

IN THE MATTER OF THE PETITION FOR ADMISSION AS CITIZEN OF THE PHILIPPINES, BERNARDO YAP, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-19832. August 23, 1966

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

This is an appeal by the Republic of the Philippines from a decision of the Court of First Instance of Cebu (naturalization case 625), granting the petition of Bernardo Yap for naturalization.

On January 30, 1961 Bernardo Yap, a Chinese citizen, filed a petition for naturalization in the Court of First Instance of Cebu. The petition alleges, among other things, that his place of residence is Capitol Road, Cebu City, and his former residence was 247 Manalili Street, Cebu City; that he is single; that he is an agent of the Wan Tay Trading in Cebu City; that his average annual income is P2,400; that he has resided continuously in the Philippines for at least 22 years immediately preceding the date of the petition; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in an irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he lives; that he has mingled socially with Filipinos; that he is possessed of a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; that he has all the qualifications required under section 2, and none of the disqualifications enumerated in section 4, of Commonwealth Act 473.

The petitioner sought to establish at the hearing on the petition that he was born in Cebu City on March 12, 1939, of Chinese parentage; that he is single; that he holds an Alien Certificate of Registration and an Immigration Certificate of Registration; that he has continuously resided in the Philippines since birth, first in Cebu City before the last World War, then in Bohol during the war when he was yet a small child, and then again in Cebu City from 1945 to the present; that he obtained his elementary education at the Chiang Kai Shek School and his high school education at the University of Sto. Tomas; that at the time of the hearing he was enrolled as a third year chemical engineering student at the University of San Carlos; that in the said institutions all of which are recognized by the Government of the Philippines, Philippine history, government and civics form part of the curriculum, and enrollment is not limited to any particular race or nationality; that he is employed as a sales agent in the Wan Tay Trading, Cebu City, a position he started to hold only on January 1, 1961, with a salary of P200 a month; that beginning January 1, 1962, his salary was increased to P300 a month; that he is a person of good moral character and standing in the community; that he has not been accused or convicted of any crime, nor is there any derogatory record against him; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in an irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government, as well as with the community in which he lives; and that he has mingled socially with Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos.

The two character witnesses, Geronimo Creer, Jr. and Juanita Cañedo, affirmed the contents of their joint affidavit which is attached to the petition. They further testified on the good moral character and irreproachable conduct of the petitioner, and declared that the petitioner has mingled socially with Filipinos and adopted and embraced Filipino customs, traditions and ideals.

After considering the evidence on record, the lower court concluded that the petitioner's application for naturalization and his qualifications therefor are amply supported by the testimonial and documentary evidence adduced, and that he possesses all the qualifications enumerated in section 2 of Commonwealth Act 473, as amended by Commonwealth Act 535, and none of the disqualifications enumerated in section 4 of Commonwealth Act 473. The petition for naturalization was then granted. From this decision, the Republic has appealed.

Is the petitioner entitled to become a Filipino citizen?

The Republic contends that (1) the petitioner fatally omitted to state his former residence in his petition; (2) there is insufficient evidence to prove his good repute and irreproachable conduct; and (3) there is no sufficient evidence to show that he has a lucrative employment or occupation.

Anyone of these three assertions, if true, is a sufficient ground for the denial of the petition.

Anent the first point, the petitioner declared that his present place of residence is Capitol Road, Cebu City. At the hearing, however, he admitted that also resided in Bohol during the Japanese occupation, which fact he did not state in his petition. His failure to state in the petition all the places of his residence violates sec. 7 of the Revised Naturalization Law (Commonwealth Act 473), and is a fatal defect that warrants dismissal of the petition (*Go v. Republic*, L-20558, March 31, 1965; *Techip v. Republic*, L-19637, February 26, 1965; *Ong Ping Seng v. Republic*, L-19575, February 26, 1965; *Uy v. Republic*, L-20208, June 30, 1965; *Tan Huy Ling v. Republic*, L-21671, Feb. 28, 1966; *Kao Heng etc. v. Republic*, L-21079, February 28, 1966; *Leoncio Dy v. Republic*, L-20152, February 28, 1966). This requirement of disclosure not only of the petitioner's present place of residence but also of previous ones, is "designed to facilitate the checking up of the activities of said petitioner material to the proceeding and affords the government fuller and more reliable basis for determining his fitness or disqualification to become a Filipino citizen" (*Cheng v. Republic*, L-20013, March 30, 1965; *Ng v. Republic*, L-19646, May 31, 1965). Non-compliance with this requirement is assumed to have impaired the substantial effectivity of the investigation conducted for this purpose. Furthermore, such omission amounts to "falsifying the truth, indicating lack of good moral character which disqualifies him from admission to Philippine citizenship" (*Ong Tai v. Republic*, L-19418, December 23, 1964). Indeed, "this defect cannot be cured even if the omitted place of residence is supplied during the trial" (*Lo v. Republic*, L-15919, May 19, 1961; *Qua v. Republic*, L-19834, October 27, 1964; *Kao Heng etc. v. Republic*, *supra*). That the petitioner was only "3 to 5 years" old when he resided in Bohol does not constitute a valid excuse for the omission.

Similarly, his assertion that the citizenship laws should be liberally interpreted in his favor finds no support in law or jurisprudence in this jurisdiction. Admission to citizenship is one of the highest privileges that the Republic of the Philippines can confer upon an alien. It is a privilege that should not be conferred except upon persons fully qualified for it, and upon strict compliance with the law. "Philippine citizenship should not easily be given away. All those seeking to acquire it must prove, to the satisfaction of the court, that they have complied with all the requirements of the law" (*Chua Eng Hok v. Republic*, L-20479, October 29, 1965).

It is next contended by the Republic that there is paucity of evidence of record to prove the petitioner's good repute and irreproachable conduct. Geronimo Creer, Jr. and Juanita Cañedo vouched for his good moral character and irreproachable conduct. Besides affirming the contents of his affidavit, Creer declared that he had known Yap

from 1946 or 1947 to about 1953, when they were neighbors in Cebu City; that they used to see and contact each other and go together to social affairs; that Yap used the Cebu-Visayan dialect in their house; and that he has adopted Filipino customs and traditions. Juanita Cañedo also affirmed the contents of her affidavit, and further testified that she came to know the petitioner in 1948 as her neighbor in Manalili St., Cebu City; that she continuously associated with him up to the time of the trial; that he has mingled socially with Filipinos during parties; and that he has learned and embraced Filipino traditions and ideals. Both these witnesses admitted, however, that during the time that the petitioner was studying in high school in the University of Santo Tomas in Manila, their only contact with him was during Christmastime and summer vacation in Cebu City. Consequently, while they have personal knowledge of his behavior during his residence in Cebu City, they are not competent to vouch for his good moral character and behavior during the time that he was in Manila. And because the law requires proof of proper and irreproachable conduct during the entire period of the alien's residence in the Philippines, the evidence presented in this case falls short of the quantum prescribed by law.

It will be further noted that the petitioner failed to ask for amendment of his Alien Certificate of Registration in spite of his change of address and the fact of his employment, which inaction on his part amounts to a violation of section 5 of the Alien Registration Act of 1950 (R.A. 562), indicating lack of proper and irreproachable conduct on his part during his period of residence in the Philippines.

The Republic finally contends that there is insufficient evidence to prove that the petitioner is engaged in a lucrative employment or occupation. The petitioner's bare averment that he has been employed since January 1, 1961 (only thirty days before he filed his petition for naturalization) without any supporting payroll, time card, or books of accounts of his employer, and the uncorroborated testimony of his supposed employer, Sy Pien Chong, regarding the alleged increase of his salary to P300 a month effective on January 1, 1962, in spite of the fact that at this time he was a chemical engineering student, whose laboratory and school work demanded his attention for presumably the greater part of every week day, far from lending verisimilitude to the petitioner's pretensions, compel us to the conclusion that his alleged employment is pure fiction.

ACCORDINGLY, the judgment a quo is reversed, and the petition is denied, at petitioner-appellee's cost.

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

Makalintal, J., in the result.

Regala, J., no part.

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