

**IN RE PETITION FOR PHILIPPINE CITIZEN-SHIP, WILFREDO LIM
ALIAS WILFREDO UY, PETITIONER AND APPELLEE, VS. REPUBLIC OF
THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. No. L-19835. May 29, 1970

Ponente: DIZON, J.

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DIZON, J.:

On July 23, 1960 petitioner Wilfredo Lim @ Wilfredo Uy filed a petition for naturalization with the Court of First Instance of Oriental Negros, to which was attached the joint affidavit of his character witnesses. After due publication, the petition was heard on the merits.

On June 20, 1961 the trial court issued an order granting the petition for naturalization and ordering that the proper naturalization certificate be issued to petitioner, the order providing further that it shall not become executory until after the lapse of two years from the date of its promulgation and after compliance with the requisites prescribed by Republic Act No. 530.

On August 16, 1961 the Provincial Fiscal of Oriental Negros moved for a reconsideration of the abovementioned order upon two grounds, namely, that petitioner had not satisfactorily proved his alleged chinese (nationalist) citizenship and that his evidence was insufficient to prove that he was gainfully employed as required by the Revised Naturalization Law. Finding the motion for re-consideration to be well founded, the trial court set aside its order of June 20, 1961.

On October 5 of the same year petitioner moved for a new trial on the ground of the alleged newly discovered evidence enumerated in his pleading. Over the opposition of the Provincial Fiscal the trial court granted the motion for new trial and set the case for the reception of the alleged newly discovered evidence on September 11, 1961, and after receiving the same, on February 1962 said court issued a new order granting the petition for naturalization, the dispositive part of which reads as follows:

"WHEREFORE, the petitioner is GRANTED and it is ordered that the proper Naturalization Certificate be issued to petitioner WILFREDO LIM, which certificate shall be registered as required by Section 10 of Act No. 3753. However, this Order shall not become executory until after the lapse of two (2) years from the date of promulgation and after complying with the requisites prescribed by Republic Act No. 530." (pp. 70-71, rec. on appeal).

The State appealed in due time from the last order and now prays for a reversal thereof on the ground that the trial court committed the following errors:

"I

THE TRIAL COURT ERRED IN GRANTING A NEW TRIAL TO RECEIVE FORGOTTEN, NOT NEWLY DISCOVERED EVIDENCE.

II

THE TRIAL COURT ERRED IN NOT HOLDING THAT PETITIONER USES AN ALIAS WITHOUT COURT AUTHORITY AND IN VIOLATION OF LAW.

III

THE TRIAL COURT ERRED IN HOLDING THAT PETITIONER HAS ACTUAL EMPLOYMENT AND LUCRATIVE INCOME.

IV

THE TRIAL COURT ERRED IN NOT HOLDING THAT THE PETITION WAS NOT PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION.

V

THE TRIAL COURT ERRED IN NOT HOLDING THAT THE CHARACTER WITNESSES HAD NO OPPORTUNITY TO OBSERVE PETITIONER'S CONDUCT.

VI

THE TRIAL COURT ERRED IN GRANTING THE PETITION."

Anent the first assignment of error, it is clear that the alleged newly discovered evidence presented by petitioner was not newly discovered but forgotten evidence; something that petitioner already knew or should have known at the time he filed his petition for naturalization or at the time said petition was heard on the merits.

As far as the second alleged error is concerned, petitioner admits having used the alias WILFREDO UY in addition to his name WILFREDO LIM appearing in his birth certificate. His character witnesses also knew him by either one of both names. His school record also shows that he had been using the name UY WILFREDO.

That petitioner used the alias mentioned above without proper authority and had, in fact, never applied for such authority was openly admitted by him. (T.S.N. Espiritu, p. 90).

In relation to the issue raised in the third assignment of error, petitioner tried to prove that he had a lucrative income as a purchasing agent in Cebu City for the Lim Quico Trading. Said firm was owned by his father - who was not a Filipino citizen - was managed by his brother and was engaged in the relatively small town of Jamalud, Oriental Negros, in the business of buying and selling corn mill.

As there is no sufficient evidence in the record to show that the aforesaid trading firm needed a purchasing agent in Cebu City; considering further that petitioner's alleged employment was not reported to the Social Security System for coverage, and that the business in which the firm of his father was engaged was a nationalized business, it is not unreasonable to presume that his alleged employment was fictitious, invented exclusively to make it appear that petitioner had a lucrative income for the purposes of his application for Philippine citizenship.

In view of the conclusions we have arrived at in connection with the first three assignments of error, We do not deem it necessary to consider and resolve the issues covered by the others.

WHEREFORE, the order appealed from is reversed and set aside, with costs.

Concepcion, C.J., Reyes, Zaldivar, Fernando, Barredo, and Villamor, JJ., concur.

Makalintal and Teehankee, JJ., in the result.
Castro, J., on official leave.

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