

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES. CHUA BENG, PETITIONER-APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

G.R. No. L-21755. May 13, 1967

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

The Solicitor General seeks the review of a decision of the Court of First Instance of Manila granting the petition for naturalization of appellee, Chua Beng.

The records before us show that the petition should have been dismissed because:

1. Petitioner's attesting witnesses were Hermenegildo V. Lopez, a practicing lawyer, residing in Caloocan City, and Anastacio S. Bagaporo, an employee of Dy Pac Lumber Co. None of them has been shown to meet the conditions essential to be "credible persons," as the term is used in Section 7 of the Naturalization Law, and elucidated in *Ong vs. Republic*, L-10642 (May 30, 1958).[1]

In fact, not even their testimony is credible, owing to the flaws therein pointed out by appellant and referred to in the decision appealed from. Thus, Atty. Lopez would have us believe that he met the petitioner in the premises of the New Manila Lumber Company in 1946, because the former had made, through the latter, three (3) big orders of lumber, in connection with the construction of his (Lopez') house in Tondo, Manila. This assertion was proven to be false, for petitioner was then residing in Pagsanjan, Laguna, and did not establish himself in Manila until June, 1947, or work with said company until 1948. Moreover, petitioner - who is a machinist-mechanic - testified that he had never handled the sale of lumber or participated therein, he having limited himself to attending to the repair of machines.

Upon the other hand, in a seeming attempt to impress upon the Court that he was well acquainted with the petitioner, Bagaporo testified that he had met every member of the former's family, including his father, somewhere in Asuncion Street, Manila. It turnout, however, that petitioner's father had died in China, in 1938, long before Bagaporo had met the petitioner. When this circumstance came to light, Bagaporo tried to extricate himself by saying that the person he met at Asuncion Street might have been petitioner's father-in-law; but, this cannot be true, for the latter had died before his daughter and petitioner were married.

Although the lower court attached little significance to the foregoing circumstances, we consider the same sufficiently important to cast doubt upon the veracity of said witnesses and the credibility of their testimony.

2. While petitioner was testifying in the lower court, his counsel asked him to write down, on a piece of paper, first, in English, and, then, in Tagalog, the reason why he wanted to become a Filipino citizen. Petitioner was unable to do so, and stated, by way of explanation, that he had had no practice therefor. Thereupon, his counsel moved for continuance, alleging that, in his opinion, his client was "nervous at the moment." When the hearing was resumed, over a month later, counsel reiterated his aforementioned request. Forthwith, petitioner wrote on Exhibit T, with a firm hand, a fairly good and clear penmanship, and a correct spelling:

"I want to become a Filipino citizen because I have resided in the Philippines for a long time. And I like to live here permanently. I have my family in the Philippines. And I like the customs, traditions and ideals of the Filipinos. I like the form government in the Philippines."

"Gusto kong maging Pilipino dahil matagal na akong nakatira dito sa Pilipinas. At gusto ko nang tumira dito ng pirmihan. narito sa Pilipinas ang aking pamilya. na gustohan ko mga ugali at katangian ng mga Pilipino gusto ko rin ang uri ng pamahalaan ng bayang Pilipino."

Immediately, thereafter, counsel for the government asked the petitioner to write, on another piece of paper, these words: "the sun is shining and the weather is fine," as well as its translation in Tagalog. This is what petitioner wrote:

"Thae sun is sring and the wht feru"

"Ang ardor at ng nanara sa."

Both are meaningless, and so the lower court found it. In fact, it subscribed to the observation made by counsel for the government with respect to the preparation of Exhibit T. His Honor, the trial Judge said:

"x x x It must equally be admitted, out of candor, that petitioner had difficulty in writing English when first required to do so by his own counsel, but afforded another opportunity, he was able to writ in English and Tagalog, as evidenced by Exhibit T, although, in the words of counsel for the oppositor, 'it is not a surprise that the petitioner was able to write down a longer dictation given by his counsel. He must have been drilled and practiced on the sample dictated to him and consequently he was able to write them down more on tote memory rather than an actual appreciation thereof.' This Court is inclined to subscribe to the observation just quoted, since when petitioner was asked by counsel for the oppositor to write down the sentence 'The sun is shining and the weather is fine,' and petitioner's translation thereof into Tagalog, the result is something that is not readable and has hardly any meaning (Exhibit 2)."

It is thus obvious that petitioner does not sufficiently know the Filipino language (Tagalog) - the only local dialect he seemingly speaks - either to write it or make a fairly accurate translation, into said language, of the simple sentence given by counsel for the government. It would appear, also, that neither does he reasonably speak English - much less write the same. In short, he lacks one of the requisite qualifications to be naturalized as citizen of the Philippines.¹

WHEREFORE, the decision appealed from is hereby reversed and the petition herein dismissed, with costs against petitioner, Chua Beng.

SO ORDERED.

Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, J.J., concur.

[1] Within the purview of the Naturalization Law, a 'credible' person is, to our mind, not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose 'affidavit' or testimony is not incredible. What must be 'credible' is not the declaration made, but the person making it. This implies that such person must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the petitioner. Thus, in *Cu vs. Republic*, G. R. No. L-3018 (decided on July 18, 1951), we declared that said affiants 'are in a way insurers of the character of the candidate concerned.' Indeed, by their affidavits, they do not merely make the statements herein contained. They also vouch for the applicant, attest to the merits of his petition and sort of underwrite the

same."

1 Pursuant to Section 2 of Commonwealth Act No. 473, the applicant for naturalization must, inter alia, "be able to speak and write English or Spanish and any one of the principal Philippine languages."

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