

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP. SANTIAGO NG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-16302. February 28, 1962

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

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

Appeal by the Republic of the Philippines from the decision of the Court of First Instance of Marinduque (Civil Case No. 14) admitting petitioner Santiago Ng to Philippine citizenship.

The trial court found, and the Solicitor General does not dispute, that petitioner, Chinese, single, was born on May 28, 1927, in Boac, Marinduque; that he was thirty-two (32) years old at the time of the hearing of the petition; that he is a resident of Boac, Marinduque, has resided there since his birth or for more than thirty-years; that he is a merchant, having a combined bakery-grocery store in Boac, with a capital of not less than P30,000; that he has paid all his obligations to the government in the form of licenses and taxes; that he speaks and writes English and Tagalog; that he has no criminal record and has been paying his taxes religiously; that he actually participated in the resistance movement; that he took part in civic activities like Boy Scouts, Red Cross, and Anti-TB campaigns, and in patriotic celebrations such as Independence Day, Rizal Day, and National Heroes' Day; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation to the constituted government; and that he is not disqualified under section 5 of the Revised Naturalization Law.

In support of petitioner's petition and application for naturalization, his two vouching witnesses, Miguel Manguerra, provincial governor of Marinduque, and Jose Madrigal, municipal mayor of Boac, took the stand.

The state appealed the concession of citizenship on the ground that the testimonies of the two aforesaid vouching witnesses are insufficient to sustain the averments in their joint affidavit supporting the petition, it being claimed that they failed to give in their testimonies the necessary facts to prove that petitioner possesses all the qualifications and does not possess any of the disqualifications to become a Filipino citizen.

We have reviewed the testimonies in question and agree with appellant that they are deficient in necessary facts to show petitioner's non-possession of the disqualifications for Philippine citizenship.

Apart from stating that they know petitioner intimately, since his birth with respect to witness Manguerra, and from the time he was five or six years old with respect to witness Madrigal, these witnesses also declared:

Witness Miguel Manguerra: that petitioner's character is above reproach; that he has mingled with Filipinos and could hardly be considered a Chinese if one knows him personally; that the witness recommends petitioner to be a Filipino citizen and believes that he would be a good citizen; that petitioner is very industrious and thrifty, traits that Filipinos should emulate; that he is a good mechanic and would be an asset to our citizenry; that he has personally observed him to be inclined to the Nationalist Government of China; that he has a sari-sari store with a

capital of about P5,000, and is also engaged in the copra business with his father; that all his employees are Filipinos and that he pays them the minimum wage; that he does not play games of chance, drinks tuba and beer only once in a while, professes the Catholic religion, does not live with a common-law wife, is an auto-mechanic by trade, and gives contributions to civic organizations.

Witness Jose Madrigal: that petitioner's character is good and he behaves more like a Filipino than a Chinese; that he has mingled socially with Filipinos and has no criminal record; that the witness strongly recommends him to be a Filipino citizen; that he sometimes goes to the cockpit but does not play mahjong; that he has seen him drink only one bottle of beer at the times they were together; that he has a good standing in the community; that the witness does not believe that petitioner is a Communist Chinese; that he is a law-abiding citizen, attends only to his business, and does not hesitate to extend help to anyone in need of it; that he is not living with any woman; that he owns a bakery business and a truck, and pays the minimum wage to his employees as well as taxes to the government; that he often sees him in the Catholic church; and that he went to high school (though witness is not sure whether he finished it) and also studied auto mechanics.

It can be seen from the preceding summary of their testimony that petitioner's witnesses have at the most established that he has not been convicted of crimes involving moral turpitude, and that he has irreproachable character and mingles socially with Filipinos, but they have not shown the absence of the other disqualifications specified by section 4 of the Naturalization Law. No facts are given by the witnesses from which the Court may infer that applicant Ng is not a person opposed to organized government nor is he affiliated to a group of persons who uphold and teach doctrines opposed to organized government; that he does not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of his ideas; that he does not believe in the practice of polygamy; or that he is not suffering from mental alienation or incurable contagious disease.

The absence of such disqualifications is part and parcel of the case for naturalization, and it is incumbent upon the applicant to prove the same, in addition to his possession of the positive qualifications required by the statute. The belief expressed by the witnesses that the petitioner would make a good citizen, and that they recommend his admission to Filipino citizenship, is a mere conclusion unsupported by facts, and, therefore, an opinion entitled to no weight. The rule is that "the opinion of an intimate acquaintance respecting the mental sanity of a person, the reason for the opinion being given, may be received in evidence" (Rule 123, section 20); and in the case of an expert, the value of his opinion depends upon the facts he can adduce to support it. "If the basis of his conclusion is not very well shown, or if shown, the logic of such conclusions is not convincing, his opinion deserves no weight" (3 Moran, Rules of Court, p. 160; U.S. vs. Kosel, 24 Phil., 594; People vs. Florendo, 68 Phil., 619). This criterion should apply with greater force to opinions of non-expert witnesses.

It is true that the applicant himself has testified to the absence of disqualifications; but the law itself, by requiring that the petition for naturalization should be supported by the affidavit of at least two credible citizens, indicates that the sworn assertions on the matter by the applicant himself are not sufficient if standing alone. The rules should apply with greater strictness in the case before us, because the lack of a declaration of intention, albeit excused in the present instance by a 30-year residence, has, nevertheless, prevented as thorough an investigation into petitioner's qualifications as in ordinary cases where a declaration of intent has been filed with the Solicitor General.

Premises considered, we find the evidence on record inadequate to warrant the admission of applicant Santiago Ng to Filipino citizenship. The decision appealed from is, therefore, reversed, and the petition ordered dismissed. Costs against petitioner.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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