

**IN THE MATTER OF THE PETITION OF YAN HANG TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES. YAN HANG, PETITIONER AND
APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPELLEE.**

G. R. No. L-17013. May 30, 1962

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

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

Yan Hang, a subject of Nationalist China, appeals from a judgment of the Court of First Instance of Manila (in its Civil Case No. 38806) denying his application to be naturalized as a Filipino citizen.

The lower court's reasons for refusing naturalization were:

- (a) That petitioner's verified application as well as his sworn testimony in court were to the effect that he arrived in the Philippines on September sixteen (16) 1935, contradicting his Declaration of Intention, made under oath, which stated the date of his arrival as September eighteen (18) 1935;
- (b) That his Declaration of Intention was not accompanied by the Certificate of Arrival, as required by the 1939 Rules and Regulations of the Department of Justice;
- (c) The implausibility of applicant's claim that his first employment upon arrival was as a waiter in a Chinese restaurant (panciteria) for several years, when he claimed that his father was a partner in a Manila grocery store;
- (d) That according to his verified petition and Declaration of Intention, applicant's place of birth was simply stated as Canton, China; while in his immigration certificate, it appears that he was born in Pun Chong, Yin Tun, China, and there was no explanation for the discrepancy; and
- (e) That applicant claimed having resided at the Wah Nen Panciteria in Azcarraga, Manila, where he was also employed between November, 1945 and May, 1950, but his alien certificate of residence (Exhibit E) shows his residence to have been at 905 Misericordia, Manila, and as his employer one Wah Nen of Olongapo, Zambales, whose business was a "panciteria".

Petitioner, in due time, moved for reconsideration and new trial, averring that the discrepancy as to his true date of arrival was due to a mistake of the notary who drew up the declaration of intention submitted to the office of the Solicitor General, and submitted the notary's affidavit to that effect; that he did not submit his Certificate of Arrival with his declaration of intention because the Certificate had been surrendered to the immigration authorities and replaced by his Immigrant's Certificate of Residence and his Alien Certificate of Registration, copies of which he had attached to the declaration of intention; that applicant was really born at "Pun Chong, Yin Tun, Canton/China", as shown by a Certificate issued by the Embassy of the Republic of China; and sought to explain the other discrepancies noted by the court below. He also asked for a new trial for the reception of additional evidence. The trial court, not satisfied with the proffered explanation, denied the reconsideration and

reopening. Thereupon, applicant duly appealed to this Court, claiming errors and abuse of discretion.

We have gone over the brief of the appellant and the records of the case, and find that the trial court's doubts as to the veracity of applicant's evidence and testimony are justified, and that the decision below should be affirmed. Taking the discrepancy in the dates of arrival, as set forth in the application and the declaration of intention, together with appellant's failure to submit copy of his certificate of arrival, which was required by the regulations and which would have easily shown the alleged mistake in typing the declaration of intention; and coupling such deficiency with applicant's failure to specify in his petition, which was the one published in the newspapers, the full details on the place of his birth, in lieu of the vague reference to "Canton China" when appellant fully well knew the details ("Pun Chong, Yin Tun, Canton, China") which could have pinpointed the place where he was born; these circumstances combined generate the conviction that appellant has observed a studied evasiveness about important details concerning his place of birth and date of arrival. It is plain that such circumstances are of importance in determining the personal identity of applicant, and serve to differentiate him from others bearing the same name; his omissions, therefore, resulted in that persons who might be in possession of derogatory information concerning him would not come forward with it, being left in doubt as to the true identity of this applicant. Appellant's conduct thus militated against the intent of the law in requiring full disclosure about an applicant's personal circumstances, and justifies the denial of the naturalization sought (Cf. *Yu Seco vs. Republic*, 108 Phil. 807)

In addition, we find the testimony of at least one of the supporting witnesses, Bartolome Dijangco, unreliable as to the date supplied by him concerning this appellant, for it shows that said witness had no opportunity to closely observe the latter. Dijangco had been a neighbor of appellant for only five years, and could not state applicant's residence before that; had not known the members of applicant's family; had not met applicant for ten years, except when applicant came to buy rice or when they met in the street. Hence, the assertion of this witness concerning the conduct, habits, and qualifications of appellant are not credible.

Naturalization being a privilege and not a right, it is incumbent upon the applicant to fully establish his qualifications. Whether a hearing should be reopened to enable him to supply deficiencies of evidence rests within the sound discretion of the trial court, and we see in its denial no abuse in the present case.

We conclude that the denial of the application for naturalization should be, as it hereby is, affirmed. Costs against appellant.

Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes and Dizon, JJ., concur.

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