

IN THE MATTER OF THE PETITION OF HAO GUAN SENG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. HAO GUAN SENG, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-23936. September 13, 1967

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal by the Government from a decision of the Court of First Instance of Davao, granting the petition of Hao Guan Seng for naturalization as Philippine citizen.

Appellant maintains that the lower court erred: (1) in finding that petitioner is exempt from filing a declaration of intention; and (2) in granting the petition for naturalization, despite petitioner's failure to state in his petition one of his former place of residence.

The first alleged error is predicated upon the fact that, although petitioner has resided in the Philippines since 1933, or more than 30 years before he filed the petition for naturalization, on April 22, 1963, he went abroad three (3) times during said period of time, namely: (a) in 1946, when he went to China, and stayed there for six (6) months; (b) in 1958, when he went to Malaya, via Hongkong, to visit his wife who is domiciled in the crown colony, where he stayed for three (3) months; and, (c) in 1959, when he visited his wife in Hongkong, although the record does not show how long he was away this time.

It is urged by appellant that petitioner is not exempt from the obligation to file a declaration of intention, because the 30-year residence required therefor must be "continuous," whereas appellee's residence in the Philippines has been, it is averred, interrupted by his aforementioned trips abroad. Upon the other hand, appellee asserts that these trips did not legally affect the continuity of his residence in the Philippines, which is not necessarily dependent upon physical presence therein.

As regards the second alleged error, petitioner's application alleges that his residences in the Philippines have been: Zamboanga City, from 1934 to 1941; Ipil, Zamboanga del Sur, from 1942 to 1945; Zamboanga City, from 1945 to 1950; and, eventually, the City of Davao, Philippines. It appears, however, that he arrived at the port of Manila, coming from China, on January 3, 1933, so that, appellant concludes, he must have stayed in Manila from that date to the year 1934 when he moved to Zamboanga City, and his failure to mention such former place of residence in his petition for naturalization warrants the dismissal thereof.

We do not deem it necessary, however, to pass upon these two specific questions, for the following reason:

Section 2 of Commonwealth Act No. 473 provides that a petitioner for naturalization must have, inter alia, the following qualification:

"Third. He must be of good moral character and believe in the principles underlying the Philippine

Constitution, and 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 lives."

Moreover, Section 7 of the same Act provides:

"x x x The petition must be signed by the applicant in his own handwriting and supported by the affidavit of at least two credible persons stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act, and a person of good repute and morally irreproachable and that said petitioner, in their opinion, has all the qualifications necessary to become a citizen of the Philippines, and is not in any way disqualified under the provisions of this Act."

Inasmuch as one of the requisite qualifications is that petitioner "must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines," it follows necessarily that his attesting witnesses must be in a position to establish this circumstance.

In the case at bar, the attesting witnesses were Dr. Benjamin Lacsamana and Mr. Pantaleon Jayme, both of whom claimed to have known the petitioner in the year 1951, and testified to his good behaviour since then only, for they could not supply any evidence about his conduct from 1933 to 1950. In other words, they were not in a position to know whether or not petitioner had the qualification demanding a proper and irreproachable conduct "during the entire period of his residence."

Furthermore, we have repeatedly declared that the attesting witnesses must be "credible persons," and that to fall under this category, as said term is used in Section 7 of Commonwealth Act No. 473, it must be satisfactorily proven, not only that the witnesses are not police characters, but, also, that they have such a well-known reputation for honesty and integrity, in the community in which they live, that their word can be taken on its face value.[1] No proof to this effect, as regards petitioner's aforementioned witnesses, has been introduced.

Accordingly, the decision appealed from should be, as it is hereby, reversed, and another one entered, dismissing the petition, with costs against the petitioner.

IT IS SO ORDERED.

Reyes, Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

[1] Ong vs. Republic, 103 Phil., 964, 971, May 10, 1958; Antonio Go vs. Republic, G.R. No. L-18068, October 30, 1962; and 'O Ku Phuan vs. Republic, G.R. No. L-23406, August 31, 1967.

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