

IN THE MATTER OF THE PETITION OF YU LO FOR PHILIPPINE CITIZENSHIP. YU LO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.*G.R. No. L-4725. October 15, 1952*

Ponente: MONTEMAYOR, J.

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Appellant Yu Lo filed a petition for naturalization in the Court of First Instance of Samar. Said application was accompanied by the affidavits of the mayor, the justice of the peace, and a councilor of Catbalogan, Samar, stating that they had known him since 1928, and vouching for his being a person of good repute and morally fit for naturalization, and that in their opinion the petitioner had all the qualifications necessary to become a citizen of the Philippines. On the witness stand during the hearing, these three affiants repeated and ratified the contents of their affidavit before the court. By himself and his witnesses petitioner proved the allegations of his petition, namely, that he had resided in the Philippines continuously for 33 years; that he had six (6) children by his common-law wife Francisca Amable and with the exception of the youngest, not yet of school age, all said children were going to a private school recognized by the Government; that in addition to knowing the native dialect, he could speak and write Spanish; and that he had an income of between P7,000 to P10,000 a year from a beauty parlor and from the rentals of several houses. The trial court found that the petitioner possesses all the qualifications for naturalization, except that according to it he had not conducted himself in a proper and irreproachable manner as required by law because when he gave his personal circumstances as a witness he said that he was married, but it turned out that he was not married to Francisca Amable and so the lower court concluded that he must have been married somewhere and to someone else, in which case, he must be living in concubinage with the mother of his six children; also that the evidence shows that the beauty parlor as well as the houses from where his alleged income is derived are all registered in the name of Francisca Amable and for this reason, the trial court believed that he had utilized the Philippine citizenship of Francisca to acquire property contrary to the provisions of the Constitution. For these reasons, the trial court denied the petition for naturalization. Yu Lo is now appealing from that decision or order of denial.

We have carefully read the record of this case and we regret to disagree with the trial court in some of its conclusions. The fact that appellant stated on the witness stand that he was married when as a matter of fact he was not married to Francisca Amable does not necessarily prove that he was married to another woman and so was living in concubinage with Francisca. He explained to the court in his testimony that he felt that he was married to Francisca because they had been living as husband and wife for so many years and had raised a family of six children. As to the ownership of the property involved, namely, the beauty parlor and the house for rent, he and Francisca assured the court that said properties were acquired by them during their long period of cohabitation, and that the capital used and invested in the acquisition came from them both and so they considered said properties as belonging to them jointly. When therefore, Yu Lo stated in his petition for naturalization that he had an income of between P7,000 and P10,000 a year, he was referring to the income of his family. He and

Francisca explained that for convenience the properties were registered in the name of Francisca alone. These facts do not warrant the conclusion of the trial court that Yu Lo had utilized the citizenship of Francisca to illegally acquire said properties contrary to the provisions of the Constitution. In the first place, the date of the acquisition of the properties was not specifically mentioned whether before or after the approval of the Constitution. In the second place, said properties are not exactly lands mentioned in the Constitution. In the third place, before the promulgation of the Krivenko[1] case by a divided court, many were not sure or did not know what real properties were covered by the constitutional prohibition regarding acquisition by aliens. So, it is not exactly correct to conclude that Yu Lo acted in bad faith and took advantage of the Philippine citizenship of his common-law wife to acquire the beauty parlor and the houses which the two now own.

However, we agree with the trial court in so far as it denied the petition for naturalization, on the ground that the conduct and behavior of appellant in cohabiting with Francisca Amable and begetting children by her without the benefit of marriage, from the standpoint of morality and decency, does not meet with the approval not only of this court but of the community where he lives and the country whose citizenship he applied for, which country by the way is mostly Christian and of the Catholic faith. While there may be a few cases of concubinage or cohabitation without the sanction of marriage, by citizens of this country, nevertheless, before admitting an alien into its fold and giving him the rights and privileges of citizenship, this country by law requires of the applicant among other things, proper and irreproachable conduct. Openly cohabiting with a woman and maintaining with her what the law considers illicit relations, can hardly be regarded proper and irreproachable conduct. For this reason, we affirm the decision appealed from. This denial of appellant's petition for naturalization is without prejudice to a renewal thereof if and when the petitioner shall have seen his way clear to mending his ways such as for instance, legalizing his relations with" the mother of his children by marriage, civil or religious, so as to comply "With the requisites of the law on naturalization. In such a case, the evidence in this case may be availed of and utilized in addition to any other evidence that may be introduced by petitioner or by the Government, favorable or adverse. Appellant will pay costs.

Paras, C. J., Pablo, Bengzon, Padilla, Jugo, Bautista Angelo, and Labrador, JJ., concur.

[1] 44 Off. Gaz., No. 2, p. 471.

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