

PETITION FOR NATURALIZATION OF CHANG KIM TLMOTEO VEKGEL DE DIOS, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G. R. No. L-9656. May 23, 1957

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

On March 1, 1954, Chang Kim Timoteo Vergel de Dios filed an amended petition for naturalization in the Court of First Instance of Bulacan. After hearing, the trial court denied the petition on the ground that applicant had failed to establish to its satisfaction that he could speak and write English or Spanish. Petitioner is now appealing from that decision to us.

The evidence shows the following facts. Petitioner was born in Amoy, China on December 11, 1910 and came to the Philippines on October 1, 1925 and since then had resided continuously in the Philippines up to the present time. On October 20, 1942, he married Socorro Ignacio, a pure Filipina of Plaridel, Bulacan, and by her he had six children, named Timoteo, Angelito, Norma, Jesus, Mario and Teresita, all surnamed Vergel de Dios; the first one born on July 15, 1944 and the last one on September 16, 1953. They were all baptized in the Roman Catholic Church.

Petitioner himself just before he married his wife was baptized as a catholic. Three of his children of school age are now going to school, one at a public school and the two others at a private school recognized by the Government, the St. James Institute of Plaridel. There is no question as to petitioner's good moral character. No less than the Mayor and the Vice-Mayor of Plaridel, his vouching witnesses, testified to that effect. Petitioner had identified himself so well with the community wherein he lives, that is, Banga, Plaridel, Bulacan, that he was chosen Manager' of the Indoor Baseball League of Plaridel, to which (eague he had contributed generously in the form of uniforms and equipment for the players. During the war he joined the resistance movement and became a regular member of the guerrilla, and after the war, he was mustered out as sergeant of that organization by the United States Philippine Islands Forces, Kakarong Regiment, 2nd Brigade. For several years and up to the present time, he has been running a bakery, a hardware, and a sari-sari store in his place, which gave him a net income of P524.49 in 1953 and a gross income of P14,691.75 in 1954. He had been paying his income taxes regularly. All the employees in his establishments and business are all Filipinos. The very trial court would appear to have been fully satisfied with his qualifications and lack of disqualification for naturalization except his alleged deficiency in the knowledge of the English language. It is true that his knowledge of the said language is far from perfect, not even proficient, but as we have held in several naturalization cases, perfection and proficiency in either English or Spanish is not required of a petitioner for naturalization; and that it is enough that he spoke and wrote the language in such a manner that he could make himself understood in the community where he lives and could understand those dealing with him in said language.[1]

At the hearing of his petition he testified partly in English and partly in Tagalog with preference for Tagalog

because he said that he could express himself more clearly and satisfactorily in the latter. He was asked to write out his answer to a question in English on a piece of paper, Exhibit "W". We have examined the said exhibit and, though far short of being a model in caligraphy and syntax, we are satisfied that it meets the minimum requirement of the law. We have been favorably impressed by the conduct and record of petitioner as a resident of Plaridel, Bulacan, prior to his application for naturalization. We have considered on appeal many cases of naturalization and we have seldom come across a more deserving applicant for Philippine citizenship. His identifying himself with the Filipinos in his community to the extent of being elected Manager of the indoor baseball league in Plaridel, his joining the resistance movement, reaching the rank of sergeant when mustered out, his marrying a Pilipina woman, his enrolling his children of school age in public and private schools (not Chinese), his conducting three kinds of business with substantial success and profit to himself and his family and employing an all Filipino force in said business, and the testimony of the Mayor and Vice-Mayor of Plaridel as to his good moral character and his having obtained a clearance from practically all municipal officials of Plaridel, including the Chief of Police, the Justice of the Peace, the Clerk of Court of Bulacan, the Provincial Fiscal, the Philippine Constabulary, the Armed Forces of the Philippines (MIS), the Bureau of Prisons, the Bureau of Immigration, the Deportation Board, etc., all testify to the fact that he would be a desirable and valuable citizen of the Philippines.

In view of the foregoing, the decision appealed from is hereby reversed, and petitioner's application for naturalization is hereby granted. No costs.]

Padilla, Reyes, A., Bautista Angelo, Labrador, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

[1] *Kookooritehkin vs. The Solicitor General*, 81 Phil., 485, 46 Off. Gaz. (Supp. 1), 127; *Zuellig vs. Republic*, 88 Phil., 768, 46 Off. Gaz. (Supp. No. 11), 220; *Leelin vs. Republic*, 84 Phil., 352, 47 Off. Gaz. 694; *Luis Tan alias "Uy Guat vs. Republic*, 94 Phil., 176.

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