

SI NE ALIAS SI AN LOK, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-16828. May 30, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed by Si Ne alias Si An Lok before the Court of First Instance of Manila. The petition is supported by the affidavits of Remedios Gasel Vda. de Castelo, a bookkeeper, and Servando P. Patawaran, who was employed as accountant in the same company where petitioner was manager.

After hearing, the court granted the petition, whereupon the government took the present appeal.

It appears that petitioner is a merchant by profession since 1930 from which he derives an average annual income of P3,500.00. He was born in China on November 26, 1914 and is a citizen of Nationalist China. He is married to Si An Lok, born in Amoy, China, with whom he has six children, namely, Si Meng, who was born on February 18, 1931, Si Leng born on November 3, 1937, Si Lee born on November 16, 1941, Si Men born on February 26, 1941, Si Lee Tin born on February 5, 1950, and Victoria Si born on August 25, 1951. He emigrated to the Philippines from Amoy, China in July, 1953, and resided in the Philippines continuously for a term of at least 10 years prior to the date of his petition. He is able to speak and write English and Tagalog. He has enrolled his children Si Leng, Si Lee, Si Men, Si Lee Tin and Victoria Si at the San Beda College, Kwang Chi High School, Chiang Kai Shek High School, and the Samantabhadra Institute, respectively. He believes in the principles underlying the Philippine constitution, and has conducted himself in an irreproachable manner during his entire stay in the Philippines in his relation with the constituted government as well as with the community in which he lives. He has mingled socially with the Filipinos and has evinced a sincere desire to embrace their customs and ideals, and he has all the qualifications and none of the disqualifications prescribed by law.

Petitioner, elaborating on the foregoing allegations, testified that he and his wife possess alien certificates of registration and immigrant certificates of residence; that the ages of his children are: Si Meng 28 years old, Si Leng 22, Si Lee 17, Si Men 14, Si Lee Tin 9 and Victoria Si 7; that Si Leng is studying at the Mapua High School, Si Lee at the Sta. Isabel College, Si Men at the Kwang Chi High School, Si Lee Tin and Victoria Si at the Anglo Chinese School, which schools are all recognized by the government wherein Philippine history, government and civics are taught; that he left for Amoy, China in 1930 and stayed there for about four months; that in 1949 he went to Hongkong and stayed there for four months; that since his arrival in the Philippines he has left about four times staying abroad three or four months each trip; that his average annual income as an employee of Sy Guan Huat and Company and San Juan Trading was from P4,000.00 to P5,000.00; that he does not have any tax liability to the government, and he is not suffering from any contagious disease.

In this appeal, the government contends that the trial court erred (a) in granting the petition for naturalization in spite of the fact that petitioner has failed to establish the filiation of his children; (b) in finding that petitioner has all the qualifications and none of the disqualifications of an applicant for Filipino citizenship; and (c) in net

finding that petitioner's witnesses do not meet the requirements of the law.

With regard to the first contention, it appears from the testimony of petitioner that he visited China or went abroad four times, once in 1930 when he visited Amoy and stayed there for four months, the second in 1934 when he went to Hongkong and stayed there three or four months, the third was in August, 1949 when he again went to Hongkong and stayed there for five months, and the last time was when he left for Hongkong in December, 1949 and stayed there for three months. Since his four trips to China would not explain the existence of his alleged three children born in 1937, 1941 and 1945, when he was supposed to be in the Philippines, petitioner modified his statement and declared that he went to Amoy, China in 1941 and came to the Philippines in 1946. He, however, admitted that he was earning P15.00 a month during the Japanese occupation. If he was in the Philippines during the Japanese occupation, he could not have been in Amoy, China between 1941 and 1945. This shows the unreliability of petitioner's testimony with regard to his trips abroad which do not explain satisfactorily the filiation of some of his children.

Again, one of the qualification required of an applicant for Philippine citizenship is that he must have enrolled his minor children of school age in any of the schools recognized by the Office of Private Education "during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization." Petitioner not having any of the special qualifications mentioned in Section 3 of the Revised Naturalization Law, the residence required of him is ten years. It appears that during the period of ten years prior to the first hearing of his petition three of his children were still in China in spite of the fact that they were already of school age. These children are Si Meng born on February 18, 1931, Si Leng born on November 3, 1937, and Si Lee born on November 16, 1941, which show that the first was already 18 years 9 months and 6 days, the second 12 years and 21 days, and the third 7 years 11 months and 20 days, respectively. But in spite of the fact that they were already of school age, petitioner did not bring them to the Philippines to be enrolled in any of the local schools prescribed by our naturalization law. The fact that they were in China at the time does not excuse him from complying with the law for it was his duty to make every effort to bring them to the Philippines so that they could be given the requisite education. Petitioner, therefore, has failed to comply with the law with regard to educational requirement (*Dy Chuan Tiao vs. Republic*, 95 Phil., 709 *Tan Hoi vs. Republic*, 109 Phil., 691).

Finally, our law requires that a petition for naturalization must be supported by the affidavits of at least two credible persons who can testify that they know personally the qualifications of petitioner. Under our law, what must be credible is not the testimony itself but the person giving it. This implies that such person must have a good standing in the community, must be honest and upright, and must be reputed to be trustworthy and reliable, so that his word may be taken on its face value as a guaranty of his trustworthiness. And so it has been held that an affiant is in a way an insurer of the character of the one who desires to be a Filipino citizen (*Alfredo Ong vs. Republic*, 103 Phil., 964).

Here, however, the two persons who subscribed to the affidavits submitted by petitioner do not come within the purview of the law. Thus, it appears that Bemedios Gasel Vda. de Castelo was a bookkeeper of Sy Kao Pon, who is a cousin of petitioner, and whose husband had been petitioner's lawyer, while Servando P. Patawaran was merely an employee of the business concern where petitioner worked as assistant manager. As it appears, both were bound to petitioner by some professional or business ties which cannot but render them partial to him. They do not, therefore, come within the requirement of the law that the affiants must be credible persons.

Wherefore, the decision appealed from is reversed, with costs against appellee.

Padilla, Labrador, Concepcionn, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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