

PELEGRINA TAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20710. April 29, 1966

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

The Court of First Instance of Cebu, in its decision of October 2, 1962 (Nat. Case No. 692), granted the petition of Pelegrina Tan for naturalization as Filipino citizen. The Solicitor General appealed on two grounds: (1) that petitioner failed to allege in the petition a previous place of residence; and (2) that the character witnesses who testified in her favor are not credible persons.

Applicant is a Chinese citizen, single, born of Chinese parents in Gebu City on August 10, 1928. Since then and until the hearing of her application she had never left the country, and had resided continuously in Cebu City. She finished secondary schooling in St. Theresa College in Cebu, speaks and writes both the English and Visayan languages, and professes the Roman Catholic faith. She was employed as cashier in two corporations, namely, Go Chan & Co. Inc. and Petrick's Poultry and Hatchery, where she was receiving a monthly salary of P400.00.

The record shows that she has all the qualifications required by law as to length of residence; as to association with Filipinos and willingness to embrace the native customs and traditions; as to belief in the principles underlying the Constitution; as to political convictions and sympathies; as to state of health, moral character and conduct during the entire period of her residence in the country; and such other matters as absence of criminal record, payment of income taxes, registration as alien with the Bureau of Immigration and compliance with other applicable laws and regulations. Her uncontradicted testimony is that her grandfather, Felix Go Chan, was a Filipino citizen; her three uncles, one of whom is Attorney Esteban Go Chan, are Filipino citizens; and so are her three brothers, who have acquired Filipino citizenship by naturalization. On the witness stand, on direct and cross-examination, she showed familiarity not only with the fundamental provisions of the Constitution but also with the structure of the Philippine government, the powers and functions of the different branches thereof and the names of the persons heading them. She does not suffer from any of the disqualifications enumerated in the Naturalization Law.

The Solicitor General says that petitioner failed to allege in her application that she had a place of residence other than Cebu City. We do not believe the omission to be fatal. The point came up in the testimony of Mrs. Corazon Ceniza, one of the two witnesses mentioned in the application, to the effect that when the war broke out petitioner evacuated to Bantayan, also in the province of Cebu. It must be borne in mind that she was then only fourteen years of age and had to go where her parents took her; that the evacuation by its very nature was temporary, similar to that resorted to by almost everybody at the time for reasons of personal safety, and was by no means intended as a change of residence. The transfer could not conceivably be material for purposes of any investigation that the State might make in order to check on the conduct or activities of petitioner at the tender age of fourteen and during such a short period.

The two character witnesses whose credibility is questioned by the Solicitor General are Francisco Balcon and lies. Corazon Ceniza. Balcon's qualification as a reputable person in the community is not challenged. He had known petitioner since 1935, when she was only seven or eight years old. Prior to 1957 he became assistant manager of the Gebu Autobus Company, and in that year started to work as part-time employee and attorney-in-fact in the import department of Go Chan & Company and Go Chan Hardware. Bias is attributed by appellant to this witness on the ground that he used to make purchases of spare parts from Go Chan Hardware way back in 1952 or 1953; that petitioner, who was then the store cashier, recommended him to the manager; and that he was "given a price suitable to the item" he purchased. The recommendation could not necessarily have made Balcon a biased witness. It is an occurrence common enough in business, and the suitable price referred to by Balcon did not connote any undue favor he had to reciprocate. If anything, it simply accounts for the knowledge acquired by him as to petitioner's character, conduct and other personal traits.

The other witness, Mrs. Corazon Ceniza, was the owner of a dress-shop in Cebu City and for many years had been a professor of psychology in the University of San Carlos. The suggestion is made that she was not a credible witness because she stood as sponsor at petitioner's baptism and that petitioner used to patronize her dress-shop. There is nothing in the record to show that these tenuous circumstances caused her to deviate from the truth. In themselves of course, taken objectively, they would not disqualify her as a witness or justify the conclusion that her testimony is unavoidably biased. On the contrary, they afforded her ample opportunity to know petitioner intimately and to be able to say whether or not she really deserved to become naturalized. Her testimony on the point is quite extensive and attests in considerable detail to petitioner's qualifications and sincerity of purpose in seeking Philippine citizenship.

On the whole, we find no error in the decision appealed from, and the same is therefore affirmed, without pronouncement as to costs.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Dizon, Regala, Bengzon, J.P., and Sanchez, JJ., concur.

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