

KOCK TEE YAP ALIAS UY KOC TE, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20992. May 14, 1966

Ponente: ZALDIVAR. J.

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ZALDIVAR. J.:

This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Davao granting the petition for naturalization of Kock Tee Yap alias Uy Koc Te.

The petitioner, a citizen of Nationalist China residing at Davao City, was born in Bunawan, Davao City, Philippines, on June 9, 1936. He is single, has resided in the Philippines continuously for twenty five years, and at least one year in Davao City before he filed his petition for naturalization.

It was shown during the hearing of the petition that the petitioner is employed as a salesman at the O.D. Commercial in Davao City, with a monthly salary of P300.00. It was also shown that he had been using the names, Kock Tee Yap, Uy Koc Te and Yap Kock Tee.

After hearing, the Court of First Instance of Davao declared that the petitioner possesses all the qualifications and none of the disqualifications to become a citizen of the Philippines by naturalization, and forthwith granted the petition for naturalization. The court ordered that the petition would again be set for hearing after two years from the promulgation of the decision, in which hearing the, petitioner shall be required to prove that he has complied with all the requirements of Republic Act 530 before he is allowed to take his oath of allegiance.

In the present appeal the Solicitor General contends that the lower court erred; (1) in not finding that the petitioner has no lucrative income; and (2) in not declaring that petitioner has not conducted himself in a proper and irreproachable manner because of his use of an alias name at the time its use was prohibited by law.

We find the appeal meritorious.

- Regarding the first contention of the Solicitor General, we note that the lower court found that the petitioner is employed as a salesman at the O.D. Commercial, an establishment in Davao City engaged in wholesale business, with a salary of P300.00 a month. It is not shown that the petitioner owns any real property. We have already decided that an applicant for Philippine citizenship who is single and earns P300.00 a month is not considered as one who has a lucrative trade or profession, considering the prevailing low buying power of the Philippine currency.[1]

- Regarding the second contention of the Solicitor General we find that the petitioner had really been using at least three names namely, "Kock Tee. Yap," "Yap Kock Tee" and "Uy Koc Te" two of which are not the name by which he is supposed to be officially known, When we talk of a name by which an alien is officially known we refer to the name or names by which he is registered in the Bureau of Immigration and by the name or names that appear in his alien certificate of registration.

It appears that in his alien certificate of registration (Exh. "F"), dated August 2, 1950, the name of the petitioner is "Kock Tee Yap" and it is not shown in said certificate that he is known by any other name. In his certificate of residence, issued by the Bureau of Immigration (Exh. "G"), dated June 25, 1951, the name of the petitioner appears as "Kock Tee Yap," and it is not shown that he is known by any other name. In his certificate of nationality, dated April 2, 1962, issued by the Chinese consul of Mindanao and Sulu, the name of petitioner appears as "Kock Tee Yap" only. As an employee of O.D. Commercial, his name appears As "Kock Tee Yap," and it is not shown too that he. is known by any other name (Exh. "K").

In his income tax returns for the years 1959, 1960 and 1961 (Exhs. "L" "M." and "N") the petitioner uses the name "Yap Kock Tee" and in those income tax returns it does not appear that he is known by any other name. Likewise, in his statement of assets, income and liabilities (Exh. "O" & "P") the petitioner uses the name "Yap Kock Tee," and it is not shown that he is known by any other name.

In his records as a student, first in the Davao City High School (Exh. "A") and later in the College of Commerce and Business, Administration in the Harvardian Colleges, Davao City (Exh. "S") the petitioner is registered as "Uy Koc Te." The certificates issued by the heads of the Davao City High School and the Harvardian Colleges do not show that he is known by any name other, than "Uy Koc Te."

We do not find in the records a satisfactory explanation on why the petitioner had interchangeably used those three names: in his school records he uses "Uy Koc Te"; in his income tax returns and statement of assets and liabilities he uses the name "Yap Kock Tee"; but in his alien certificate of registration, in his certificate of residence and in his certificate of nationality, as well as in his employment in an establishment that is owned by Chinese Nationals, his name is "Kock Tee Yap." We note that when the petitioner uses one particular name, he never made it appear that he has, or he is known, by another name. So that when he is in school he goes about and is only known as "Uy Koc Te"; when he deals with the Bureau of Internal Revenue regarding his income, assets and liabilities he represents himself to be identified only by the name of "Yap Kock Tee"; and yet when he identifies himself with his fellow Chinese nationals, as shown by his alien certificate of registration, his certificate of residence, his certificate of nationality, and his employment in an establishment owned by Chinese nationals he uses the name "Kock Tee Yap."

We have noticed also that the petitioner has no permanent way of signing his name, but that his signature is adjusted to the name that appears on the document that he signs. Thus, in his income tax returns and statements of assets and liabilities, where his name appears as "Yap Kock Tee," he signs as "Yap Kock Tee." In his certificate of clearance obtained from the Municipal Court of Davao City (Exh. "U"), from the City Attorney of Davao City (Exh. "V"), and from the Clerk of Court of First Instance of Davao Exh. ("X"), where his name appears as "Kock Tee Yap," he signs as "Kock Tee Yap," But in the clearance certificate from the Davao City Police (Exh. "W"), where his name appears as "Yap Kock Tee," he signs as "Yap Kock Tee."

It has not been shown that petitioner had been authorized by proper authorities, to use a name, or names, other than what appears in his alien certificate of registration, which is "Kock Tee Yap." We really do not understand why the petitioner did not make any effort to clarify or define the name or names by which he should be known; either by adopting only one specific name, or by using a name and at the same time stating that he is also known by another name, and accordingly secure authority to use those names as required by law. In so doing, he would avoid confusion regarding his identity in dealing with other people and with the government. We have to expect this from the petitioner because as of the time he filed his petition for naturalization in 1961 he was already a college student.

The adoption and use by the, petitioner of a name, or names, other than the name by which he was named at the

time of his birth, and which appear in his alien certificate of registration, is a violation of Com. Act No. 142 which prohibits the unauthorized use of an alias name. In his own testimony during the hearing, the petitioner declared that when he was born he was given by his parents the name of "Kock Tee Yap," and in the alien certificate of registration of his father he is mentioned therein as one of the children and his name appears as "Kock Tee Yap (p. 127, t.s.n.). It is presumed, therefore, that since his childhood the petitioner has been known as "Kock Tee Yap." Petitioner also testified that when he was ten years old, in 1946, he was enrolled by his father in the Davao Chinese School under the name of "Uy Koc Te" only, and he continued to use that particular name only in all his school records from elementary school to college (pp. 96, 127, t.s.n.).

Section 1 of Com. Act No. 142 provides as follows:

"Except as a pseudonym for literary purposes, no person shall use any name different from the one with which he was christened or by which he has been known since his childhood; or such substitute name as may have been authorized by a competent court "

In the case of *People vs. Uy Jui Pio* (55 Off. Gaz., No. 40, p. 8463) this Court held that a person does not violate Sec. 1 of Com. Act No. 142 if he uses a name by which he has been known since his childhood, even if it be a name different from the one with which he was christened and even if he is not so authorized by a competent court. But in that case it was shown that the accused Uy Jui Pio was known as Uy Jui Pio alias Juanito Uy since his childhood, and he held himself out to the public as one whose name was Uy Jui Pio, alias Juanito Uy—in school he was known as Uy Jui Pio alias Juanito Uy, and in the records of the Bureau of Immigration his name also appears as Uy Jui Pio alias Juanito Uy. He always used the name by which he was generally known along with his real name.

The ruling in the case of *People vs. Uy Jui Pio*, supra, can not be invoked in favor of the petitioner because in the present case the alien certificate of registration shows that his name is only "Kock Tee Yap." There is no evidence that petitioner has generally been known as "Uy Koc Te" since childhood, and it has not been shown that before the filing of the petition for naturalization in the present case he used the name "Uy Koc Te." along with his official name "Kock Tee Yap." The petitioner never held himself out to the public as "Kock Tee Yap" alias "Uy Koc Te." It is shown by his own testimony that the petitioner was aware that at birth he was named "Kock Tee Yap" and he grew up with that name; and he also knew that when he was ten years old his father enrolled him in school under the name of "Uy Koc Te," and he continued to have that name in all his school records until he reached collegiate studies. And yet he continued using his official name "Kock Tee Yap" without at the same time revealing that he has another name, that of "Uy Koc Te." In the year 1950 when he secured his alien certificate of registration he, was already about 14 years old, and was a student in the high school, but he did not reveal to the authorities in the Bureau of Immigration that besides his name "Kock Tee Yap" that was made to appear in his alien certificate of registration he had another name—that of "Uy Koc Te". And then in his dealings with the Bureau of Internal Revenue, in matters concerning his assets, income, and liabilities, he used the name "Yap Kock Tee" without making it appear that his other names were "Kock Tee Yap" and "Uy Koc Te". During all the years that the petitioner had been using the name "Yap Kock Tee" and "Uy Koc Te," one way or the other, as the case may be, had actually been using a name that was not his true and official name, without being legally authorized to do so. And, what is worse, he used those unauthorized names not along with his true or official name as an alien. We believe that what he did was precisely what Com. Act No. 14 was intended to prevent. It can be said that the petitioner practiced occasional concealment of his identity because when he was using one name, he did not reveal his other names. We agree with the Solicitor General that by adopting different names and using them interchangeably, the petitioner has violated the law, and he has thereby conducted himself in a manner that is not proper and not irreproachable. He has given cause for doubt, or suspicion that in adopting and using different names he has some, ulterior motive, or a purpose, which is not altogether wholesome. We hold that the petitioner

has so conducted himself in a manner that rendered him unworthy of Philippine citizenship. [2]

In view of the foregoing; the decision appealed from is reversed and the instant petition for naturalization is denied. With costs against the petitioner-appellee.

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

Judgment reversed.

[1] Dy vs. Republic, G. R. No. L-20348, Dec. 24, 1965; Uy vs. Republic, G. R. No. L-20208, June 30, 1965; Sy vs. Republic, G. R. No. L-19581, April 29, 1966.

[2] Wang I. Fu vs. Republic, 116 Phil. 406; Koa Gui vs. Republic, G. R. No. L-13717, July 31, 1962; Lim Bun vs. Republic, 111 Phil. 677; Ng Lim King, etc. vs. Republic, 111 Phil. 854.

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