

CHEE NG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT,*G.R. No. L-10956. May 27, 1959*

Ponente: PARAS, J.

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PARAS, J.:

The appellee filed a petition for naturalization and, at the trial, proceeded to prove that he possessed all the required qualifications and none of the disqualifications. The Solicitor General raised three objections dealing with the propriety and irreproachability of the personal behaviour of the appellee, the sufficiency of proof as to appellee's graduation from the Albay Provincial High School, and the qualification of one of the character witnesses of the appellee. Overruling these objections, the Court of First Instance of Manila granted the petition. Hence this appeal by the Government.

It is observed that the evidence of record discloses that the appellee had a theft case which was only provisionally dismissed, and was prosecuted for "interfering with police duties and assault upon a person in authority" which, although dismissed, may be reopened at any time for the same has not prescribed. This observation cannot adversely affect the petition for naturalization because, with the admitted dismissal of the criminal charges, there is nothing that may be considered as tainting appellee's character.

It is contended for the appellant that affidavit of the faculty graduating class adviser in the Albay High School is not the best evidence to prove that the appellee had completed his secondary education, because the principal or administrative official of the school is the one who could attest to such an essential and indispensable fact; at any rate, the affidavit is a secondary evidence which may be admitted only after it has been shown that the school records were destroyed; that the signer or maker of said affidavit should have been presented in court; and that, as said affidavit cannot thus be given weight, the appellee was not exempt from filing a declaration of intention to become a Filipino citizen. Apart from the fact that the objection now interposed to the admissibility of the affidavit in question was not raised in the court below, there is evidence to the effect that the school records were burned and destroyed, and so with the files of the Bureau of Public Schools.

Appellant's last argument is that the witness who attested to the character of the appellee does not really know the latter, because he was not even aware that the appellee had been charged criminally; and that he committed contradictions in his testimony regarding the number of employees that the appellee had in his bookstore. This argument is also untenable, because there is ample evidence that said witness really is familiar with the appellee. Their acquaintance began when the appellee proposed to rent the garage space of said witness, and the appellee lived in the first floor of the former's house. The discrepancy as to the number of employees of the appellee is not so fundamental as to discredit the entire testimony. Moreover, it was explained that the two Chinese employees are brothers of the appellee. As to the ignorance of the charges against the appellee, it is not unnatural for people generally to keep unpleasant matters away from their friends, especially where the latter can be of no help.

In view of the foregoing, the decision appealed from is affirmed. So ordered, without costs.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, and Endencia, JJ., concur.

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