

CHIENG YEN, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-18885. January 31, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On July 29, 1957, Chieng Yen filed with the Office of the Solicitor General his declaration of intention to become a Filipino citizen. Thereafter, on September 16, 1958, he filed before the Court of First Instance of Manila a petition seeking to become a Filipino citizen. This petition was published in accordance with law. After hearing, the court a quo rendered judgment denying the petition on the ground that petitioner was not a resident of Manila for at least one year prior to the filing of his petition for naturalization and so the court had no jurisdiction over the case. Petitioner has appealed.

Petitioner was born in Shantung, China on July 5, 1914. He is a citizen of the Republic of China. He came to the Philippines on April 16, 1935, having resided therein continuously since then. He is a businessman with an average annual income of P5,000.00. He is not delinquent in the payment of his license fees and taxes. He owns real properties valued at P55,000.00. He has conducted himself in a proper manner during the entire period of his residence in the Philippines in his relation with the government and the community in which he lives. He has mingled socially with the Filipinos and desires to learn and embrace their customs, traditions and ideals. He has never been convicted of any offense involving moral turpitude. He is not suffering from any incurable or contagious disease.

Petitioner speaks and writes English and Tagalog. He is married to Francisca Wong, with whom he has five children, namely, Lily Chieng, Chieng Yen, Jr., Julie Chieng, William Chieng and Wilson Chieng. Lily Chieng and Chieng Yen, Jr., the only children of school age, are studying in a public school in Olongapo. Petitioner believes in the principle underlying the Constitution of the Philippines. He is not opposed to organized government, nor affiliated with an association of persons who uphold and teach doctrines opposed to organized government.

The only issue to be determined is whether petitioner is a resident of Manila for at least one year prior to the filing of his petition for naturalization, as he tried to prove, or whether he is a resident of Olongapo, Zambales, as found by the court a quo. This is the only ground on which the petition for naturalization was denied.

In support of his contention that since February, 1955 he has changed his residence from Olongapo, Zambales to Manila, petitioner presented both oral and documentary evidence. Briefly stated, the nature of his evidence is as follows: According to petitioner himself, he runs a restaurant, a night club and a furniture store at Olongapo, Zambales. He transferred to Manila since 1955, and in order to run his different business activities at Olongapo, Zambales, he had appointed a manager for each of them. He was prompted to transfer his residence to Manila because the mother of his wife stays there and his wife wanted to live with her.

Wilfredo Masa testified that he saw petitioner in 1955 while the latter was transferring his residence from

Zambales to Manila because petitioner's truck which was loaded with his belongings broke down near the gasoline station where Masa's truck was parked. Filemon Verzano, another witness, testified that every time a friend of his wanted to buy furniture by installment from petitioner's store at Olongapo, Zambales, he would accompany his friend to the house of petitioner at Fernandez Street in Manila in order that he may be able to talk to petitioner about the matter. Benito Bernardo, who lives in the same apartment occupied by petitioner, also testified that petitioner transferred to Manila since 1955 for he even helped him in unloading his belongings at the house where he is now living. Lastly, Mansureto David, the same person who drove the truck used by petitioner in transferring his belongings to Manila, also testified that he was paid P100.00 for the job and helped in unloading petitioner's belongings to his house at Fernandez St., Manila.

There is, however, enough evidence to show that, notwithstanding the transfer of the above belongings to Manila as apparently testified to by petitioner's witnesses, petitioner continued residing in Olongapo, Zambales, because his business interests from which he derived his main source of income are deeply established there. Thus, in his declaration of intention filed one year before he filed his application for naturalization, petitioner stated under oath that his residence was Olongapo, Zambales. In his income tax return filed on February 23, 1958, much after he had filed his petition for naturalization, he likewise stated under oath that he resided in Olongapo, Zambales. The last entry in the records of annual report in person of an alien duly signed by petitioner also shows that Olongapo is the place where he reported as a resident alien. These documents which were subscribed to by him under oath must naturally reflect his true situation as regards the place of his residence especially that which refers to his declaration of intention, and as such should deserve more credit and value than the testimony of petitioner and his witnesses which, as we know, can easily be fashioned or arranged to suit the interest he intends to serve.

While it is true that two pieces of documentary evidence were presented by petitioner to strengthen the evidence he has given regarding his alleged change of residence, the same are wanting in many particulars. While Exhibit A, which is a document issued by the registration officer of the Bureau of Immigration, certifies that petitioner had advised him of his change of address from Olongapo, Zambales to Manila as of February 10, 1955, the advice was given on March 3, 1959, or about six months after the filing of the present petition, and four years after the supposed change of residence. This flaw is not in the least cured by the certificate Exhibit T, concerning the same change of residence, for the investigation alleged to have been made leading to the issuance of the certificate on March 3, 1959 could not have made any reference to the date of the alleged change of residence in 1955 for the simple reason that the period mediating between the time of certification and that of the alleged change of residence is not merely nominal but substantial. The two dates are too far apart.

Legal residence imports not only intention to reside in a fixed place but also personal presence in that place, coupled with conduct indicative of such intention.[1] The fact that petitioner has no business in Manila and that he has to attend to his business in Olongapo is a potent reason for disbelieving any claim that he has transferred his residence to Manila, for this Court can take judicial notice that Chinese businessmen rarely reside in a place different from where they have their place of business.[2] The documents at hand speak eloquently that all the business activities of petitioner are in Olongapo, Zambales, and it is for this reason that he stated in all his official documents that his residence is in that place.

The purpose of the law in requiring one year residence in a place when one seeks naturalization is to facilitate the determination by official authorities of the different activities of petitioner, especially with regard to his qualifications. That is why the law requires that the petition should state all his places of residence, whether present or previous. But in this case petitioner even failed to state some of his former places of residence, a fact which in itself is a sufficient disqualification.[3] The court a quo, therefore, was justified in declaring itself bereft of jurisdiction to take cognizance of the present case.

Wherefore, the decision appealed from is affirmed. Costs against petitioner.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1]Nuval vs. Guray, 52 Phil., 645.

[2] One vs. Republic, 109 Phil., 772.

[3] Keng Giok vs. Republic, L-13347, August 31, 1961.

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