

IN THE MATTER OF THE PETITION OF RAMON CU KING NAN, ALIAS CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. RAMON CU KING NAN, ALIAS CHUA, PETITIONER-APPELLEE, VS. REPUBLIC OF...*G.R. No. L-20490. June 29, 1968*

Ponente: ZALDIVAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4ff3122ec04c/>**ZALDIVAR, J.**

On September 5, 1960 Ramon Cu King Nan, alias Chua, filed with the Court of First Instance of Nueva Ecija a petition for naturalization. In his petition Ramon Cu King Nan alleges that he was born in Kwi-Aw, Fokien, China on January 21, 1919; that he came to the Philippines aboard the "SS Anking" on April 18, 1935; that as of the time when he filed his petition he was a resident of San Jose, Nueva Ecija, and that his former place of residence was Muñoz, Nueva Ecija; that he is married to Ines Arellano Chua, and have eight children by her -- the first child having been born on January 8, 1944, and the eighth child, on January 25, 1960; that he had been engaged in the lumber business since 1946, and that his average annual income is from P8,000 to P9,000; that he had continuously resided in the Philippines for a period of at least 26 years prior to the date of the filing of the petition; that he speaks and writes the Tagalog and English languages; that he had enrolled his child Ramon Jr. at the University of Santo Tomas, Manila; his son, Romeo at the San Sebastian College, Manila; and his other children, Albert, Alexander, Ana Marie and Henry, at the Grace Christian School in Manila; while the other children Daisy and Cesar are not yet of school age; that he filed his declaration of intention to become a Filipino citizen; that he believes in the principles underlying the Philippine Constitution and had conducted himself in a proper and irreproachable manner during the entire period of his stay in the Philippines in his relation with the government and the community in which he lives, and that he had not made an application for citizenship in any court.

The petition was accompanied by the joint affidavit of Eulogio Santa Maria and Simplicio Andres, who declared that they have known Ramon Cu King Nan since April 1934 and that said petitioner has resided in the Philippines continuously since 1934 and that they have personal knowledge that during the period of petitioner's stay in the Philippines he is a person of good repute and morally irreproachable; that petitioner believes in the principles underlying the Philippine Constitution; and that in their opinion petitioner has all the qualifications necessary to become a citizen of the Philippines.

After due publication of the order of the court on the hearing of the petition, as required by law, the petition was heard. After hearing, the Court of First Instance of Nueva Ecija, on July 31, 1962, rendered a decision declaring that the petitioner possesses all the qualifications and none of the disqualifications to become a Filipino citizen, and forthwith declared him entitled to be naturalized as a Filipino citizen.

From the above-mentioned decision of the Court of First Instance of Nueva Ecija the Solicitor General appealed to this Court, and contends that the lower court erred: (1) in not finding that petitioner's character witnesses are

not credible persons; (2) in not finding that petitioner's children were not given the required education in the prescribed schools; and (3) in not finding that petitioner failed to establish his marriage with Ines Arellano Chua.

We have examined the testimonies of the two character witnesses, Eulogio Santa Maria and Simplicio Andres, and we find that their testimonies fall short of what may be considered satisfactory for the purpose of establishing that the petitioner has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines. Witness Eulogio Santa Maria testified that in 1934 when the petitioner arrived in Muñoz, Nueva Ecija, he was working as chief clerk in the municipal treasurer's office of Peñarada and he only came to Muñoz on week ends, such that his meeting with the petitioner was merely casual; that petitioner transferred his residence from Muñoz to San Jose in 1935, and it was not until 1939 when he met the petitioner again when he was assigned as chief clerk in the office of the municipal treasurer of San Jose, but in 1940 he left San Jose to work as municipal treasurer of Pantabangan; that from Pantabangan he was assigned to Caranglan, Cabiao, Peñarada, Quezon, and Muñoz, and it was not until 1950 when he was assigned as municipal treasurer of San Jose, Nueva Ecija, and it was from that time when he again had a chance to observe the petitioner. This witness, however, says that his association with the petitioner was only occasional, that is, on occasions when petitioner would go to the office of the municipal treasurer to transact business, and meeting him during baptismal parties, funeral, and wedding parties. This witness said that he did not know if petitioner had been convicted of any crime or charged with violation of any law. The testimony of this witness about the character of petitioner is so general that it cannot be said that he is a person who can reliably certify to the irreproachable moral character and good conduct of the petitioner during the entire period of his residence in the Philippines.

Likewise, the other witness, Simplicio Andres, while claiming that he had known the petitioner since 1935 when the latter came to reside in San Jose, Nueva Ecija, his association with him was only occasional, and his testimony regarding the character and conduct of the petitioner was also general. This witness simply based his belief that petitioner has social dealings with the members of the community where he lives because he is friendly with the authorities.

We agree with the Solicitor General that these two character witnesses of petitioner did not satisfy the requirements regarding credible character witnesses.[1]

We also agree with the Solicitor General that the requirement of the law, that the applicant for Philippine citizenship should enroll his children of school age in schools recognized by the government where Philippine history, government and civics are prescribed in their curriculum and are taught, has not been complied with. The evidence of the petitioner simply shows that his eldest son Ramon, Jr. was a College student at the University of Santo Tomas. There is no evidence as to where he studied his primary and high school courses. Similarly, the record shows only that the second son, Romeo, was a student at the San Sebastian College but there is no showing as to where he studied his elementary school course. As regards the other four children Albert, Alexander, Ana Marie and Henry, the record simply shows that they are certified to be studying at the Grace Christian High School, but there is no evidence that the Grace Christian High School teaches the courses in Philippine history, government and civics as required in the Naturalization Law.[2]

We likewise agree with the Solicitor General that the petitioner has not satisfactorily proved his marriage with Ines Arellano Chua. The marriage certificate evidencing the marriage of petitioner with Ines Arellano Chua was not presented in evidence, and neither is there any evidence which establishes the fact that their marriage certificate was lost or destroyed, or that the record of the said marriage in the civil registrar's office of Baguio City, where they were allegedly married, had been lost or destroyed. The only evidence regarding the marriage of petitioner with Ines Arellano Chua is his own testimony, and no record, other than petitioner's alien certificate of registration where it appears that the petitioner is married to Ines Arellano Chua, was presented as evidence. The

testimony of the petitioner that he was married to Ines Arellano Chua, and what appears in his alien certificate of registration are not sufficient evidence to establish the fact of their legal marriage. In a petition for naturalization the petitioner must establish the fact of his marriage by clear and competent evidence, because the grant of Philippine citizenship to the petitioner would carry with it the grant of citizenship to his legitimate minor children and enable his legitimate wife to ask to be declared a Filipino citizen if she possesses all the qualifications and none of the disqualifications to become a Filipino citizen.[3]

In appeals to this Court from decisions of the trial court in naturalization cases the entire record of the case is open for review. In examining the record of this case We find that there is a defect in the publication of the notice of the hearing of the petition for naturalization. We have noted that while in his petition for naturalization petitioner states that his former place of residence was Muñoz, Nueva Ecija, in the notice of hearing contained in the order of the Court which was published in the newspaper of general circulation and in the Official Gazette there is no statement regarding the former place of residence of the petitioner. This omission of the statement of the former place of residence of the petitioner in the notice of hearing is a fatal defect in the proceedings. The notice of hearing that is published must contain the present and former residences of the petitioner because the publication of the notice of hearing is precisely intended to invite comment, if any, from all those who know the petitioner, about the conduct of the petitioner in all the places where he had resided during his stay in the Philippines.

We have also noted that in his petition for naturalization petitioner states that his average annual income is from P8,000 to P9,000. The financial capability of an applicant for Philippine citizenship must be determined as of the time when he files his petition. If, as petitioner himself declared under oath, on September 24, 1960 when his petition was filed, his average annual income was only from P8,000 to P9,000, and at that time he had a wife and eight children to support, then that annual income of from P8,000 to P9,000 cannot be considered sufficient to qualify him for admission to Philippine citizenship, considering the persons that were dependent on him.[4] While it is true that in the income tax returns of petitioner for the years 1958, 1959 and 1960 (Exhs. E, E-1 and E-2) it appears that the annual net income of the petitioner was P19,334.59, P19,784.46 and P20,882.47, respectively, we note that those figures are not reliable as a basis for determining the steadiness of the financial capability of the petitioner. Thus, in his income tax return for 1958 it appears that his gross income consisted of salary amounting to P4,200 from the Nueva Ecija North Central Lumber Co. and P16,134.59 as earnings derived from the Nueva Ecija North Central Luzon Lumber Co.; in his income tax return for 1959 (Exh. E-1) it appears that his gross income consisted of salaries from the Gabriel Dysico & Co. (P1,750.00) and from Central Luzon Enterprise (P2,450.00) amounting to P4,200.00, and P16,584.46 coming from the Gabriel Dysico & Co. (P11,387.13) and Central Luzon Enterprise (P5,197.33); in his income tax return for 1960 (Exh. E-2) it appears that the gross income of petitioner is P20,882.47, consisting of his salary of P5,400 from the Central Luzon Enterprise and earnings from the Central Luzon Enterprise amounting to P16,482.47. It appears, therefore, that the greater part of the income of the petitioner is derived from the proceeds of the earnings of a business enterprise. We believe that income coming from a business enterprise not owned by petitioner -- specially when it is not clearly shown how much interest he has in said enterprise and what participation he has in its management -- is so unstable that it cannot be a safe basis for determining the financial qualification of a person who applies for Philippine citizenship.

But we have noted one vital circumstance appearing on the residence certificate, Class B, of the petitioner for the year 1961 (Exhibit G-1). In this residence certificate it is not stated that in the preceding year 1960 petitioner had gross receipts or earnings derived from business in the Philippines. It is simply stated on this residence certificate that in the year 1960 petitioner received a salary or earnings derived from occupation the sum of P5,400. Whereas, in petitioner's income tax return for 1960 (Exhibit E-2) it is entered therein that he received a salary of P5,400 plus income from the Central Luzon Enterprise in the sum of P16,482.47. We consider this discrepancy,

between the entry in the income tax return for 1960 and the statement in the residence certificate, class B, for 1961 of the petitioner, as an anomaly that reflects on the integrity of petitioner, and makes Us suspect that the entries in his income tax returns were inflated, just for the purpose of presenting them as evidence during the hearing of the petition for naturalization. If the income of petitioner for 1960 Consisted of his salary of P5,400 and his share in the earnings of the enterprise known as Central Luzon Enterprise amounted to P16,482.47, why did he not have that sum of P16,482.47 reflected in his residence certificate class B for 1961? We know that before a residence certificate class B is issued to a taxpayer, the taxpayer has first to accomplish a form, under oath, where he states his earnings and gross receipts during the preceding year. If petitioner really had that income of P16,482.47 in 1960, aside from his salary, he should have caused that amount to be stated in his class B residence certificate for 1961, and paid the corresponding tax for that sum. If he did not have that amount stated in his residence certificate class B, it is either because it was not true that he received that income in 1960, or he was trying to evade the payment of the full residence tax for 1961-- in which case petitioner had shown that he is not a person of irreproachable moral character, and, as such, he is not fit to be admitted to Philippine citizenship. We note that petitioner did not present as evidence his residence certificates, class B, for 1959 and 1960, if only to show that the statement of his income appearing in his income tax returns for 1958 and 1959 are also reflected in his residence certificates, class B, for 1959 and 1960, respectively. This Court is not unaware of the practice of some applicants for Philippine citizenship of inflating the entries in their Income tax returns for the purpose of utilizing those inflated income tax returns as evidence to prove their pretended financial capabilities.

WHEREFORE, the decision of the lower court, appealed from, is reversed; and the petition for naturalization of Ramon Cu King Nan, alias Chua, is denied, with costs against said petitioner.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Makalintal, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

[1] Uy vs. Republic, L-17622, May 20, 1962; Ho Yuen Tsi vs. Republic, L-17137, June 29, 1962; Yu Kul Tian vs. Republic, L-15554, November 30, 1962; Uy vs. Republic, L-19578, October 27, 1964; To vs. Republic, L-20156, December 29, 1967.

[2] Section 2, paragraph (6), Com. Act 473 (Naturalization Law); Lim Cho Kuan vs. Republic, L-21198, January 22, 1966.

[3] Yap vs. Republic, L-19832, August 23, 1966.

[4] Lim Sih Beng vs. Republic, L- 23387, August 24, 1967.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.