

CHUA CHIONG ALIAS JUAN CHUA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.*G. R. No. L-16045. May 31, 1962*

Ponente: DIZON, J.

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This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Cagayan granting the petition for naturalization filed by Chua Chiong alias Juan Chua.

On May 21, 1958 Chua filed a petition for naturalization in the lower court, supported by the sworn statements of Oscar W. Littaua and Pedro C. Manzano.

After publication of the notice of hearing as required by law, the case was heard in the lower court where Chua presented documentary and testimonial evidence in support of his petition. The State limited itself to the presentation of documentary evidence.

According to the evidence, Chua was born in Chinkang, China, on August 4, 1923, of Chinese parentage, and owes allegiance to Nationalist China. He emigrated to the Philippines and arrived at the port of Manila on board the SS Anking on May 8, 1933, from which date he resided in Aparri, Cagayan, until 1936 when he transferred his residence to Al-lacapan, of the same province. In 1946 he returned to Aparri where he had been residing up to the time of the hearing.

The testimony of Chua further shows that at the time of the hearing and since 1958 he was employed by Martin Tan Bun Giok at a monthly salary of P300.00; that before 1958 he was an employee of Nicanor Tan at a similar monthly salary; that he was legally married to Bonifacia Ignacio in 1950 (Exhibit Y) with whom he was living with their four children named Jesus Henry, born in 1951, Mercedes, born in 1953, Renato, born in 1955, and Emerito, born in 1957; that when the petition for naturalization was filed, no one of his children was of school age, but at the time of the hearing Jesus Henry and Mercedes were already enrolled in the Aparri Kete School, duly recognized by the government, where Philippine government, civics and history were taught as part of the school curriculum; that he had been issued a certificate of arrival, Immigrant Certificate of Residence No. 114275 and Alien Certificate of Registration No. A-137011; that he left the Philippines twice in 1955 and 1958 to visit with his parents in Hongkong, having stayed in said place for a month on each trip; that he speaks Ilocano and Chinese and knows a little of the national language and English; that he believes in the principles underlying the Philippine Constitution and has conducted himself in a proper and irreproachable manner in relation to the government and the community in which he lives; that he had mingled socially with Filipinos and had evinced a sincere desire to embrace their customs and ideals; that he was not opposed to organized government and was not affiliated with any association who upheld or taught doctrines opposed to organized government; that he does not teach or defend the necessity or propriety of violence, personal assault or assassination for the success or predominance of men's ideas; that he is not polygamous nor did he believe in the practice of polygamy; that he was not suffering from mental alienation nor any incurable and contagious disease as shown by a medical

certificate issued in his favor (Exhibit Q); that he had never been convicted of any crime involving moral turpitude; that he had filed his income tax returns and his statement of assets and liabilities required by the Tax Census Law; that he had no tax delinquency and had not filed any other petition for naturalization except the one subject of the hearing; that it was his intention to become a citizen of the Philippines and to renounce absolutely and effectively his allegiance and fidelity to any foreign prince or potentate, particularly the Republic of Nationalist China, if his petition was granted.

His testimony upon the facts above stated finds corroboration in the documentary evidence presented by him during the hearing.

On the other hand, witness Littaua testified that he was a Filipino citizen and incumbent Chief of Police of Aparri, which force he had joined since December 16, 1931; that he came to know Chua in 1933 when he dropped at the Liong Son hardware store to buy some nails; that he talked to Chua in Ilocano, but the latter simply stared at him, so when he reported this to the manager of the store, the latter apologized saying that Chua had just arrived from China; that since then he had met petitioner very often and know him to be of good repute and morally irreproachable, attached to the principles underlying the Philippine Constitution; that Chua was not polygamous nor opposed to organized government; that he was not affiliated with any organization or association opposed to organized government; that he did not teach the necessity of violence, personal assault or assassination for the success and predominance of men's ideas; that he was not suffering from mental alienation or any incurable or contagious disease; that Chua had no police record and that he mingled socially with Filipinos specially during the war; that he had evinced a sincere desire to embrace and adopt the good customs and habits of the Filipinos and, finally, that he was not a communist or a believer in communism.

The other witness, Pedro G. Manzano, testified to the same effect.

While, at first blush, Chua appears to have proven all the requirements of the naturalization law for the granting of letters of citizenship to an alien, a close examination of the record has convinced us that he fatally failed in some important respects.

Among the qualifications required of an applicant for naturalization are: (i) He must be able to speak and write English or Spanish and any of the Philippine dialects and (2) He must believe in the principles underlying the Philippine Constitution.

Chua does not claim that he can speak and write Spanish. With respect to English, he claims that he knows a little of it. This, however, is disproved, in the first place, by the testimony of his own witness Littaua who, on cross-examination, admitted that whenever he spoke to Chua in English, the latter always answered him in Ilocano; that Chua never talked to him in English; that the only English words he apparently understood were "yes" and "No" (transcript pp. 10 & 11).

The record also shows that while the questions propounded to Chua were asked in simple and understandable English, they had to be interpreted to him before he gave his answers thereto, this having prompted the Fiscal to make of record such fact as follows:

"Fiscal de la Cruz:

For purposes of record, we would like to have it appear that while the questions are asked in simple English, the witness waits for the interpretation." (transcript p. 22)

The foregoing sufficiently shows, in our opinion, that Chua's possession of English does not satisfy the provisions of Section 7 of the Revised Naturalization Law.

With respect to Chua's claim that he is attached to the principles underlying the Philippine Constitution, his own witness, Manzano, testified that Chua had never read the Philippine Constitution (transcript p. 20). One can hardly claim to be attached to the principles embodied in a document with which he does not have even a reading acquaintance.

But it is Chua's own testimony that persuades us that, in reality, he is not conversant with the principles underlying the Philippine Constitution. This is shown by the following excerpts from his testimony:

Q.

—

He also stated that you believe in the principles of democracy. Is that correct?

A.

—

Yes, sir.

Q.

—

What are the principles of democracy that you stated to Mr. Pedro G. Manzano?

A.

—

Regarding the people.

Q.

—

What about the people?

A.

—

Regarding the principles of the people.

Q.

—

Is that all that you told. . . the people and the principles?

A.

—

Yes, sir.

Q.

—

Nothing else?

A.

—

No more, sir.

Q.

—

You also stated a while ago that you embraced the ideals, customs and traditions of the Filipino people. What are those customs of the Filipino people that you embraced?

A.

—

The good customs of the Filipinos.

Q.

—

What are those customs that you embraced?

A.

—

The good custom is that when it is time for eating, they always invite you to eat.

Q.

—

What are the good traditions of the Filipinos that you want to embrace?

A.

—

The hospitality of the Filipinos." (transcript pp. 40-41)

It is true that an applicant for citizenship should not be expected to be a constitutionalist nor to have a mastery of the provisions of our Constitution, but appellee's testimony, quoted above, shows that he does not really understand the principles embodied in said document.

Moreover, when Chua was asked regarding the customs of the Filipinos that he had embraced, the best "good custom" that he could mention was the habit of the Filipinos to invite others to eat when it is time for eating. This

can hardly recommend him for citizenship.

In view of the foregoing, the decision appealed from is reversed, with costs.

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

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