

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF ARSENIO TING. ARSENIO TING, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLE.

G.R. No. L-5341. December 29, 1953

Ponente: PADILLA, J.

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PADILLA, J.:

Arsenio Ting applies for Filipino citizenship under the provisions of Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, known as the Naturalization Law. In his application he states all the facts required by law, the most important of which are that he was born in Amoy, China, on 2 January 1927; immigrated to and arrived in the Philippines in April 1936; resided continuously in the Philippines for fourteen years and at least one year immediately preceding the filing of the application in the City of Cavite; speaks and writes English and Tagalog and understands a little Spanish; filed his declaration of intention to become a Filipino citizen on 18 July 1949; has conducted himself properly during the whole period of his residence in his relation with the constituted government and in the community in which he lived; and mingled socially with the Filipinos and evinced a desire to learn and embrace the customs, traditions and ideals of the Filipinos. In fine, he avers that he has all the qualifications required in section 2 and none of the disqualifications provided for in section 4 of Commonwealth Act No. 473; and offers affidavits of two native-born Filipino citizens. Notice of the petition was published as required by law. At the hearing set for 24 August 1951 the provincial fiscal objected to the application on the ground that the applicant does not possess the necessary qualifications required by the Naturalization Law; that he has no sincere desire to become a Filipino citizen and that he is just prompted by his desire to avail himself of economic convenience; and that during his stay in the Philippines he has not mingled socially with the Filipinos and evinced a sincere desire to learn and embrace the customs, ideals and traditions of the Filipinos. The lower court denied the petition on the sole ground that the applicant has not mingled socially with the Filipinos nor has he evinced a desire to learn and embrace the customs, ideals and traditions of the Filipinos. The applicant has appealed.

The Solicitor General instead of a brief filed a statement which he prays be admitted in lieu of, and considered as, his brief. The statement in part says—

* * * the petition could have been granted, considering that appellant's un rebutted testimony on the matter and alluded to by the trial court in the above-quoted portion of its decision and the further fact, as also found by the court below, that appellant finished his elementary grades and secondary course in the public schools of Cavite City, and his collegiate course in the University of the East, Manila, amply show that appellant had mingled socially with Filipinos and that he had learned and imbibed their customs, traditions and ideals [In the matter of the petition for naturalization of Jose Go (alias Jose Gotianuy) vs. Anti-Chinese League of the Philippines and Felipe Fernandez, G. R. No. L-1563, 47 Off. Gaz., No. 2, pp. 716, 719, Feb. 1951; Vicente Pang Kok Hua vs. Republic of the Philippines, G. R. No. L-5047, promulgated May 8, 1952; see also Ang Ye Koe Sengkee vs. Republic of the Philippines, G. R. No. L-3863, promulgated December 27, 1951].

The position taken by the Solicitor General is in accord with the rule laid down by this Court on the point.

The order of the court below is reversed and let a decree be entered granting to the applicant letters of citizenship pursuant to the provisions of the Naturalization Law, as amended, without costs.

Paras, C. J., Pablo, Bengzon, Tuason, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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