

IN THE MATTER OF THE PETITION OF BENITO KO BOK TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.

G.R. No. L-21452. April 29, 1966

Ponente: REGALA, J.

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REGALA, J.:

Appeal from a decision of the Court of First Instance of Rizal dismissing the petition of Benito Ko Bok for naturalization as a citizen of the Philippines.

The facts recited in the decision of the lower court are as follows:

The petitioner was born on December 20, 1925, in Ko Chu, China. He emigrated to the Philippines on or about March 12, 1937, and arrived at the port of Manila, Philippines, on the vessel Tjitjanlengka. Since his arrival on March 12, 1937, he resided in the Philippines. Since 1945, he had resided in Market Street, near the Pasay City Market, and since 1951 he has resided at Taft Avenue. He is single, and his parents had died already. He has no brother or sister. In 1957, his annual income was P5,000 and in 1961 his annual income was increased to P12,000.

According to the petitioner, he believes in the principles underlying the Philippine Constitution; he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace their customs, traditions and ideals; he is not a polygamist nor a believer in the practice of polygamy; he does not believe in the necessity and propriety of violence for the success of men's ideas; he is not suffering from any incurable contagious disease; and he has not been convicted of any crime involving moral turpitude.

The petition is supported by the affidavit of Rodrigo P. Blanco, a lawyer and Ricardo Deocarega. Blanco testified, among other things, that he has known the petitioner since 1950 when he was living at Crisostomo Street, Sampaloc, Manila; the petitioner was then an employee inside the market of Pasay; he has often times associated with petitioner and he found him to be a law-abiding citizen whose conduct is morally irreproachable.

Deocarega testified, among others, that he has known the petitioner, a person of good moral character and reputation, for more than ten years; since 1950, said petitioner was working in a grocery inside the market of Pasay; he is now running a kerosene business.

Despite the foregoing evidence for the petitioner, the court dismissed the petition on the grounds: (1) that petitioner does not possess the required ability to speak and write English and Tagalog; (2) that he is wanting in sincerity and candor as shown by several inconsistent statements made by him; and (3) that one of his character witnesses is not competent to testify on the reputation and conduct of petitioner.

After going over the record, We see no reason to disturb the findings of the lower court. Petitioner's writings in English (Exhs. 6 and 8 for the Solicitor General) reveals his deficiency in the language. He could hardly write simple sentences and, likewise, he had great difficulty in expressing himself orally. He said many things in English that could hardly spell out some sense. Again, upon being examined, he could not write some Tagalog sentences correctly—he omitted some words and misspelled some.

As to his honesty and sincerity, there appears from appellant's evidence some material inconsistencies. While he stated in testifying that he has resided in Pasay City since 1937, paragraph 7 of his petition states that he has resided in that city since 1945. There is likewise some inconsistency in his testimony that from 1937 to 1950 he resided at Pasay Market Street, Pasay, and from 1951 to the present he has been residing at No. 2741-D Taft Avenue, Pasay City; and in the sworn statement given by him before the Philippine Constabulary to the effect that from 1937 to 1961 he resided at No. 2764 Taft Avenue and from March 1, 1961 to the present he has resided at No. 2741-D Taft.

The appellant explains that No. 2764 Taft Avenue was his business or postal address while No. 2741-D Taft Avenue was his residence, which means that he could be reached or found at both places which are fronting each other. But this explanation loses force in appellant's own Exhibit M (Change of Residence), certifying that he has advised the Commissioner of Immigration of his change of residence from No. 2764 Taft Avenue to No. 2741-D Taft Avenue, effective March 1, 1961. Such inconsistent statements show that appellant is not very truthful and that he lacks the irreproachable conduct to become a Filipino citizen.

Again, we agree with the lower court in finding that witness Ricardo Deocarega is not competent to testify on the reputation and conduct of petitioner. The said witness declared that he met petitioner only in 1950 and for the second time in 1954. Thereafter, they met casually at the gasoline station operated by petitioner-appellant. Hence, from 1937 to 1950, and from 1950 after their first meeting until 1954, the witness had not observed the appellant closely enough to be competent to testify on his proper conduct and behavior during the latter's period of residence here. The same thing may be said of Rodrigo Blanco, the other character witness, who came to know petitioner only in 1950.[1]

In addition to the findings of the lower court, one objection raised by the Solicitor General against the petitioner-appellant is the fact that even before he secured in 1959 a court order authorizing him to change his name from "Ko Bok" to "Benito Ko Bok" he was already using the latter name in his business dealings, a fact disclosed by his 1956, 1957 and 1958 income tax returns. The use of an alias without authority from the court is in violation of Commonwealth Act No. 142. On the part of petitioner-appellant, his unauthorized use of the name "Benito Ko Bok" constituted misconduct in his dealings with the Government.

In view of the foregoing, the judgment of the lower court dismissing the petition for naturalization is hereby affirmed. Costs against the petitioner-appellant.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

[1] See *Jesus Lim Ching Tian vs. Republic*, G. R. No. L-12001, February 28, 1961; *Chua Pun vs. Republic*, G. R. No. L-16825, Dec. 22, 1961; *Wang I Fu vs. Republic*, G. R. No. L-15819, Sept. 29, 1962; *Uy Tian It vs. Republic*, G. R. No. L-18248, Dec. 27, 1963; and other cases on the subject.

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