

IN THE MATTER OF THE PETITION OF CHOA HAI TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. CHOA HAI, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLEE.*G.R. No. L-23515. February 27, 1969*

Ponente: REYES, J.B.L., J.

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Granted admission to Philippine citizenship by decision of 12 October 1961 of the Court of First Instance of Batangas, in its Civil Case No. 819, petitioner Choa Hai filed on 17 October 1963 a motion to take oath and be issued the corresponding certificate of naturalization. The Provincial Fiscal opposed the motion, on the grounds that (1) petitioner has failed to set forth in his petition his former places of residence; (2) the two character witnesses presented at the trial were not qualified to vouch for petitioner's moral character; (3) petitioner made misrepresentations in the reporting (for purposes of tax payment) of his income for 1962; and (4) petitioner was using an alias without proper authority.

On 11 June 1964, the court set aside the decision of 12 October 1961 and denied the latter's motion to take oath. Petitioner interposed the present appeal.

The lower court's order must be sustained.

By his own admission during the hearing in the court below, it was established that from December, 1921 to 1927, appellant was not residing in Batangas, but in Manila.[1] Justifying the allegation in the petition for naturalization that he has been a resident of Batangas, Batangas, since December, 1921, petitioner-appellant claims that from June, 1921 (upon his arrival in the Philippines) until December, 1921 (when he was cleared by the immigration authorities), he was in Manila under bail, that from 1921 to 1927, being a minor,[2] he was under the custody of one Vicente Chua who owned a store in Tondo, Manila, where appellant stayed; that Vicente Chua had also a residence in Batangas, Batangas, which he and petitioner-appellant visited "sometimes two to four times a month until 1927" (t.s.n., page 6, 7 April 1964). It is now contended for appellant that, since the residence mentioned in the nat-uralization law refers to the legal residence or domicile of an applicant, and that being a minor in 1921 to 1927 appellant's domicile was that of the person exercising parental authority over him - which was Batangas, Batangas - then, the lower court erred in holding that the omission to state the Manila residence in the petition constituted a violation of section 7 of the Revised Naturalization law.

The contention is without merit. In the first place, it is the rule established and adhered to in a long line of decided cases that the requirement of section 7 of the Revised Naturalization law to state in the petition the "present and past places of residence" does not refer to legal residence or domicile, but to all places where the petitioner had actually resided, whether the stay therein was permanent or temporary.[3] Secondly, as stated in the appealed order, there is no proof, other than appellant's bare declaration, that Vicente Chua was a resident of Batangas, Batangas, from 1921 to 1927, and that he was a ward of said person. There is no proof of the guardianship other than the applicant's uncorroborated testimony. But even assuming *arguendo* that for the period in dispute

appellant was a minor under the custody of Vicente Chua, that would not improve his position. For, as ruled by this Court, where the law requires specification of actual and substantial residence, as is done in section 7 of the Naturalization law, the principle that a minor child follows the residence of the father would not operate.[4]

Neither is appellant's theory, that there was no necessity for him to state in the petition his residence in Manila when he was a minor, supported by our ruling in the case of *Dv Lam Go vs, Republic* (L-15858, 31 July 1962). While we there said that "if the applicant is a native child of aliens or brought to this country when he was an infant, the period of infancy or childhood is not included in the phrase 'during the entire period of his residence in the Philippines', it was elucidated in the same decision that the period of residence (during which an applicant for naturalization must have observed proper and irreproachable behavior, and from which period the state of infancy or childhood is to be excluded) refers to that "when a person becomes conscious and responsible for his acts and conduct in the community where he lives". In short, the period of infancy is not to be taken as synonymous to minority, nor to cover the entire period before one becomes of age. Certainly, the fact that a person is below 21 years normally does not make him unaware of his moral obligations to his fellowmen, nor exempt him from being responsible for his deeds. In fact, even under our penal laws, minority does not exempt an offender from criminal liability, unless he is below 9 years of age or, if he is above 9 but under 15 years, that he has committed the criminal act without discernment (Article 68, Revised Penal Code).

Similarly, the fact that appellant's failure to state in the petition his former residence was not deliberate, but due to an honest misunderstanding of the legal requirements, and that the true situation was brought out during the hearing, does not cure that fatal defect.[5] As this Court had said in one case - -

"Likewise obvious it is that the good faith of the applicant in omitting one or more of his 'present and past places of residence' in his application, becomes and is irrelevant for the purposes of the law. Whether the omission be in good or bad faith, the fact is that full inquiry as to the irreproachability of applicant's behavior is thereby prevented, and the law's intent frustrated. Hence, this Court in a long line of decisions has invariably held that such omission is fatal to the application for naturalization." (*Republic vs. Cokeng*, G.R. No. L-19829, 4 May 1968, 23 SCRA 559, 563).

In addition to the above, which is already sufficient to affirm the lower court's order on appeal, there are other grounds equally valid and forceful that go against appellant's petition for admission to Philippine citizenship.

Thus, the court below correctly ruled that character witnesses Juan C. Perez and Aniceto Sison, who testified having known petitioner-appellant in 1930 and 1927, respectively, are not qualified to vouch on the latter's good moral character. Their personal knowledge of petitioner should be for the entire duration of his residence in the Philippines.[6]

We also found that the petition for naturalization was published, at petitioner-appellant's request,[7] in the Official Gazette and the "Nueva Era" for 3 consecutive times. Although there is an affidavit by its editor attesting that the "Nueva Era" is a newspaper of general circulation in the Philippines, there is no proof that it is also of general circulation in Batangas. In this regard, the requirement of the law, that the petition be published in a newspaper of general circulation in the province where the petitioner resides, has not been complied with.[8]

Then, it also appears that when the petition was heard in 1961, three of petitioner's eight children - Arsenia, Carlos and Patricia Chua - were enrolled at the Chiang Kai Shek High School, whose principal was Pao Shih Tien (Exhibits K-K-1 and K-2), and the Philippine Chinese Republican School, whose principal was Phoa Siao Hong (Exhibit K-3). This enrollment of his children in schools which, in the absence of evidence to the contrary, are presumed to be run by Chinese nationals and populated mostly by Chinese or foreigners, with Filipinos forming the minority, runs counter to the requirement of the law that petitioner must evince a sincere desire to embrace

Philippine customs, traditions and ideals and to mingle socially with the Filipinos.[9]

But we have on record a more serious ground to declare appellant's dis-qualification for citizenship of this country.

On 26 March 1966, in reply to the oppositor-appellee's brief, counsel for petitioner-appellant filed a brief wherein she insisted on the alleged irreproach-ability of appellant's conduct, quoting at length from certain documents, photo--static copies of which were attached to the said reply brief as Annexes A, B, C, and D.[10]

This brief drew a motion from the Solicitor General to cite appellant for contempt, for having used and submitted for consideration of this Court forged do-cuments. Required by the Court to produce the original of Annexes A, B, C, and D, and to show cause why appellant should not be cited for contempt, counsel for ap-pellant did not refute the forgery charge, limiting its defense to a disclaimer of authorship thereof. It was merely alleged that appellant received the original of the disputed documents either by mail or by messenger, in his residence in Batangas, and that said documents were only some of the many papers that came to him through such c means. Annexed to this "Compliance" were some 30 notices, orders, memoranda and various office communications of the Department of Justice, Solicitor General's Office, and the Immigration bureau.

The matter was thereafter referred to the Court-Investigator who, after due hearing returned his findings that Annexes A, B, C, and D are forgeries, and that appellant got them for a consideration from a man who represented himself to be a lawyer from the Department of Justice. It may be added, in this connection, that even the documents attached to the "Compliance" filed by appellant's counsel bear the earmarks of falsification. One has only to take note of the consistent misspelling of the names of the officials who allegedly signed the same; of the word "immigration" in official communications supposedly coming from the Bureau of Immigration itself; the glaring gram-matical and typographical errors that could be found in practically every document, and the impertinence of some orders or proceeding, to discern that these papers could not have been duly issued or approved and signed by the officials whose purported signatures were affixed thereon. It may be safely concluded that these forgeries could not have been made without the participation of persons or group of persons possessing at least a working knowledge of the procedure in naturalization cases and having access to the office forms in the Department of Justice. However, without sparing from censure the perpetrators of these misdeeds that bring havoc to the workings of government and undermine the confidence of the people in duly constituted authorities, we are primari-ly concerned on the effect of this discovery of forgery upon appellant's case.

It needs no elaborate discussion to pronounce appellant's behavior, in paying for documents and certifications of proceedings and investigations which he (appellant) knew never took place, or stating facts which he was aware were not true, to be far from moral and irreproachable. In fact, it is reflective of the mettle of his moral character, making him unworthy of the privilege to become a citizen of this country.

This case should serve as a warning to attorneys to scrutinize carefully the documents submitted by their clients to avoid their being used to foist forgeries on the Courts.

FOR THE FOREGOING CONSIDERATIONS, the order appealed from is affirmed, and petitioner-appellant Choa Hai is hereby declared not qualified to be admitted a citizen of the Philippines. Cost against petitioner-appellant.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, Capistrano, and Teehankee, JJ., concur.

Barredo, J., no part.

[1] T. s. n., page 8, 7 April 1964.

[2] Appellant was said to have been born on 8 April 1906.

[3] Republic vs. Cokeng, G.R. No. L-19829, 4 May 1968, 23 SCRA 559; Tan vs. Republic G.R. No. L-19694, 30 March 1965; and cases therein cited.

[4] See Yek Tek vs. Republic, G.R. No. L-19898, 28 June 1965.

[5] Lo vs. Republic, G.R. No. L-15919, 19 May 1961; Qua vs. Republic, G.R. No. L-19834, 27 Oct. 1964; Yu Ti vs. Republic, G.R. No. L-19913, 23 June 1965; O Ku Phuan vs. Republic, G.R. No. L-23406 31 August 1967, 20 SCRA, 1219.

[6] Uy Tian It vs. Republic, G.R. No. L-18248, 27 December 1963; De Lara vs. Republic, G.R. No. L-18203, 29 May 1964; Uy Ching Ho vs. Republic, G.R. No. L-19582, 26 March 1965; Tan vs. Republic, G.R. No. L-19694, 30 March 1965.

[7] Page 7, CFI rollo.

[8] Tan Ten Kock vs. Republic, G.R. No. L-18344, 28 February 1964; Tan Sen vs. Republic, G.R. No. L-23181, 24 October 1967; Tan Khe Shing vs. Republic, G.R. No. L-22390, 29 February 1968.

[9] Uy Ching Ho vs. Republic, G.R. No. L-19582, 26 March 1965; Lee Ng Len vs. Republic, G.R. No. L-20151, 31 March 1965; Ong Ping Seng vs. Republic, G.R. No. L-19575, 26 February 1965.

[10] Annex A purports to be the "Briefings and Investigation as Obtained by the Chief, Naturalization Review Panel of the Office of the Solicitor General, Manila, dated 15 June 1965 as Required Under Section 4, Paragraph 7 of RA No. 5330 in connection with the Automatic Inclusion of Marciano Chua, Son of Choa Hai, the Petitioner in Naturalization Case No. 819, CFI, Batangas", and signed by one "Gaudencio S. Gaddi, Assistant Solicitor General"; a/

Annex B, Clearance attesting that Choa Hai has no criminal record on file or for prosecution in the Deportation Board, and signed by "Ruperto Martin, Acting Secretary of Justice; Chairman, Deportation Board". This certification was allegedly issued upon "request of the Bureau of Immigration for their use in the cancellation of his ACR and reclassification as Filipino citizen under the provisions of CA 473 and CA 535". (sic)

Annex C, dated 29 November 1965, certifying that Choa Hai and his children are subjects of good moral character and without criminal records on file or for prosecution, signed by somebody "for Jose A. Lucban, Director" of the National Bureau of Investigation. This certification was allegedly issued upon "request of the Commissioner of the Bureau of Immigration, Manila, in connection with the cancellation of their ACR as alien and their reclassification as Filipino citizens". There is also a note that said certification will be "valid after thirty days (30) after date of issue, and for the purpose not specified therein". (sic)

Annex D, Clearance dated 29 November 1965, certifying that Choa Hai is "a naturalized Filipino citizen under CA No. 473 and CA No. 535, Folder No. 11,222, Bureau of 'Immigration' Manila", and issued "upon request of the Bureau of Immigration for cancellation of the ACR as alien and for reclassification as a Filipino citizen", signed by "Fiorentino Flor, Actg. Anti-Dummy Board". (sic)

a/ This Gaddi in the Solicitor General's Office was Ceferino, not Gaudencio.

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