

**PETITION FOR NATURALIZATION. FAUSTO ONG SANG,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-4609. October 30, 1952

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a judgment of the Court of First Instance of Zambales approving the petition for naturalization of Fausto Ong Sang. The evidence shows that Ong Sang came to the Philippines in the year 1913 and since then has never left the country. He is at present residing in Subic, Zambales, where he and his wife conduct a store. His wife is Arcadia Laag, a Filipina, with whom he has seven children, namely, Recto, Renato, Godofredo, Fausto Antonio, Dionisio, Irineo, and Teresita, born in different parts of the Philippines in the years 1939, 1941, 1943, 1945, 1947, 1946, and 1949, respectively. The applicant speak and writes Tagalog and has a fair knowledge of English. He testified that he is not opposed to constituted government; that he is not suffering from any contagious disease; that he is not a polygamist, nor a believer in the practice of polygamy; and that he desires to become a Filipino citizen, and has renounced absolutely and forever all allegiance and fidelity to the Republic of China, of which he is a citizen and subject. He introduced two witnesses who testified that he is a law-abiding citizen, of good moral reputation in the community, and that, as far as they know, the applicant has all the qualifications and none of the disqualifications of an applicant for Filipino citizenship.

After hearing, opposition to his application was filed by the provincial fiscal on the following grounds: (1) that the petitioner neither owns real property worth at least P5,000, nor has a known lucrative business or profession; (2) that petitioner does not speak and write English or Spanish; (3) that petitioner has not registered his wife and his sons Recto and Renato; and (4) that the petitioner has not registered his other children who are below fourteen years of age. Evidence was submitted by the applicant, however, satisfactory to the trial court, that he is operating a store, although its license is in his wife's name, and is the one who procures the merchandise that is sold in the store, and manages it generally. The applicant took dictations in Tagalog and English, and he also answered questions in these languages propounded by the fiscal. The trial court, therefore, overruled the first two objections raised by the provincial fiscal.

As to the third and fourth objections, it appears that petitioner registered all of his seven children only on September 7, 1950, and the trial court held that applicant has complied with the requirements of the law as to the registration of his children, at least in accordance with the provisions of Republic Act No. 573. It also, therefore, overruled these last two objections and granted applicant's petition for naturalization.

In this Court the Solicitor General contends that inasmuch as the applicant failed to register his children in accordance with the Philippine Alien Registration Act of 1941 (Commonwealth Act No. 653), and because the failure to do so is punishable, applicant cannot be considered as a man of good moral character, nor may his conduct towards the Government be considered as irreproachable.

The evidence shows that of his seven children, the younger ones by the name of Godofredo, Fausto Antonio, Dionisio, Irineo, and Teresita, who were born in 1942, 1945, 1947, 1948, and 1949, were never registered under Commonwealth Act No. 653. But he registered his first two children who were born prior to the last war. His failure to register the last five children does not necessarily indicate that applicant is not of a good moral character. These were born during the war and soon after liberation, when conditions cannot be said to have been normal. The state of disorder and confusion during the time that these younger children were born explains his failure to register them. Be that as it may, Congress enacted Republic Act No. 562 on June 17, 1950, and fixed the period of registration of aliens up to September 15, 1950. Applicant registered his children on September 7, 1950, within the period that the law originally fixed. On September 15, 1950, Congress passed Republic Act No. 578, further extending the period of registration which expired on September 15, 1950, to January 30, 1951. As the applicant registered his children on September 7, 1950, within the original period of registration under the first law after liberation, he cannot be said to have violated the law now in force. If he failed in his duty before the present laws were passed, these have excused him from said failure. The conclusion that he is not of an irreproachable character, on the ground that he has violated the law, cannot be sustained because the premise on which it is based is incorrect.

It is also contended on behalf of the Government that the applicant neither owns real estate worth not less than P5,000, nor has he any lucrative trade, profession, or occupation, as the evidence shows that the business and real estate he claims as his own are registered in the name of his wife. The objection is a technical one and may not be considered valid. It was shown that the applicant is a merchant and manages a store, and that he is the one who buys the stock or goods that are sold therein. The law does not require that an applicant must register his business in his own name; all that it requires is that he has a lucrative business, which applicant has. Evidently, the applicant has preferred to have his business and earnings in the name of his wife, who is a Filipino, a conduct on his part rather to be emulated, as it shows esteem of family, and this, in turn, is an indication that he is a moral and law-abiding citizen.

We find no error in the judgment appealed from, and we hereby affirm it, without costs.

Paras, Pablo, Bengzon, Padilla, Montemayor, Jugo, and Bautista Angelo, JJ., concur.

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