

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF ANDRONICO AUGUSTO DY. ANDRONICO AUGUSTO DY, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20709. April 29, 1966

Ponente: REGALA, J.

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REGALA, J.:

The Solicitor General appeals from the decision of the Court of First Instance of Negros Oriental granting Philippine citizenship to Andronico Augusto Dy, a Chinese national.

Petitioner's evidence tends to show that he is a citizen of Nationalist China, his parents being Chinese; that he was born on October 7, 1939 in Bais, Negros Oriental where he has resided since birth; that he was baptized in a Roman Catholic Church; that he first attended primary school in Bais and then transferred to the Dumaguete Chinese School where he finished his primary, intermediate and secondary education; that he was enrolled in the College of Business Administration of the Siliman University for 1-1/2 years; that at the time of the trial, he was employed as purchasing agent of the Chin Agim Bakery in Bais with a salary of P350 a month; that he speaks and writes Chinese, Tagalog, English and the local dialect; that he believes in the principles underlying the Constitution; that during his entire life in the Philippines he has conducted himself in a proper and irreproachable manner; and that he has evinced a sincere desire to learn and embrace the customs, traditions and ideas of our people. It is on the basis of the foregoing evidence that the Court of First Instance has granted naturalization to said applicant.

The first ground of objection raised by the Solicitor-General is that the petition for naturalization does not State the true name of the applicant. The name that appears in the petition is "Andronico Augusto Dy." In his birth certificate, however, petitioner's name is Augusto Andronico Dy Kusen, although the name "Augusto" was handwritten before Andronico. Again in his baptismal certificate, petitioner's name appears to be "Augusto Andronico Dy Kusin." In certain documents such as his Alien Certificate of Registration; registration fees receipt for 1954; annual report fees receipt from 1954 to 1962, except for 1959; alien survey form; check-up certificate of the National Intelligence Coordinating Agency; and certification of hit Chinese citizenship by the Chinese Embassy, petitioner's name invariably bears the last name Dy Rusin. It seems, therefore, that petitioner is commonly known as Andronico Augusto Dy Kusin, and not Andronico Augusto Dy as appearing in his application for naturalization.

In *Celerino Yu Seco vs. Republic*, 108 Phil. 807, decided by this Court on June 30, 1960, it was stated:

"We believe that there is a serious impediment to the validity of these proceedings and to the granting of the petition for naturalization. We note that while petitioner repeatedly asserted at the trial in the court below that his real name is Celerino S. Yu and that he has adopted the name Celerino Yu Seco for no other reason than that he was required by the Bureau of Immigration as alien, his petition was, however, filed in the name of

Celerino Yu Seco and accordingly, the publication of the notice of the filing of said petition shows the name of Celerino Yu Seco as the applicant and not Celerino S. Yu. We think this publication does not afford sufficient notice of the filing of the petition and is misleading to the public. The purpose of the requirement of publication is 'to apprise the public of the pendency of the petition 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. Republics, 104 Phil. 957). If petitioner's true name is Celerino S. Yu, while the notice published give his name as Celerino Yu Seco, persons who might have derogatory information against Celerino S. Yu might not come forward with it in the belief that Celerino S. Yu Seco, the applicant, is someone else. The purpose of the publication would thus be defeated, and the road would be laid open to fraudulent subterfuges through the use of aliases. Most of petitioner's documentary evidence to show that he is disqualified for naturalization, like his clearances from the tax, police, Constabulary, NBI and court authorities all refer to Celerino Yu Seco, so that this evidence does not prove that these officials have no record or information that would render Celerino S. Yu unfit or disqualified from being naturalized as Filipino citizen.

"We hold that assuming that petitioner is known by both names, Celerino S. Yu and Celerino Yu Seco, he should have made full disclosure by applying for naturalization under both names."

Assuming that the petitioner is known by either Andronico Augusto Dy or Andronico Augusto Dy Kusin, he should have made full disclosure of it by applying for naturalization under both names, in line with the ruling in the abovesaid case, so that publication should have included both appellations.

Another objection raised by the appellant is that the "Negros Bombshell" where the petition was published is not a newspaper of general circulation. As pointed out by petitioner-appellee, the appellant failed to raise this objection during the trial. But our own examination of the evidence discloses no positive proof that the said publication is circulated in the entire province of Negros Oriental. A certification from the publisher as to the generality of the newspaper's circulation would serve as positive proof thereof.

Lastly, the Solicitor General contends that more convincing evidence than that presented regarding his employment is required in cases where the petitioner is still a student. We find, however, from the testimony of petitioner that he ceased studying when he found employment with the Chin Agam Bakery. But there seems to be some point in the argument of the Solicitor General that it is incredible that a small town bakery would need a purchasing agent in another town of the same province which can be reached in one hour by car or bus. Whatever raw materials a bakery needs can be purchased through correspondence. Besides, if the Chin Agam Bakery would really require a purchasing agent, it would assign him in commercial centers like Manila or Cebu.

At any rate, an income of P350 a month these days is not to be considered lucrative, considering the high cost of living not only in the cities but in the provinces as well.

In view of the foregoing, We see no reason to uphold the decision of the lower court. The petition for naturalization is dismissed. No costs.

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

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