

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES, SIAO TICK CHONG, PETITIONER AND APPELLEE,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. No. L-22151. March 30, 1970

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Republic of the Philippines from the order issued by the Court of First Instance of Manila, presided by the Honorable Agustin P. Montesa, in Civil Case No. 47737, reconsidering its decision of March 14, 1963 and providing as follows:

"WHEREFORE, the Court finds that the petitioner possesses all the qualifications and none of the disqualifications to become a Filipino citizen under the existing laws, for which his petition is hereby granted. The certificate of naturalization, however, shall not issue until after the expiration of the period of two years from and after the date of the promulgation of this decision and only after hearing at which he shall establish the final conditions required for Philippine citizenship."

It appears that appellee, a chinese citizen, filed a petition for naturalization in the abovementioned court on August 8, 1961. The same was subsequently amended so as to include a statement of the different places in which appellee had resided before the filing of his application.

According to the evidence, appellee was born on December 27, 1918 in Quemoy, China. Having come to the Philippines in 1936 he was allowed thereafter to stay as a permanent resident as the son of a merchant then engaged in selling second hand goods. Since his arrival he had resided in the following addresses and for the period stated correspondingly as follows:

"For 2 months after arrival at Espeleta, Manila

From 1936 to 1950, at Iligan City

From 1950 to 1951, at Quiniones St., Manila

From 1951 to 1955, at 360 T. Pinpin, Manila

From 1955 to July 20, 1959, at 648, T. Pinpin, Manila

From July 20, 1959 to the present at 630 T. Pinpin, Manila (p. 97, t.s.n.)."

The evidence further shows that appellee was employed for the first time in 1936 as a salesman at a monthly salary of P30.00, increased to P120.00 a month in 1941; that during the japanese occupation he engaged himself in gardening and poultry raising; that after liberation he engaged himself in the business of buying and selling rice, corn, etc.; that when his father left the Philippines in 1939 he gave him the sum of P5,000.00 which he invested together with his savings and thus became a partner in the Kim San Company organized in Iligan City to engage in general merchandising; that his original investment in said Company was P16,000.00; that he received

from said Company, as its representative in Manila, a monthly salary of P300.00; that in addition thereto he received dividends whenever the Company realized profits; that in the years 1959 and 1960 he did not pay any income tax because he was exempt therefrom; that his income for 1961 amounted to P15,000.00; that his present capital investment in Kim San Company was P45,000.00; that on June 6, 1948 he married Lo Eh Biao, a chinese woman born in Amoy, China on September 17, 1929 and who had come to the Philippines as a quota immigrant on August 8, 1947, with whom he had six children living with him at 630 T. Pinpin, Manila; that his children are enrolled as students in Crusaders' Academy, Letran College; that he himself was at the time he testified studying at the Loyal Hearts Institute where he finished his elementary education; that before coming to the Philippines he had studied in China, and that in 1937 he had studied in a chinese school in Iligan; that since his arrival in the Philippines he had gone abroad twice on vacation.

Appellee filed his declaration of intention with the office of the Solicitor General on June 23, 1960. He also presented as evidence clearances of the City Fiscal, the Court of First Instance and the Municipal Court of Manila, the Bureau of Prisons, the Deportation Board, the Anti-Dummy Board, the Bureau of Immigration, the Municipal Court of Iligan City, the Court of First Instance of Lanao del Norte, the office of the City Fiscal and the Police Department of Iligan City, together with a medical certificate showing that he was not suffering from any incurable contagious disease.

Appellee's character witnesses were Flaviano R. Pacheco and Abelardo J. Basilio, residents of No. 52, 7th Guillermo Avenue, Quezon City, and 17 Regalado St., Parañaque, Rizal, respectively.

The Solicitor General opposed the petition on the following grounds:

I

"THAT PETITIONER IS NOT SINCERE IN HIS DESIRE TO BECOME A FILIPINO CITIZEN; AND

II

THAT THE WITNESSES TO THE PETITION HAVE NOT PROVED THAT PETITIONER HAS CONDUCTED HIMSELF IN A PROPER AND IRREPROACHABLE MANNER DURING THE ENTIRE PERIOD OF HIS RESIDENCE IN THE PHILIPPINES OR THAT PETITIONER HAS ALL THE QUALIFICATIONS NECESSARY TO BECOME A CITIZEN OF THE PHILIPPINES AND IS NOT IN ANY WAY DISQUALIFIED UNDER THE PROVISIONS OF THE REVISED NATURALIZATION LAW." (p. 13. rec. on appeal).

After appellee had filed a reply, the Court heard the case and on March 14, 1963 rendered a decision denying appellee's petition holding that he is "not qualified to become a Filipino citizen". However, within the reglementary period, appellee filed a motion for reconsideration and for the reopening of the case to enable him to present evidence regarding his sincerity to become a citizen of the Philippines, and to further qualify his character witnesses. In spite of the Government's opposition, the trial court reconsidered its decision, reopened the case and after the reception of additional evidence, issued the order appealed from. Not satisfied with said order, the State interposed the present appeal, claiming that the trial court committed the following errors:

"I

PETITIONER IS NOT SINCERE IN HIS DESIRE TO BECOME A FILIPINO CITIZEN.

II

THE WITNESSES TO THE PETITION ARE NOT IN A POSITION TO VOUCH FOR PETITIONER'S GOOD REPUTATION AND IRREPROACHABLE CONDUCT.

III

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR NATURALIZATION."

After a careful study of the record, We have come to the conclusion that the order appealed from must be reversed on the strength of the second assignment of error which puts in issue the capacity of appellee's character witnesses "to vouch for petitioner's good reputation and irreproachable conduct".

Section 7 of the Revised Naturalization Law requires that the petition for naturalization must be signed by the applicant and be supported by the affidavit of at least two credible persons stating that they are citizens of the Philippines and personally know petitioner to be a resident of the Philippines for a period of time required by law, and that he is a person of good repute and morally irreproachable; that in their opinion petitioner has all the qualifications and none of the disqualifications to become a citizen of the Philippines.

We have held in connection with the above legal provision that a "credible person" is not merely an individual without a previous conviction 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 (*Mo Yuen Tsi vs. Republic*, G. R. L-17137, June 29, 1962) but must be a person with a good standing in the community, reputed to be trustworthy and reliable, whose word may be taken on its face value as a good warranty of the integrity and trustworthiness of petitioner.

In as much as the matter of presenting at least "two credible persons" as witnesses is a legal requirement for the sufficiency of petitioner's case, it is clear that it is incumbent upon him to establish affirmatively that his character witnesses are "credible persons" in the sense above indicated. We find that in this connection petitioner has failed to discharge this burden.

Moreover, it is not clear from the record that petitioner's character witnesses - Flaviano Pacheco and Abelardo Basilio - were in a position to vouch for his qualifications.

Pacheco testified that he came to know petitioner for the first time in Iligan City when he went there in 1946 as salesman of the Tide Water Associated Oil Company; that he met him the second time in September 1947 in the offices of the William Lines; that from 1949 to the time he ceased to be the assistant manager of the William Lines nine years later, he used to see petitioner regularly every two days at his residence in T. Pinpin St., Manila.

To be observed in connection with Pacheco's testimony is the fact that he had disclosed no reason why for a period of several years he saw petitioner regularly every two days. Similarly, Pacheco's testimony that from 1949 to nine years later (1958) appellee's residence was located at T. Pinpin St., Manila, does not tally with petitioner's allegation in his petition that he resided in Iligan City from 1936 to 1950 (p. 7, record on appeal).

With respect to witness Basilio, the record shows that he did not know anything about appellee's reputation in Iligan City because he did not meet him there, most of his meetings with him having taken place in the City of Manila. He also testified that whenever he visited appellee, he went direct to the latter's apartment and had never talked with any of appellee's neighbors regarding his reputation. He also said that he had seen appellee from three to five times on board a ship of the William Lines plying between Cebu and Manila during the period from 1949 to 1953 where he was a purser; that for sometime appellee had resided in Cebu. Appellee's residence in Cebu is not mentioned in his amended petition for naturalization as one of his former residences.

To qualify as a good character witness within the meaning of the law, and for testimony given as such to be sufficient to support the petition for naturalization, one must not be a mere acquaintance of the petitioner but must possess such intimate knowledge of him as to be competent to vouch for his qualifications and his lack of disqualifications (Cuaki Tan Si vs. Republic, G.R. No. L-18006, October 31, 1962; Go vs. Republic, G. R. No. L-18068, October 30, 1962) because he is the insurer of petitioner's character and his testimony is to be heavily relied upon by the courts. Considering that, as shown by the foregoing, the character witnesses of appellee do not satisfy the standard required, the order appealed from must be, as it is hereby, reversed, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

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