

IN THE MATTER OF THE PETITION OF YU KIU TIAN ALIAS JACINTO CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES YU KIU TIAN ALIAS JACINTO CHUA, PETITIONER AND APPELLANT VS. REPUBLIC...

G.R. No. L-15554. November 30, 1962

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

His petition for naturalization having been denied by the Court of First Instance of Rizal, Yu Kiu Tian alias Jacinto Chua appealed to this Court, alleging that the trial court erred in finding that his character witnesses, Teotimo Geologo and Agustina L. Carbonell had not known him sufficiently during the ten years preceding the filing of the petition; and in declaring that his evidence does not show adequately that he is of good moral character and irreproachable conduct.

At the trial below appellant, by means of his evidence, sought to prove that: He was born on March 11, 1929 in Ning Po, Chinkang, Fukien, China; came to the Philippines on February 14, 1988 on board the "Anking"; and was permitted to enter the country as a permanent resident (Exhibits O and Q). He studied at the Anglo-Chinese School and later at the Far Eastern University, where he finished first year high school, his highest educational attainment. He is registered with the Bureau of Immigration (Exhibit N) as an alien and a citizen of the Republic of China (Exhibit S-17). In this country, he was first employed as an office boy, later as waiter in a downtown restaurant, and subsequently as an agent of the Kai Ming Press up to 1952. In 1953 he became the owner and operator of the A. Jacinto Printing Press," registered in his name (Exhibit G), from which he derived a net income of P13,273.47 in 1956 and P15,264.26 in 1957 (as shown by income tax returns, Exhibits H and H-1). He has paid the taxes due from him (Exhibits K, I and I-1). From the time of his arrival he has continuously resided in the Philippines, first in Manila, then at this present address, 133 Yakal Street, Makati, Rizal, except for a visit to Hongkong in 1954, during which he married Lim Siu Kong, by whom he has a child, Jacinto Chua, Jr., born in Hongkong on November 14, 1954. In January 1957 his wife and child were admitted to this country as temporary visitors (Exhibits L and M), but they are now back in Hongkong. While his wife was here, they had their Chinese marriage confirmed on July 10, 1957 at the Singalong Catholic Church (Exhibit K). He speaks and writes English and Tagalog (Exhibit I). He is of good moral character and has never been convicted of any crime involving moral turpitude as shown by clearances issued by the pertinent government offices (Exhibits S, S-1 to S-15) and is not suffering from any incurable contagious disease (Exhibit S-16). He believes in the principles underlying the Philippine Constitution, has mingled socially with the Filipinos and has shown a desire to learn and embrace the customs and traditions of the Filipinos. He is not one of the persons specifically disqualified by law from becoming a Filipino citizen.

Attached to appellant's petition for naturalization is the Joint affidavit of Teotimo Geologo, councilor and resident of Makati, Rizal, of legal age, and Agustina L. Carbonell, business-woman, of legal age, resident of Makati, Rizal, wherein they state that since 1953 they had personal knowledge that appellant "has been a person of good repute,

and morally irreproachable"; and that in their opinion, he has all the qualifications and none of the disqualifications of a person who may be lawfully naturalized.

At the trial Geologo testified that he first met appellant in 1947 when the latter was a waiter at a downtown restaurant which the witness used to frequent, but that their acquaintanceship then was purely casual, until 1953 when they became intimate friends, starting from the time he asked appellant to do a printing job for him. Since then they had been going together to boxing bouts, basketball games, church, parties and barrio fiestas.

Mrs. Carbonell also first met appellant in 1947 because she and her husband used to go to the restaurant where he was working. However, it was only in 1952 that they became familiar with each other. Starting that year she often met him at lauriat parties and town fiestas, and in church on Sundays. Both witnesses were sponsors at appellant's wedding. They affirmed that appellant is of good moral character and voiced their belief that he would be an asset to the community in which he is living.

In view of the testimony of Geologo and Carbonell that they first met appellant in 1947, their joint affidavit was amended (at the suggestion of and with the conformity of the government counsel, pp. 28-30, t. s. n., Sept. 15, 1958) to make it appear that they had personally known him since that year.

The law requires that the petition for naturalization must "be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and not in any way disqualified under the provisions of the act." Section 7 Revised Naturalization Law.

The original affidavit attached to appellant's petition was defective, because the affiants affirmed that they had known him only for a period of 5 years, that is, from 1953 up to the time he filed his petition for naturalisation in 1958. On the other hand, if the affidavit as amended be taken into account, then their statement that they personally knew appellant from 1947 to 1958 should have been confirmed on the witness stand. Otherwise, the petition should be denied (*Cuaki Tan Si vs. Republic*, L-18006, October 31, 1962). But both vouching witnesses openly admitted that they knew appellant only casually from 1947 to 1952 (Geologo started being close to appellant only in 1953.) This period cannot be counted as part of the requisite ten year period, because during that time the witnesses merely recognized appellant as one of the waiters in a restaurant where they used to eat. Such recognition can hardly be called acquaintance, much less personal knowledge, so as to make the witnesses sufficiently competent to testify on appellant's moral character and to determine if he is qualified to acquire Philippine citizenship. It is doubtful if any conversation between them ever went beyond the ordinary routine of ordering food in an eatery.

"The law requires that a vouching witness should have actually known an applicant for whom he testified for the requisite period prescribed therein to give him the necessary competence to act as such. The reason behind this requirement is that a vouching witness is in a way an insurer of the character of petitioner because on his testimony the court is of necessity compelled to rely in deciding the merits of his petition. It is, therefore, imperative that he be competent and reliable. And he is only competent to testify on his conduct, character and moral fitness if he has had the opportunity to observe him personally, if not intimately, during the period he has allegedly known him." (*Lim Ching Tian vs. Republic*, L-12001, Feb. 28, 1961).

"The law thus, in effect, requires that the character witnesses be, not merely ordinary acquaintances of the applicant, but possessed of such intimate knowledge of the latter as to be competent to testify, of their personal knowledge, that he has each one of the requisite qualifications and none of the statutory disqualifications." (*Cuaki Tan Si vs. Republic*, supra).

The cases cited by appellant do not support his contention that casual acquaintances may vouch for the character of an applicant for naturalization.

The rule has been stated that the character witnesses' knowledge of the petitioner for naturalization need only be such as is appropriate to the possibilities of the case (*In re Reichenburg*, 238 F. 859). Thus in the case just cited, it was considered sufficient that the witnesses saw petitioner, a travelling agent, upon his return from his trips abroad and often while at home with his wife and family; that they corresponded with him, visited, and had personal knowledge of his life and habits during the requisite period. In this jurisdiction, it has been held, in cases cited by appellant, that where the witnesses had had plenty of time to inform themselves as to a petitioner's behavior and habits (*Tan Bee Chiu vs. Republic*, 105 Phil., 437; 56 Off. Gaz. [45] 6922; *Yu Neam vs. Republic*, 103 Phil., 677) not only from their own observation but also from existing records, common reputation and mutual friends and acquaintances (*Lay Kock vs. Republic*, 102 Phil., 657; 54 Off. Gaz. [16] 4713 who would have informed them of petitioner's unworthiness, if such be the case (*Yu Tong Su vs. Republic*, 101 Phil., 169; 53 Off. Gaz. [15] 4825), then their credibility is not affected by their lack of knowledge of insignificant facts about petitioner (*Te vs. Republic*, L-10805, April 23, 1958). In the instant case, however, the character witnesses neither had the chance to observe appellant personally, nor to obtain the appraisal of mutual friends, there appearing none to speak of, at least during the years 1947 to 1952, so that it cannot be said that the possibilities of contact between appellant and said witnesses had been fully availed of to enable them to testify authoritatively in the premises.

The judgment appealed from is affirmed, with costs against appellant.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and Regala, JJ., concur.

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