

UY CHING HO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-19582. March 26, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Uy Ching Ho seeks to become a Filipino citizen in a petition filed before the Court of First Instance of Negros Oriental. On December 22, 1961, the court a quo granted the petition subject to the two-year limitation provided by law. The government took the present appeal.

Petitioner was born in Amoy, China on June 1, 1914. He arrived in Cebu City on February 26, 1926 and after one week he went to Valencia, Negros Oriental where he resided until January, 1929. He surrendered his landing certificate of arrival to the Commissioner of Immigration and was issued in its place an immigration certificate of residence. Since January, 1929, he has resided at Alfonso Street, Dumaguete City. He finished his seventh grade at the Bais Elementary School and his first year high school at the Negros Oriental Provincial High School.

He was married to Howa Lu on October 22, 1950 before Justice of the Peace of Jolo, Sulu. He has five children with her who were all born in Dumaguete, whose names and are: Anthony Uy, 9 years; Benjamin Uy, 8 years; Annabel Uy 6 years; Vivian Uy, 4 years; and Celso Uy, 2 years. He is a Roman Catholic and all his children were baptized as Catholics, their sponsors being all Filipinos. Anthony, Benjamin, Annabel, and Vivian are at present studying at the Dumaguete Chinese School, an institution recognized by the government which teaches Philippine history, civics and government. Said school is not limited to students of any race, creed or nationality. Petitioner has resided in the Philippines for more than 34 years and has never gone to China. He read correctly an excerpt from the first page of the vernacular magazine "Bisaya" and took down some dictation in English correctly and translated the same fairly well into the Visayan dialect.

Petitioner owns the building where his store is located in the Dumaguete public market. He has been a merchant since January, 1950 but before that time he was a salesman for the Du An Sim Store in Dumaguete City. In 1958 his income was P4,659.88; in 1959 P6,971.27, and in 1960 P7,799.34.

Petitioner claims that he has not committed any crime involving moral turpitude. He has conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines in his relation with the government and the community where he resides. He believes in the principle underlying the Philippine constitution. He is not opposed to organized government. He is not affiliated with any association or group of persons which upholds and teaches doctrines subversive to organized government. He does not defend or teach the necessity of employing violence, personal assault or assassination for the success of men's ideas. He is not a polygamist nor a believer in the practice of polygamy. He is not suffering from any contagious disease. He is a member of the Filipino-Chinese Catholic Association of Dumaguete. He is not a communist. He mingles socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. He has helped civic, charitable and religious organizations in Dumaguete in their fund campaign drives.

Ligorio Luzada declared that he was born in Oslob, Cebu, and has resided in Dumaguete City since 1924. He was a market inspector in the public market of Dumaguete City for more than 20 years. He had known petitioner since 1940 because the latter owns a store in the public market of Dumaguete City. He often goes to see petitioner at his store in order to collect cash tickets. He regards petitioner as qualified to become a Filipino citizen because he has good moral character, is law-abiding, and has no vices. Petitioner is a merchant, helpful and cooperative, kind and sympathetic to his Filipino customers and friends. He pays all his taxes promptly. He never violated any rule or regulation of the public market nor any law or ordinance. He mingles socially with the Filipinos and has shown a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos.

Eleuterio Katada also declared that he was born in Dumaguete City where he resided for 44 years. He was formerly a councilor of said city but at present he owns a tailoring shop at the Dumaguete public market. He has known petitioner since 1940. He is of good moral character and has no vices. He does not discriminate against Filipinos in his business. He has conducted himself in a proper and irreproachable manner during his entire stay in the Philippines in his relation with the duly constituted government, as well as with the community in which he resides. He is law-abiding and cooperative with the authorities. He mingles socially with the Filipinos by attending parties given by Filipinos and inviting his Filipino friends in his home. He finished his first year high school at the Negros Oriental Provincial High School at Dumaguete City.

The government contends that the court a quo erred in granting petitioner the privilege of citizenship in the absence of evidence that he has conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines in his relation to the constituted government as well as to the community in which he lives.

This contention is well-taken. Our law requires that one who applies for Philippine citizenship should support his claim with sworn statements of two character witnesses who should attest to the fact that he has all the qualifications to become so, one of them being that he is a person of good moral character and has conducted himself irreproachably during the entire period of his residence in the country. This requirement must be clearly established and cannot be left merely to conjecture. And here that situation does not obtain, for the two witnesses who testified in his behalf fall short of the competence to do so. Thus, both Ligorio Luzada and Eleuterio Katada emphatically declared that they only came to know petitioner since 1940 when the evidence clearly shows that he landed in the Philippines on February 26, 1926 and resided therein ever since up to the present time. There is, therefore, no evidence as regards his good repute and behavior from said date until 1940 or during an interval of 14 years. This long gap argues eloquently against the qualification of good conduct and behavior that the law requires of an applicant for Filipino citizenship.

“x x x since the law requires proper and irreproachable conduct during the entire period of his residence in the Philippines (Section 2, par. 3, Com. Act 473), the evidence falls far short when only two witnesses are presented who came to know applicant only in 1945 and 1946 respectively (See *Di Tiam v. Republic*, L 10200, April 18, 1958), and who were, therefore in no position to testify as to applicant's conduct from the time he arrived in the Philippines on October 2, 1921. Needless to say, it takes much more than the uncorroborated assertions of applicant himself to establish this vital fact. x x x ” (*Chua Pun vs. Republic*, L-16825, December 22, 1961)

Another flaw that we may mention is the lack of sufficient proof to show that petitioner has a lucrative occupation within the meaning of the law. Indeed, the record shows that petitioner has a wife and five children to support who are all minors and of school age, except young Celso. They are, therefore, all dependant upon petitioner who cannot in any manner help him in improving his financial position. Yet, his income in 1958 only amounted to P4,659.88; in 1959 P6,971.27, and in 1960 P7,799.34, which certainly cannot be considered enough to give him a

lucrative occupation in contemplation of law. In fact, we have already held that income of P5,980.00 where applicant had a wife and three children (Koa Gui vs. Republic, L-13717, July 31, 1962); P6,300.00, where applicant had a wife and one child (Tan v. Republic, L-16013, March 30, 1963); P7,133.29 where petitioner had a wife and four children (Go Bon The v. Republic, L-16813, December 27, 1963); and P8,687.50, where applicant had to support a wife and five children (Keng Giok v. Republic, L-13347, August 31, 1961), were insufficient to meet the requirement considering the high cost of living and the low value of our currency. We are not now in a position to adopt a ruling that may set at naught the precedents we have heretofore set forth on the matter.

It further appears that the four children of petitioner who are of school age are now studying at the Dumaguete Chinese School which, though recognized by our government, is however a place where most of the students are Chinese or foreigners, with Filipinos forming the minority. This is another circumstance which argues against the alleged sincere desire of petitioner to embrace our customs and traditions, as well as to mingle socially with the Filipinos, for he could have enrolled his children in a school owned or run by Filipino citizens. As we already said: "Philippine citizenship is a privilege that should not easily be given away. It should be accorded only to one who evinces a true and sincere desire to embrace such citizenship. Petitioner falls short of this requirement" (Tochip v. Republic, L-19637, February 26, 1965).

WHEREFORE, the decision of the court a quo is hereby reversed. Costs against appellee.

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

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