

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, CHAN DE, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-25551. May 29, 1968

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

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3e68ae049781/>

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

Appeal from an order allowing the petitioner-appellee Chan De to take his oath as a naturalized citizen of the Philippines.

Chan De, a Chinese, filed his petition to be admitted as a citizen of this country on 11 February 1960. The government did not oppose. After trial, the Court of First Instance of Manila, in its Civil Case No. 42539, granted, on 15 October 1960, Chan De's petition.

Two years thereafter, and, after the petitioner filed his petition to take his oath of allegiance, the government interposed an opposition assailing his reproachable conduct and moral character.

The lower court overruled the government's opposition and allowed the petitioner to take the oath. The government appealed the order allowing the oath-taking.

Chan De was born on 27 April 1918 in Amoy, China (Exhibits "C" to "C-3", "H" to "H-4", being his residence certificates class A from 1957 to 1965).[1] He arrived in the Philippines on 20 December 1934 (Exh. "I") [2] He married Ong Siok Ha, alias Tan Pec on 12 March 1936 in Ching kang, China (T.s.n., hearing on 5 April 1965, pp. 20-21). They begot one child, Juanito Chan, who was born in Manila on 22 October 1941 (Exh. "F"). Ong Siok Ha died in Manila, after a 5-year residence in said city, on 30 November 1945 (Exh. "Y"). Petitioner Chan De took a second wife, Ong Siu King, allegedly on 30 April 1946 in Ching kang, China (T.s.n., hearing on 5 April 1965, pp. 18 and 24). Ong Siu King arrived in the Philippines on 26 March 1947 (Exh. "AA-1"; T.s.n., hearing on 5 April 1965, p. 19). They were married, again, in Manila on 4 August 1947 (Exh. "X"; T.s.n., 5 April 1965, p. 20). With his second wife, petitioner begot four children, namely, Trinidad Chan (Chua Kim Chu), Rosita Chan (Chua Hue Han), Benito Chan (Chua Chi Wan), and Jacinto Chan (Chua Chi Bieng). The family resides at 1346 Soler Street, Manila, where the petitioner, with a partner, conducts a mercantile business, under the name "Chan De Trading", and upon which he derives an average annual income of about P38,000.00.

The established doctrine in naturalization cases is that the whole record is open to review before the applicant is allowed to take his oath of citizenship. In the case at bar, we find that the following anomalies vitiate the grant of citizenship:

- (1) The petitioner presented as his vouching witnesses Bonifacio Quinto and Ricardo Acuña. The former came to know the petitioner since 1944,[3] (T.s.n., hearing on 12 October 1960, p. 48); the latter, since 1949. There is, therefore, a gap in the evidence as to how the petitioner had conducted himself since his arrival in the Philippines in 1934 of at least ten (10) years, as the earliest date that Quinto could testify about the petitioner

was 1944. This void about the petitioner's behavior, is fatal to his application for citizenship, since the law requires of an applicant irreproachable conduct during his entire stay in this country (Chua Pun vs. Republic, L-16825, 22 Dec. 1961; Wang I Fu vs. Republic, L-15819, 29 Sept. 1962; O Ku Phuan vs. Republic, L-23406, 31 Aug. 1967; Jao King Yog vs. Republic, L-24950, 10 Feb. 1968.)

(2) In his deceased wife's certificate of death, Exhibit "Y" Chan De, as the informant, signed as "Chan De". As to the information calling for the name of the surviving spouse of the deceased (No. 10 in the certificate), Chan De filled it out with "Mr. Chua Tu Lai". When, on the witness stand, he was asked who Chua Tu Lai was, he replied that he, Chan De, was the same person referred to. Asked to explain the use of the other name, Chan De gave out the excuse that the name "Chua Tu Lai" was his school name and is the name by which his wife and old friends in China called him. He insisted that he had not used such name in the Philippines, but when his attention was called to his use of the name "Chua Tu Lai" in the death certificate and his reason for using it, he answered unresponsively with: "In the Philippines there is no Chua Tu Lai there is Chan De only." Asked again if that was his only reason, his answer was: "It is the same person." (T.s.n., hearing on 5 April 1965, pp. 30-31). In brief, he tried to misrepresent or hide a certain fact and tried to parry, by another act of dishonesty, the possible charge of unauthorized use of an alias.

Chan De's actuations in reporting about the death of his first wife to the civil registrar and his attempt to justify said actuations, or to squirm out of it, are, in themselves, acts of misbehaviour that disqualify the petitioner from the grant of the privilege of citizenship.

At any rate, Chan De did use another name in the death certificate and he failed to mention this other name in his petition for naturalization. As a result, his other name, Chua Tu Lai, was not included in the publications of his application. This failure is fatal to the proceedings, because persons who would have known the petitioner by his other name, Chua Tu Lai, and possess derogatory information about him, were precluded from coming out with such information (Yu Seco vs. Republic, L-13441, 30 June 1960; Kwan Kwock How vs. Republic, L-18521, 30 Jan. 1964).

(3) Petitioner had enrolled his children in different schools, among which are: Hope Christian High School, Philippine Chinese Republican School and Chiang Kai Shek High School, where the percentage of Chinese enrollees to the total school population is 72%, 84% and 82%, respectively (Exh. "U-1"). The enrollment of petitioner's children in these schools with predominant Chinese student population negates a sincere desire to embrace the customs, traditions and ideals of the Filipino people (Li Tong Pek vs. Republic, L-20912, 29 Nov. 1965; Lim Yuen vs. Republic, L-21218, 24 Dec. 1965; Chan Kiat Huat vs. Republic, L-19479, 28 Feb. 1966; Tan Tian vs. Republic, L-19899, 18 March 1967).

In the Li Tong Pek case, *supra*, this Court, through Mr. Justice Bautista Angelo, held as follows:

"We also take note of the claim that the four children of school age of petitioner named Peter, Josefina, Lily and Andrew were only enrolled by him either in the Anglo-Chinese High School or in the Hope Christian School, operated in Naga City, which, though recognized by our government, are however run by Chinese mentors. The least that can be said is that said institutions being predominantly, if not exclusively, attended by Chinese students are operated primarily for the education of Chinese children, since they are being supervised by Chinese citizens. This is an indication that by enrolling his children in said schools petitioner has not evinced a sincere desire to become a Filipino citizen as should be expected from one who desire to embrace our citizenship. This circumstance is in our opinion enough to disqualify him to become a Filipino citizen."

All the foregoing suffice to show Chan De's ineligibility to Philippine citizenship; hence, it is not necessary to pass upon the government's other assignment of errors.

WHEREFORE, the appealed order is hereby reversed and the petition for naturalization dismissed, with costs against the petitioner-appellee, Chan De.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, and Angeles, JJ., concur.

[1] In the petitioner's declaration of intention (Exh. "N") in the petition for naturalization (Rec. on App., p. 2) and in Exhibits "F-7", "F-8", "F-9" and pp. 80-81 of Folder of Exhibits, the petitioner's birthplace is stated as in 'Chan Chu, China'.

[2] This is a certificate of arrival; it does not indicate on board of what vessel Chan De arrived at the port of Manila.

[3] In Quinto's affidavit attached to the petition, he stated "1947" (Exh. "R-1").

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.