

IN RE PETITION FOR NATURALIZATION AS FILIPINO CITIZEN, ONG GUAN KIH, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-4180. September 30, 1952

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/433b75541c16/>

BAUTISTA ANGELO, J.:

On April 25, 1949, Ong Guan Kih filed a petition for naturalization in the Court of First Instance of Sorsogon. The Government opposed the petition on the ground, among others, that petitioner is a "pervert and a disturber of peace". After due hearing, the court granted the petition, hence this appeal.

It was proven that petitioner was born in Amoy, China, on December 4, 1901. He arrived in the Philippines in 1912 and resided there ever since. He established residence in Bulan, Sorsogon and is a merchant by profession with an average income of P5,000 a year. His first wife was Casiana Loberia, with whom he had four children, namely, Gavina, Jesus Pedro, Paz and Arcadio. After the death of his first wife, he married Maria, Gogulin, who bore him five children, namely, Jose, Mine, Maria, Clemente and Manuel. With the exception of Clemente and Manuel, all of said children are studying in the public schools or in schools recognized by the Government. He knows how to speak and write the Bicol dialect, and, according to him, he also knows how to speak and write the Spanish language, although this is dispute by the Government. He believes in the principles underlying our Constitution, he is not opposed to organized Government, he is not affiliated with any association opposed thereto, and he does not believe in the practice of violence, personal assault or assassination for the success and predominance of men's ideas. In fine, he claims he has all the qualifications, and none of the disqualifications, to become a Philippine citizen.

The Government, on its part, claims that petitioner is wanting in at least two qualifications, namely, that he failed to prove the he writes the Spanish language, as he did with respect to the Bicol dialect, and that he did not conduct himself in a proper and irrespachable manner during the period of his residence in the Philippines in his relation with the Government, as well as with the community; and this opposition having been overruled, the Government brought this case on appeal before this Court contending that the lower court erred in granting the petition in spite of the fact that petitioner does not posses all the qualifications prescribed by law to acquire Philippine citizenship.

It is admitted that petitioner knows how to read and write the Bicol dialect. There is also no dispute that he can speak and read the Spanish language. This was proven when the lower court instructed petitioner to read certain paragraphs appearing in an issue fo the daily "La Voz de Manila", and he did so in a manner which to the court seemed "bastante inteliggible". But because he was not asked to write in that language, apparently through an oversight, so that it may be known if he knows how to write that language, the Government now contends that such an omission is damaging to his case as it renders him unfit to become a Philippine citizen. It is claimed that he has the burden of proof to establish the material averments of his petition, and having failed to do so, his petition should be denied.

We have no quarrel with the claim that petitioner has the burden of proof to establish that he has all the qualifications prescribed by law to become a Philippine citizen, but in our opinion the lower court did not err in concluding that petitioner has substantially complied with the requirement regarding the language qualification considering the circumstances of this case. The law requires that petitioner "must be able to speak and write English or Spanish and any of the principal Philippine languages" (Section 2, paragraph 5, Revised Naturalization Law). Here it was proven that petitioner is able to speak and write the Bicol dialect. It was likewise proven that he can read and speak intelligibly the Spanish language. It is true that he was not able to actually demonstrate that he also knows how to write the Spanish language, but, it having been proven that he knows how to speak and read that language intelligibly, as he showed to the court during the trial, it is to be presumed that he also knows how to write it as a necessary incident, his failure to show it being merely an oversight. It stands to reason that one who knows how to speak and read a language also knows how to write it, more so if he knows how to read and write. And this conclusion is bolstered up when we consider that petitioner has studied for three years in a Catholic school at a time (1912) when the system of instruction was still patterned in Spanish. At that time petitioner was already 11 years of age.

The claim that petitioner has not conducted himself in a proper and irreproachable manner during the period of his residence in the Philippine because, on one occasion, (1934), he allegedly boxed a Catholic Priest and threw stone at him for no apparent reason and, on another, (1938), he assaulted one Narciso Grafilo inflicting upon him several contusions in his body, has not been clearly established. For one thing, if the alleged incidents are serious and had truly happened as intimated, it is strange that petitioner was not brought to court so that he might receive the punishment he deserved. It is likewise strange that these matters are brought to light only now when they had allegedly occurred long ago. This lends support to the claim that Benigno Golpeo, the only witness on this matter, merely testified but of spite, because petitioner failed to extend financial help to Golpeo's father when he became a candidate for an elective office in 1949 elections. On the other hand, Resendo L. Jaylo, acting Mayor of Bulan, Sorsogon, and Odon Goyola, former councilor and municipal president of the same municipality, spoke highly of the character and good moral conduct of petitioner, and their testimony deserve full credence from the lower court.

Finding no error in the decision appealed from, the same is hereby affirmed, without pronouncement as to costs.

Paras, Bengzon, Padilla, and Jugo, JJ., concur.

Paras, J., certify that Mr. Justice Tuason voted with the majority.

DISSENTING

LABRADOR, J.:

I dissent. The law requires that the applicant for naturalization must prove that he knows how to read and write a dialect and English or Spanish. The applicant was shown to be able to read and speak Spanish, but no evidence was submitted that he knows how to write Spanish. The majority presumes from the fact that he knows how to read and speak that language, knows how to write a dialect, and had studied in a school in 1912, when he was merely eleven years old, that he knows how to write Spanish. I believe that the inference may not be made from the facts that the schooling that applicant received when he was merely eleven years old could not have given him training in the writing of Spanish. Private schools conducted in Spanish, unlike public schools, do not train their students the writing of Spanish until they reach a higher grade. At the age of eleven, applicant could not have learned Spanish already, and not knowing how to speak, he could not be taught how to write Spanish. At the age, only reading or arithmetic could have been taught. Neither does his knowledge or use of Spanish necessarily lead

to the conclusion that he can write it also. Many people, especially Chinese, speak Spanish but do not know how to write it. Furthermore, it was within applicant's power alone to prove or show that he had this qualification. Not having chosen to submit the evidence which he alone controls when it is his duty to do so, no other conclusion can be made from this conduct on his part than that he does not possess the qualification in question. I can not, therefore, agree to the inference made by the majority, that the applicant know how to write Spanish. Furthermore, the law expressly imposes upon an applicant the obligation to prove his qualifications in order that he may be naturalized. This obligation should not be considered satisfied by mere inference.

Montemayor, J., concur in this dissenting opinion of Mr. Justice Labrador.

Pablo, J., concuro con la disidencia.

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.