

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPINES, FONG CHOY, ALSO KNOWN AS CARLOS YEE,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-AP...**

G.R. No. L-24687. September 21, 1968

Ponente: FERNANDO, J.

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FERNANDO, J.:

The question presented in this appeal from a grant of citizenship is whether an applicant, who previously pleaded guilty to an indictment for the violation of the Price Tag Law, had nonetheless successfully hurdled the barrier rightfully interposed to weed out undesirables and to bestow citizenship only on the deserving. The lower court, the Hon. Francisco Geronimo presiding, answered in the affirmative. As the correct response ought to have been anything but that, we reverse the lower court.

In the statement of facts in the brief for the Republic as ap-pellant, there being an acceptance of what was set forth therein in petitioner-appellee's brief,[1] it was expressly set forth; "During the hearing, the petitioner admitted that he was fined P25.00 for violation of the price tag law, He explained that at that time all the articles he was selling were properly tagged as to its prices, but it so happened that the tag of a certain article fell and when the inspector came the tag was not on the article. In order to avoid any more discussion, he paid the fine. * * *"[2]

The above admission notwithstanding, there being an opposition to the petition filed by the Republic as to his failure to conduct him-self in a proper and irreproachable manner as shown by such violation of the Price Tag Law, the lower court, on March 24, 1965, rendered a decision to the effect that there was no impediment to applicant Fong Choy's naturalization. It was held that he was possessed of all the qualification required by law and none of the disqualifications specified therein, thus entitling him to the grant of Filipino citizenship. The Republic appealed.

We sustain the appeal and reverse the lower court. Its rather generous frame of mind in considering this application for citizen-ship, manifested in the decision appealed from, finds no support in the law. The decision was rendered on March 24, 1965. Approxi-mately five months previously, on October 30, 1964, in *Tio Tek Chai v. Republic*,[3] this Court held, that violation of the Price Tag Law "certainly renders [petitioner's] conduct anything but proper and irreproachable."

What this Court has ruled is binding on inferior tribunals. The lower court, instead of exhibiting deference and respect for a decision of this Court, would in effect overrule the same. It did not have such a power. What this Court had decreed must be obeyed. The lower court's duty was plain, it failed to do it. Its decision is tainted with the corrosion of substantial legal error. It cannot stand.

In the *Tio Tek Chai* decision, the opinion being penned by Justice Makalintal, reference was made to the

testimonial evidence of applicant to the effect that he had the qualifications and none of the dis-qualifications for naturalization. The opinion continues: "One of the facts disclosed by such evidence, and now relied upon by appellant as the only ground for urging the denial of the petition, is that sometime in 1956, petitioner was charged with, violation of the Price Tag Law (Republic Act No. 71) and upon his plea of guilty was sentenced to pay a fine of P10.00. Petitioner tried to minimize the significance of that conviction as follow that he was the owner of a bakery, from which he was deriving his income; that one day 1956 his storekeeper cleaned the showcase in his establishment where different kinds of bread and biscuit were displayed that the store-keeper failed to replace the price tag pertaining to one of them and a policeman noticed the omission and that although petitioner was not in the bakery at the time he nevertheless owned the violation, preferring the fine to the trouble of defending himself in a litigation."

It goes on to refer to the "considerable discussion in the briefs as to whether or not the offense of which petitioner was convicted" involves moral turpitude. Petitioner was sustained by the Court below in his view that it does not, but the Solicitor General maintained the contrary. This Court, in the Tio Tek Chai decision, ruled that "the point is of no decisive importance." It explained why: "Con-viction of a crime involving moral turpitude is one of the grounds upon which an alien is absolutely disqualified from becoming un--naturalized as a Filipino citizen, according to Section 4 of the Revise Naturalization Law (Commonwealth Act No. 473, as amended). How-ever, it is not enough that an applicant be not disqualified under said provision; it is also required that he be possessed of the qualification enumerated in Section 2. And among those qualifications is that he must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living."

Moreover, in that case, the explanation that the plea of guilt was inspired, presumably "for convenience as business men in general desire to devote all their time to their business rather than to waste [it], in lawsuits failed to satisfy this Tribunal. Thus, according to the concluding paragraph of the Tio Tek Chai opinion "Republic Act No. 71, as amended by Republic Act No. 1074, provides that all articles of commerce and trade offered for sale to the public at retail shall be publicly displayed with appropriate tags or labels to indicate the price of each article and that said articles shall be sold uniformly and without discrimination at the stated prices. The absence of price tags could obviously serve as a means to facilitate profiteering, and the law was enacted precisely to protect the buying public there -from. Violation of this law by petitioner certainly renders his conduct anything but proper and, irreproachable. The explanation given by him that he pleaded guilty simply to avoid a troublesome court proceeding - deserves little credence; and if true at all betrays a lack of faith in the administration of justice in this country that is unseemly in one desiring to become a citizen. So it ought to have been in this case.

That is all that needs be said concerning this appeal of the Republic which, as above pointed out, must be given a favorable response.

One other point. The lower court apparently was satisfied with the explanation that while petitioner saw to it that the articles he was selling were properly tagged, "it so happened that the tag of a certain article fell, and when the inspector came, the tag was not on the article.[4]

Off-hand, such an explanation appears to strain the limits of human credulity, but, of course, some minds are more credulous than others. Such a version could, without implausibility, be looked upon as indicative of applicant's ingenuity, apparently taxed to the utmost, to explain the inexplicable and excuse the inexcusable. It could have been inspired by an awareness that unless he could offer some sort of a justification, however lame, the obstacle to the grant of citizenship was insuperable. Hence such a version.

Truth may be stranger than fiction, but it would not be safe rule to consider as the test of veracity the

improbability of what is asserted. The unbelievable as such, can, more often than not, hardly claim kinship with the truth. The lower court apparently was of a different mind. That is no guaranty of the correctness of its conclusion. Far from it.

Even if there were no binding Tio Tek Chai ruling therefore, the lower court ought to have been less generous in its indiscriminate acceptance of explanations of such character. It ought to have shown greater awareness of the trend of decisions of this Tribunal, which is rightfully insistent on the rigorous observance of each and every requisite indispensable for the acquisition of citizenship. Such should be the case if the boon of nationality which is the basis of political rights is to be accorded only to those who, by their exemplary behavior and conduct, have earned the title-deed to membership in our political community.

The applicant in this case failed to live up to such a rigorous standard. Hence, his petition ought to have been denied.

WHEREFORE, the decision of the lower court naturalizing petitioner Fong Choy also known as Carlos Yee, is reversed. Costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, and Angeles, JJ., concur.

[1] Brief for Appellant, pp. 2 to 3.

[2] Ibid, pp. 6 to 7.

[3] G.R. No. L-19112, October 30, 1964.

[4] Brief for Appellant, p. 4.

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