oath-taking purposes, as required by Republic Act No. 530. On the date set for the hearing thereon, the court issued an order stating, among others, that "with the admission by this petitioner that he has had several cases filed against him in different offices, agencies and Courts in the Philippines, it becomes the duty of the petitioner to prove by the records of those cases that he is innocent of the charges" and reset the hearing for January 9, 1960. On the latter date, appellant moved for an indefinite postponement of the hearing in order to give him time to obtain the necessary clearances. Finding the same to be without merit, the court, in the order appealed from, denied the same and dismissed appellant's petition for oath taking on the ground that the evidence submitted by him was insufficient to establish that he had complied with the requirements of Republic Act No. 530.

The three questions raised by appellant in his brief may be reduced to one, namely, that the lower court erred in not allowing him to take the oath as citizen.

Republic Act No. 530, amending Commonwealth Act No. 430, was enacted to give the State an additional two year period to test the sincerity of an applicant for citizenship and to safeguard itself against the admission of those disqualified, unworthy and unfits who do not measure up to the requirements of the law (Republic vs. Makalintal, 48 O. G. 4346). In this connection, it appears that although the decision admitting appellant as citizen was promulgated on September 7, 1953, it was only more than six years thereafter that he filed his petition for reception of evidence in connection with his oath-taking, instead of filing it within two years. This can not but show his lack of interest in the matter and, in this case, it may be further assumed that such lack of interest on his part was due to the fact that he had several criminal cases pending before different agencies of the Government sufficient to bar his oath-taking as a citizen of the Philippines. The record further discloses that appellant testified in support of his petition to be allowed to take the oath as citizen and that during the direct examination he withheld disclosure of the pendency of such cases against him. It was only when questioned by the trial judge that he admitted that there were many pending cases against him since 1953. In view of these circumstances, the least

that can be said is that appellant's right to be allowed to take the oath as citizen was an extremely doubtful one and, as We held in *Ly Hong vs. Republic*, 109 Phil., 635, in case of doubt concerning the grant of citizenship, such doubt concerning the grant of citizenship, such doubt concerning the grant of citizenship, such doubt should be resolved in favor of the State and against the petitioner.

As regards the denial of appellant's motion for an indefinite postponement of the hearing on his petition, We believe that the lower court had complete discretion on the matter. It appears that when the original hearing on his petition was held on December 12, 1959, upon disclosure of the fact that appellant had several cases filed against him in different agencies, offices and courts in the Philippines, the lower court adjourned the hearing and reset it for January 9, 1960 precisely to give him an opportunity to procure such evidence as would show that he had not been convicted in anyone of such cases of any offense or violation of regulation sufficient to bar his oath taking as citizen. When the case was called for hearing on January 9, 1960, he was not ready to do so and moved instead for an indefinite postponement of the hearing. When this motion was denied, he manifested that he was submitting his petition for resolution with the submission to the court of a clearance issued by the Committee on Anti-Filipino Activities of the House of Representatives. The lower court thereafter issued the appealed order dismissing the petition for oath-taking upon the ground that the evidence presented by appellant was insufficient to show that he had complied with the requirements of Republic Act No. 530. Considering these circumstances, We believe that the lower court was perfectly justified in issuing the appealed order.

IN VIEW OF ALL THE FOREGOING, the order appealed from is affirmed, with costs.

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

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