

**DALMACIO CHENG ALIAS BENITO LIM, PETITIONER AND APPELLEE,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.***G. R. No. L-20013. March 30, 1965*

Ponente: BARRERA, J.

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Dalmacio Cheng alias Benito Lim filed a petition for naturalization in the Court of First Instance of Manila wherein he stated, among other jurisdictional facts, that his residence is at No. 634 Caballeros street, Binondo, Manila. Said application was duly published as required by law. After due hearing thereof, the court rendered a decision finding the petitioner to possess all the qualifications and none of the disqualifications for admission to Philippine citizenship.

The Solicitor General appealed, raising in this instance the matter of applicant's failure to state in the application his previous residence at No. 755 Sto. Cristo, San Nicolas, Manila, as well as the applicant's use of an alias (Benito Lim) without judicial authorization.

Petitioner-appellee first contests the appellant's right to raise said questions, it being claimed that the same were not presented in the lower court and, therefore, cannot be brought up for the first time on appeal. While this allegation may be true in ordinary proceedings, it may be stated that a petition for naturalization is of a special nature necessarily involving public interest. Thus, in case of appeal, the entire record of the case is opened for scrutiny whether an objection has been submitted in the lower court or not.[1] As a matter of fact, it may not only interpose an appeal from the decision granting the petition but the State is not even precluded from objecting to petitioner's qualification during the hearing of the latter's petition to take the oath.[2]

On the issue of his failure to state his previous residence, petitioner-appellee claims that although his parents were residing at No. 755 Sto. Cristo, Manila at the time of his birth, he (petitioner) has always resided at No. 634 Caballeros street ever since he attained the age of reason. Furthermore, both places are within the same district of Binondo; thus, the publication of his residence as No. 634 Caballeros street substantially satisfies the requirement of the law.

As consistently held by this Court, the failure of a petitioner to state in the application all the places of his residence violates Section 7 of the Revised Naturalization Law (Com. Act 473), and is fatal to the petition.[3] This requirement of disclosure not only of the petitioner's present place of residence, but also of previous ones, as we have stated, is designed to facilitate the checking up of the activities of said petitioner material to the proceeding. And, for purposes of this requirement, the Proximity of the omitted streets to those already mentioned in the application, does not constitute a valid excuse for such omission.[4]

In addition to the foregoing, we find the objecting of the Solicitor General to petitioner's admission to Philippine citizenship on the ground of unauthorized use of an alias, to be meritorious. Going over the documentary evidence presented by herein petitioner-appellee, we find that in the birth certificate, alien certificate of registration, certification from the Chinese Embassy, and various police and other clearances, petitioner-appellee is referred to

merely as Dalmacio Tan Chung or Dalmacio Cheng. But in his exhibits purporting to be his certificate of baptism, the certification of the principal of the Westminster High School, his high school diploma from San Juan de Letran, and his BSBA diploma issued by the University of the East, only the name of Benito Lim appears. The only reason given by him was that Benito Lim was the name given to him upon his baptism. But it appears that he was baptized on March 6, 1952 and yet he was already enrolled as Benito Lim at the grade school of the Westminster High School as early as 1941. From petitioner's own evidence, therefore, it is apparent that Benito Lim is not just a Christian name given during a baptism.

Furthermore, it is observed that while in his birth certificate (where as stated, he was referred to as Dalmacio Tan Chung), petitioner's parents were named as Tan Chung Siu and Chung Ong, and his date of birth placed as December 5, 1932, in the baptismal certificate in the name of Benito Lim, he appeared to be the son of Lim Chong and Tan Chong, and born on November 18, 1933. To compound the confusion, in his oral testimony, Petitioner testified that he was born on May 5, 1932 (t.s-n' p. 55-Abello). It would appear, therefore, that either the petitioner has used an alias without proper authority^[5] that Dalmacio Cheng and Benito Lim or Benito T. Lim are not one and the same person. Any of these alternate is fatal to the application for naturalization.

In view of the foregoing considerations, the decision appealed from is hereby reversed, and the petition for naturalization is denied. No costs. So ordered.

Bengzon, C. J., Bautista Angelo, Conception, Reyes, J. B. L., Paredes, Dizon, Regala, Malcalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

Judgment reversed.

[1] Kwan Kwok How vs. Republic, G.R. No. L-18521, Jan. 30, 1964

[2] Republic vs. Go Bon Lee, G.R. No. L-11499, April 29, 1961; Ong Ching Guan vs. Republic, G. R. No. L-15691, March 27, 1961; Lim Hok Albano vs. Republic, 104 Phil. 795.

[3] Keng Giok vs. Republic, G.R. No. L-13347, Aug. 31, 1961; Galvin Lo vs. Republic, G.R. No. L-15919, May 19, 1961; Co vs. Republic, G. R. No. L-15794, Dec. 29, 1962; Ngo vs. Republic, G.R. No. L-18319, May 31, 1963; Serwani vs. Republic, G.R. No. L-18219, Dec. 27, 1963; Dy Pek Long vs. Republic, G.R. No. L-18758, May 30, 1964.

[4] Go Bon The vs. Republic, G.R. No. L-16813, Dec. 27, 1963; Gaw Ching vs. Republic, G.R. No. L-19419, Sept. 30, 1964.

[5] Com. Act. 142; Wang I. Fu vs. Republic, G.R. No. L- 15819. September 29, 1962.

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