

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES. KWAN KWOCK HOW, PETITIONER AND
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPELLANT.**

G.R. No. L-18521. January 30, 1964

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/52751285627a/>

REYES, J.B.L., J.:

Appeal by the Government from a judgment of the Court of First Instance of Tarlac, Fourth Judicial District (in its Naturalization Case No. 65), declaring petitioner Kwan Kwock How entitled to be admitted as a citizen of the Philippines.

The principal controversy centers on the sufficiency of the allegations in the petition and the affidavits of the supporting witnesses. Telesforo G. Espinosa and Justito M. Lenon. The government insists that the allegations are insufficient to justify the Court's acting on the petition.

With regard to the supporting witnesses, their joint affidavit attached to the petition is to the following effect (Rec. Appeal, pp. 5-6) :

"Joint Affidavit

We, Telesforo G. Espinosa and Justito M. Lenon, both of legal age, married, Filipino, and residents of Tarlac, Tarlac, under oath, depose and say:

That we are Filipino citizens -who have been residing at Tarlac, Tarlac, for over twenty-five (25) years;

That we have known Kwan Kwock How since his childhood to be a hardworking, law-abiding, God-fearing person, who is and has always been, a credit to the community in which he lives;

In witness whereof, we have hereunto set our hands at Tarlac, Tarlac, this 6th day of June, 1960.

(Sgd.) Telesforo Q. Espinosa

Affiant

(Sgd.) Justito M. Lenon

Affiant"

The law (section 7, Commonwealth Act No. 473) requires that every petition for naturalization must be supported by the affidavit of at least two (2) credible persons stating that (1) they are citizens of the Philippines; (2) that they personally know the petitioner to be a resident of the Philippines for the period of time required by this Act; (3) that he is a person of good repute; (4) morally irreproachable; (5) that petitioner has, in their opinion, all the

qualifications necessary to be a citizen of the Philippines; and (6) is not in any way disqualified under the provisions of the Act.

A comparison of these requirements with the facts stated in the affidavit of the certifying witnesses attached to the petition reveals the insufficiency of the latter. Not only because to have known petitioner since childhood is too vague a statement to satisfy the statutory requirement that the witnesses must have known the applicant to be a resident of the Philippines for the period prescribed, but principally because the witnesses' opinion that he is a "hardworking, law-abiding, God-fearing person" and "a credit to the community" does not meet the requirement about certification that the applicant is "of good repute" (which primarily means the opinion of the community about him, not just the opinion of two individuals), and can not be deemed equivalent to knowing applicant to be "morally irreproachable". As to petitioner's possessing the qualifications and none of the disqualifications demanded by the law, the affidavit of the witnesses is silent.

A comparison with the affidavits held insufficient by this Court in *Pidelo vs. Republic*, 97 Phil., 632; and in *Ong vs. Republic*, 55 Off. Gaz., 3290, readily shows that the affidavit of the supporting witnesses in the present case is equally, if not more, deficient.

This non-compliance with the statutory requirements relative to the contents of the annexes to the petition for naturalization renders the same void (*In re Robert Cu*, 89 Phil., 473 decided on July 18, 1951; *Pidelo vs. Republic*, ante; *Ong vs. Republic*, ante, and cases cited therein; *U.S. vs. Martorana*, 171 Fed. Rep., 397). In the *Ong* case, this Court ruled as follows:

" * * * Similarly, the affiants must attest that petitioner is "morally irreproachable," not merely good. Moreover, the affidavits must show affirmatively that petitioner has all the requisite qualifications and is "not in anyway disqualified" to become a naturalized citizen. Failure to disclose the existence of any disqualification is not enough. If it were, then the affidavits could be totally dispensed with. Our Naturalization Law demands, not only a showing in the petition, that the applicant has all the necessary qualifications and none of the aforesaid disqualifications, but, also, that the petition and its aforementioned allegations be backed up by two (2) "credible" citizens of the Philippines, who affirmatively indorse said petition and warrant the truth of its allegations, as well as the worthiness of the applicant to be an integral part of our body politic. Such indorsement and warranty are a condition precedent to the consideration of the petition. They are entirely distinct and different, and, in a way, independent, from the question whether, after due notice and hearing, the court should render judgment granting the petition, in the light of the evidence of record. Said condition refers to the pleadings or procedure. The judgment deals with the merits of the case, and affects the substantive rights of the petitioner." (55 Off. Gaz., pp. 3292-3293).

The contention of the applicant that the deficiencies in this witnesses' affidavit was cured by the testimony of the witnesses at the trial is of no value, considering that the fiscal precisely objected to such curative testimony. This objection distinguishes the case at bar from that of *Yu Yao vs. Republic*, 109 Phil., 328.

The Solicitor General likewise points out that the petition itself fails to aver all the facts that the law requires to be specified, particularly those required in section 7, and those specified in the later portion of paragraph 12 of the official form, to wit: That the applicant will reside continuously in the Philippines from the date of the filing of his application up to the time of his admission to citizenship (see. 7, Comm. Act 473) ; that he associates and mingles socially with Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos.

Petitioner-appellee practically admits these deficiencies, but contends that the objections were not raised in the court below.

This defense is unavailable. Petitions for naturalization involve the public interest; hence, on appeal, the entire record is open to scrutiny, whether objection is made or not. Naturalization being a privilege and not a right, the burden is on the applicant to show clearly that he has complied with every condition that the law imposes.

Another serious objection against the appellee is the fact that he was shown to have been baptized as "Alipio Koan" (Exh. U), yet the application fails to mention this alternative name. As a result, the notices published likewise omit it, only mentioning the Chinese appellation of Kwan Kwock How. As this Court has ruled in the case of *Yu Seco vs. Republic*, 108 Phil. 807, this defect is fatal, because persons who might have derogatory information against Alipio Koan might not come forward with it in the belief that applicant Kwan Kwock How was a different person, thus defeating the avowed purpose of the law in requiring the publication of the application, i.e., "so that those who may know of any legal objection to it might come forward with the information in order to determine the fitness of petitioner for Philippine citizenship" (*Ng Bui Kui vs. Republic*, 104 Phil., 957).

It is no excuse that applicant-appellee should have testified as follows:

"Court: Did you use the name Alipio Koan in your business transaction?"

A: No sir, I never used it."

since his non-user of the baptismal name in business transactions does not preclude his having used it for other purposes, and derogatory information against the applicant that would bar him from citizenship is not limited to misconduct in connection with business practices.

In view of the foregoing, the decision appealed from is reversed, and the application dismissed. Costs against applicant-appellee.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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.