

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES, ROMULO QUA, PETITIONER AND APPELLANT, VS.
REPUBLIC OF THE PHILIPPINES, OPPONENT AND APPELLEE.**

G.R. No. L-16975. May 30, 1964

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal from a decree entered by the Court of First Instance of Manila denying for the second time the petition to become Filipino citizen by naturalization filed by Romulo Qua. When his petition for naturalization was denied for the first time, the Court of First Instance of Manila found that—

“* * * there is a strong objection of the Philippine Army Headquarters to the petitioner's application for admission as citizen of the Philippines on the ground that ‘in the interest of National Security’ he should not be given G-2 clearance because of an unfavorable information about him existing in the files of the General Headquarters of the Armed Forces of the Philippines (Exhibit 4). He is suspected of subversive activities, * * *” (pp. 2-3, Rec. on Appeal)

After this denial, the petitioner moved for new trial on ground of newly discovered evidence. This consists of sworn statements of a certain attorney John E. Curtin, a citizen of the United States and resident of Manila, and of Lt. Col. Amadeo M. Gabe, Inf., P.O., submitted to the trial court. The sworn statements stated, among other things, that the petitioner could not possibly be or have been engaged in communistic activities, because he was a guerrilla of the COWHM group during the war, fought in the hills for several months against the Japanese armed forces and rendered services in the U.S. Army C.I.D. and in the Manila Police Department. The motion for new trial was denied for lack of merit. The petitioner appealed to this Court (G. R. No. L-12279).

In disposing of the petitioner's appeal, this Court found that—

“The main objection of the trial court to the granting of petitioner's application for naturalization was the refusal of the Philippine Army G-2 Department to give him a clearance on the ground that he was suspected by two officers of the Philippine Army of subversive activities. A G-2 Agent of the Philippine Army and Manuel Maravilla, a captain of the Armed Forces of the Philippines, testified as to the supposed subversive activities of the petitioner, but both witnesses refused to specify and reveal what those supposed subversive activities were on the ground that it was confidential and also for security reasons. They even refused to name the organization or entity supposedly communistic to which the petitioner was said to belong. We can not refuse or deny a petition for naturalization on mere suspicion from the Armed Forces of the Philippines, supposed to investigate alleged subversive activities. If these suspicions are based on and supported by facts they should be placed on record so that petitioner may have an opportunity to examine them and, if possible, refute them. (pp. 16-17, Rec. on Appeal)

Consequently, this Court set aside the order appealed from and remanded the case to the lower court for new trial “so as to give petitioner as well as the Government an opportunity to present further evidence in support of or against the application for naturalization.”

In this new trial, Juliana Panganiban, whose testimony during the previous trial of the case regarding the petitioner's birth was erroneously cut short by the trial court for the reason that the best evidence on that point is the record of birth, was again called to the witness stand. John E. Curtin, an American citizen and 'former C.I.D. agent of the U.S. Army, testified that he came to know the petitioner in August 1945; that the petitioner worked for him in the C.I.D. for about four months; and that the petitioner is a person of good moral character, a good Catholic, and has remained anti-communist in his ideas and attitude. His testimony substantially confirmed his affidavit filed in the case (Exhibit R).

On its part the Government presented again its two witnesses, namely, Agent Fortunato P. Jose of G-2 Intelligence Section of the Armed Forces of the Philippines and Captain Manuel Maravilla also of G-2, Armed Forces of the Philippines. On direct examination by the government prosecutor, both witnesses once more refused to reveal the subversive activities of the petitioner for the reason that it involved the security of the State and that they were not authorized or given clearance by Colonel Reynaldo Mendoza, the Chief of the G-2 of the Armed Forces of the Philippines, to reveal the same. At this juncture, the government prosecutor heeding the suggestion of the court moved for continuance of the hearing and asked for the issuance of subpoena duces tecum—*ad testificandum*—addressed to Col. Reynaldo Mendoza, the Chief of G-2.

On the day set for the resumption of the hearing, Major Dominador C. Dacanay, Legal Officer of the Intelligence, Armed Forces of the Philippines, appeared in behalf of the Chief of the Intelligence (G-2) of the Armed Forces of the Philippines, in compliance with the subpoena duces tecum previously issued by the court. Major Dacanay submitted to the court a true copy of a confidential report (Exhibit 1) of the Chief of the Counter-Intelligence Group addressed to the "AC of S, G2, GHQ, AFP Camp Murphy, Quezon City, (Assistant Chief of Staff, G-2, General Headquarters, Armed Forces of the Philippines, Camp Murphy, Quezon City), on Romulo Qua, the petitioner in this case. It appears in the confidential report that the petitioner, Romulo Qua, is one of the leaders of the Hiat Kan Tuan and an active commander of Troop 8 thereof; that the Hiat Kan Tuan is the most active Chinese Guerrilla Unit affiliated with the Chinese Communist Party; that from 1949 to 1956 he was employed as an office clerk of the Hiat Kan Tuan whose headquarters is located at No. 106 Soler Street, Manila, where the petitioner's residence is also located.

After the formal presentation of the confidential report as part of the evidence for the government, the Solicitor General filed a written objection to the petition, on the ground that the petitioner is a communist suspect and active member of a Chinese guerrilla unit affiliated with the Chinese Communist Party. The petitioner filed a reply to the objection of the Solicitor General.

On 24 March 1960, the court entered a decree denying again applicant's petition to become a Filipino citizen by naturalization.

The petitioner has appealed.

The admission in evidence of the report submitted to the court is correct, because the facts therein stated were entered by a public officer in the performance of his duties. The person referred to therein is no other than the petitioner. Even his connection with, or employment as agent by, the Criminal Investigation Department (C.I.D.), U.S. Army, mentioned by his witness John E. Curtin is there reported. His connection as one of the leaders of the Hiat Kan Tuan, the most active Chinese guerrilla unit affiliated with the Chinese Communist Party, and the fact that he resided in the same place, 106 Soler Street, Manila, where the Hiat Kan Tuan had its headquarters, constitute sufficient ground to deny his petition to become a Filipino citizen by naturalization.

The decree appealed from is affirmed, with costs against the petitioner-appellant.

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

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