

IN THE MATTER OF THE PETITION OF ONG GIOK LIN ALIAS BENJAMIN ONG TO BECOME A FILIPINO CITIZEN. ONG GIOK LIN ALIAS BENJAMIN ONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHIL...

G.R. No. L-18212. December 08, 1964

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

The state appeals from a judgment of the Court of First Instance of Leyte (Ormoc City Branch), in its Naturalization Case No. 0-7, granting the petition of Ong Giok Lin alias Benjamin Ong to become a Filipino citizen and declaring the applicant entitled to be admitted to citizenship.

Basis of the appeal is the overruling by the Court a quo of the Solicitor General's opposition, notwithstanding the testimony of its witnesses, particularly Dr. Hermenegildo Serafica and Flaviano Cabaña. It turned out that Ong (who was managing his mother-in-law's lumber business) had first approached Flaviano Cabaña, a trusted employee of Dr. Serafica (another lumber merchant) on an occasion that the city government of Ormoc was requisitioning a big amount of lumber, and "told me (Cabaña) to agree to the price of lumber so that the government will have to pay us higher price than the usual price", and "we two will divide the profit of eight centavos per board foot". Cabaña advised Ong that he would tell his employer first, as he was not the proprietor of the business; and on 30 July 1958, applicant Ong came to the office of Dr. Serafica to find out the result, but the doctor told Ong he would think it over.

We agree with the Solicitor General that this evidence sufficiently establishes that the applicant's moral character and conduct are far from irreproachable, as required by the Naturalization law, unlike what Ong and his vouching witnesses would have the Court believe. The same also proves that the applicant is not averse to maneuvers that restrict free competition to the detriment of the general interest. To be sure, applicant Ong testified in rebuttal that it was Dr. Serafica who sent his driver for him and had applicant brought to the doctor's office; that there the latter broached the proposition that Ong should abstain from bidding to enable Serafica to win the bidding, to which Ong's answer was "I told Dr. Serafica that I could not decide the matter because I am not the owner of the business". But as between the concordant testimony of Dr. Serafica and Flaviano Cabaña, and the uncorroborated testimony of applicant, the preponderance is clearly with the evidence of the former. In fact, Cabaña's testimony was not contradicted by applicant. Since Ong specified no dates, both incidents could well have happened on different occasions, and the testimonies are not mutually exclusive. At any rate, even if the claim of Ong were accepted, still it would show that he was not minded to reject outright the dishonest proposal attributed to Dr. Serafica, and that despite his alleged non-committal answer, the applicant actually agreed to the proposal, since Ong admitted that "he (Serafica) won the bidding because I was not present during the bidding" (t.s.n., Pareja, p. 57).

That Ong's mother-in-law owned the lumber business of which he was manager does not detract a whit from the

derogatory effect of the evidence for the contestant against applicant's character and conduct. We conclude that the court below erred in not finding that the applicant failed to show that he is "morally irreproachable", as required by law.

WHEREFORE, the decision appealed from is reversed, and the petition for naturalization is ordered dismissed. Costs against applicant-appellee, Ong Kiok Lin alias Benjamin Ong.

Bautista Angelo, Concepcion, Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

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