

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF LAO CHIN KIENG ALIAS QUIRINO LAO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-3921. June 30, 1952

Ponente: PADILLA, J.

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PADILLA, J.:

The Government has appealed from a decree granting citizenship by naturalization to Lao Chin Kieng alias Quirino Lao.

It appears that the applicant was born in Pon-Oh, Amoy, China, on 20 March 1899; came to the Philippines landing at the port of Cebu on 15 June 1915; has resided in Tubigon, province of Bohol, from the time of his arrival in this country to the date of the hearing of his application (11 February 1950); never left the country; enrolled and finished high school in the San Carlos College of Cebu; speaks English and Visayan; believes in the principles underlying the Philippine Constitution; married Epifania Cosare, a Filipino citizen, who bore him eight children, to wit: Maria Salvacion born on 1 March 1931, who on the date of hearing was in the first year pre-medic in San Carlos University; Evangelino, on 15 April 1932, who was in the third year high school in the same university; Romulo, on 21 February 1934, who was in the first year high school in the same institution; Redencion, on 21 February 1936, who was in the fifth grade in the Tubigon elementary school; Maria Adoracion, on 27 May 1939, who was in the fourth grade in the same school; Emanuel, on 7 September 1941, who was in the second grade in the same school; Encarnacion, on 16 October 1943; and Ernesto, on 12 June 1945; has been engaged in business since 1928 having invested P5,000 in it; has employed Filipinos only in his store; belonged to the recognized Bolo battalion, a guerrilla organization, during the Japanese occupation; mingles socially and associates with Filipinos; took part in community activities, such as in the presentation of dramas and contributing to the Red Cross and to the Parent-Teachers' Association; and is not disqualified on any ground enumerated by law; to become a naturalized citizen of the Philippines.

These facts are corroborated by Hipolito Paraguya, a municipal councilor of Tubigon, formerly municipal teacher since 1902 for ten years, then supervising teacher for two or three years, division industrial supervisor for ten years, who holds a high opinion of and regard for the applicant as a person of good repute and morally irreproachable, and for that reason he believes that he has none of the disqualifications but all the qualifications to become a naturalized citizen of the Philippines, and by Ramon Medidas, a farmer, formerly a teacher for six years, municipal secretary for ten years and municipal councilor of Tubigon for two years, who agrees with the first witness in the appraisal of the applicant's personal worth, reputation and character. This last witness brought out the fact that the applicant is married to a sister of a former mayor of Tubigon. All the requirements regarding publication of the application were complied with as attested by Filemon B. E. Arias, clerk of court.

After the hearing held on 11 February 1950, the provincial fiscal filed an opposition to the petition on the ground that the applicant has not proved that Filipino citizens are allowed to be naturalized in the applicant's country and

that he cannot renounce his present nationality. Before the decision was rendered, the provincial fiscal filed a notion praying that the Government be allowed to present the testimony of engineer Jesus T. Clarin, the tenor of which would be as stated in an affidavit attached to the motion and is to the effect that sometime in 1947 at Sagbayan, Bohol, the applicant commenting on the administration's proposal to grant parity to the Americans said that it amounted to "selling the Philippines to American capitalism" and that "Filipinos are dummies of the Americans and have no strong backbone for a determined independent existence." Jesus T. Clarin further states in his affidavit that the person who thus spoke was Sing Kian, a Chinese resident of Tubigon, and was in Sagbayan to sell his wares the following Sunday being market day in that municipality, an information which he secured from the Filipino wife of Esteban, the Chinese owner of the store in Sagbayan where Sing Kian made the remarks. In another part of the affidavit Jesus T. Clarin states that the applicant has communistic leaning, may be a potential communist agent, is not a good asset for the Philippines and is antagonistic to our Government and its ideals. This motion was objected to by counsel for the applicant on the ground that it is not a newly discovered but forgotten evidence; that granting that the statement attributed to the applicant was really uttered by him, it would not be sufficient to show that the applicant has communistic leaning; and that even if the case be reopened and the testimony set forth in the affidavit be heard, admitted and taken into account by the court, the result of the case would not be altered. The motion was denied and a decree was entered granting the petition of the applicant, the trial court having found that the applicant possesses all the qualifications required, and none of the disqualifications provided, by law.

The appeal postulates two errors; (1) the finding that the applicant possesses all the qualifications prescribed by law; and (2) the denial to reopen the case for the introduction of evidence to show that the applicant has communistic leaning.

On the first point, counsel for the Government argues that although the applicant testified that he can speak English and Visayan it does not mean that he can write said languages, a requirement prescribed in section 2, paragraph 5, of the Revised Naturalization Law (Com. Act No. 473, as amended by Com. Act No. 535 and Rep. Act No. 530). In other words, he contends that ability to speak a language does not carry with it the ability to write it. But the applicant's ability to write English and Visayan may be inferred from the fact that he is a high school graduate from San Carlos College of Cebu and that he speaks English and Visayan. It is a natural and logical deduction. By his testimony the applicant has shown remarkable knowledge of the political institutions of the country.

On the second point, we hold with the court below that granting that the applicant uttered the words attributed to him, the same would not warrant the conclusion that he has communistic leaning.

The decree appealed from is affirmed, without costs.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, Montemayor, Bautista Angelo, and Labrador, JJ., concur.

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