

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. QUE TIAC, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20174. January 31, 1972

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

This is a joint decision in the above-entitled naturalization cases owing to the common issues therein raised.

1. L-20174 – Que Tiac vs. Republic

This case was initiated in the Court of First Instance of Bataan on May 8, 1958. Three (3) weeks later, petitioner filed, with the Office of the Solicitor General, a declaration of his intention to become a citizen of the Philippines.

Petitioner's evidence is to the effect that he, a Chinese, born in Amoy, China, on December 27, 1897, arrived at the port of Manila, on board the vessel "Susana," in February 1917. Since then, he resided continuously in the Philippines, except when he left for China in 1922-1923, and, then, in 1925 to January 1926. Thereafter, he resided in Lipa, Batangas, from 1925 to 1939, in Balanga, Bataan – from 1940 to 1942 – where he owns a building, worth about P7,000, used for residential and business purposes, aside from being the owner and manager of a business establishment known as "Victory Lumber," in La Loma, Quezon City, from 1942 to 1946, and back to Balanga, Bataan, since 1946. He had a net income of P4,219.75 in 1956, P4,388.71 in 1957 and P5,803.01 in 1958. Married to Qua Sue, another Chinese born in Amoy, China, he has seven (7) children, six (6) of whom are studying in different schools in Manila and Balanga, Bataan. One child (Lorenzo Que, born on June 11, 1933) had finished no more than the third grade elementary education, for he stopped studying during the war and did not resume schooling subsequently thereto.

On December 18, 1959, the lower court rendered, in due course, its decision, copy of which was received by the Solicitor General on December 28, 1959, granting the petition. On June 3, 1960, a motion for reconsideration – filed on January 18, 1960, by the provincial fiscal of Bataan, who appeared for the Solicitor General – was denied. On December 23, 1961, petitioner filed a motion to set the case for hearing on December 26, 1961, for the reception of evidence, as a condition precedent to his oath-taking. Having been filed less than two (2) years from notice of the decision to the Solicitor General, the motion was denied by Judge Ambrosio Dollete, who presided said court, on December 27, 1961. Petitioner reiterated the motion on December 28, 1961, on which date, the deputy clerk of the Court of First Instance of Bulacan received, *ex parte*, at Malolos, Bulacan – where Judge Dollete was then holding court – the evidence for the petitioner and the lower court issued an order authorizing him to take his oath of allegiance, which petitioner did on December 29, 1961. A reconsideration of said order of December 28, 1961, having been denied, the Solicitor General interposed the present appeal.

2. L-22617 – Uy Chiao Tian vs. Republic

Petitioner Uy Chiao Tian, a Chinese, born in Amoy, China, on or about February 15, 1923, arrived at the port

of Cebu, on board the vessel "Ankhing," on February 19, 1935. From Cebu, he proceeded to Larena, Negros Oriental, where he claims to have resided continuously since 1935. On September 26, 1952, he married Dorotea Go Uy – another Chinese, born in Cebu City on September 3, 1934 – who bore him four (4) children, three (3) of whom were enrolled at the Dumaguete Chinese School. Engaged in business, he had a net income of P9,214.80 in 1960, P6,295.36 in 1961 and P9,547.34 in 1962, apart from being the owner of two (2) "bodegas" worth P2,000 and P500, respectively. On June 4, 1962, he filed his petition for naturalization, which, after appropriate proceedings, was granted on December 3, 1963. Thereupon, the Government interposed the present appeal in which it maintains that petitioner had not conducted himself in a proper and irreproachable manner in that, being an alien, he acquired real property although not qualified therefor, and that, having enrolled his children of school age in a Chinese school, he had not evinced a sincere desire to embrace the customs and traditions of the Filipinos.

3. L-23008 – Sia Uan vs. Republic

On January 26, 1961, the Court of First Instance of Manila rendered judgment granting Sia Uan's petition for naturalization, filed on April 29, 1960. No appeal having been taken from said judgment, Sia Uan filed, on March 15, 1963, a motion praying that, after due hearing, he be allowed to take his oath of allegiance as citizen of the Philippines and the corresponding certificate of naturalization issue to him. The motion was denied upon the ground that the evidence introduced at said hearing showed that petitioner did not have sufficient knowledge of English and Tagalog; that his daughter, Sia Siok Keng, born in Hongkong on November 3, 1948, was still residing in that city when he filed his petition; that although she later came to the Philippines as a temporary visitor and has been studying therein, he is not qualified to be naturalized as a citizen of the Philippines, having failed to enroll her, as soon as she became of school age – in 1954 – and up to the year 1960, in a public school or a private school in the Philippines recognized by its Government, in which Philippine history, government and civics are taught. Hence, this appeal by the petitioner who maintains that, at the hearing for the purpose of oath-taking, his qualifications or disqualifications may no longer be inquired into, and that the lower court had erred in making the findings of fact above referred to.

4. L-23168 – Idanmal Johnny Pribhdas vs. Republic

Born in Manila on September 5, 1928, petitioner Idanmal Johnny Pribhdas – whose parents were citizens of India – resided in Manila up to 1949, then in Iloilo City from 1949 to 1954, and, still later, in Roxas City from 1954 up to the present, except for a three-month trip abroad in 1954. He is married to Mohni Chaugani, another citizen of India, by whom he has four (4) children, two (2) of whom are studying at Saint Mary's College, Roxas City, the other two (2) not being as yet of school age. Petitioner speaks and writes English, Tagalog and Visayan. In his petition for naturalization, filed on December 29, 1962, it is alleged that he is and has been engaged in business since 1949, with an average annual income of P10,000.

The case is before Us on appeal taken by the Government - from the decision of the lower court, rendered on February 4, 1964, granting said petition - upon the ground of: (a) insufficiency of the testimony of the character witnesses, (b) failure of the petition to state all of petitioner's former places of residence; and (c) failure to prove that he had been issued an alien certificate of registration and an immigrant certificate of registration.

5. L-24042 – Ang Hok vs. Republic

On August 29, 1960, the Court of First Instance of Davao rendered a decision in Special Case No. 121 thereof, granting Ang Hok's petition for naturalization. No appeal having been taken from said decision, Ang Hok filed, on November 5, 1962, a motion to declare the same executory, which the court denied on December 27, 1963, upon the ground that petitioner's monthly income of P250, at the time of the filing of the petition, and of P300, when said motion was heard, is not sufficient to warrant a finding that he has a lucrative trade, "taking into account the present high cost of living today and the low purchasing power of the peso." Hence, this appeal by

the petitioner, who maintains that, he being still single, said income of P300.00 a month is sufficiently lucrative, within the purview of the Revised Naturalization Law, considering, particularly, that it had been so held, in effect, in the aforementioned decision.

6. L-24851 – Dy Kim Sia vs. Republic

Born on October 5, 1935, at Chuan Chiu, China, on or about November 28, 1937, petitioner Dy Kim Sia – baptized as Bienvenido Dy Crisologo – arrived, on board the vessel "Tjisadane," at the port of Cebu, where he has resided continuously. He finished his elementary education in the Colegio de San Jose-Recoletos and his secondary education in the University of Southern Philippines, and was, at the time of the filing of his petition (March 3, 1964), a second year student in the College of Commerce, University of Visayas, all in Cebu City. Still single, he allegedly had, as a salesman of the Service Auto Supply at M.C. Briones St., Cebu city, a monthly salary of P140 in 1960, which was increased to P160 in 1962, then to P340 in 1963, and finally to P400 in 1964.

On March 3, of the latter year, he filed, with the Court of First Instance of Cebu, his present petition for naturalization, which was granted in a decision dated March 31, 1965. The Government has appealed therefrom, alleging insufficiency of the evidence on his alleged income and failure to secure the permission of the Government of Nationalist China to renounce his allegiance thereto, as required by its laws, as well as inadequacy of the testimony of his character witnesses.

7. L-24863 – Republic vs. Hon. Amador Gomez and Carlos G. Chua

The Court of First Instance of Cebu having rendered, on November 14, 1962, a decision granting the petition of Carlos G. Chua – filed on November 29, 1961 – for his naturalization as citizen of the Philippines, respondent Honorable Amador E. Gomez, as judge of said court, issued, on April 24, 1965, an order allowing Chua to take his oath of allegiance as such citizen, which Chua took on the same date. The Solicitor General sought to appeal from said order, copy of which he received on April 30, 1965, by filing a record on appeal, which respondent Judge disallowed upon the ground that it was filed out of time and that said order is not appealable. The Government filed, therefore, this petition for certiorari and mandamus, with preliminary injunction, alleging that respondent Judge had gravely abused his discretion and exceeded his jurisdiction, as well as neglected the performance of a duty imposed by law in refusing to give due course to said appeal and that the same is meritorious, petitioner having failed to show that he has a "lucrative" trade or profession and that he has complied with other requirements of the Revised Naturalization Law. On motion of the Government, We issued, on September 8, 1965, a writ of preliminary injunction restraining Chua from representing himself as a Filipino citizen and/or exercising any of the rights and privileges of such citizen.

8. L-24969 – Go Le Kian vs. Republic

Go Le Kian, a Chinese, born in Amoy, China, on October 12, 1922, arrived at the port of Manila, in 1936, on board the SS "Ankhing," and, thereafter, resided continuously in the Philippines. He resides at No. 1075 Dagupan St., Manila, his former residence having been No. 925 San Fernando St., Manila. He is married to Go Sio Bee alias Ko Siok Bee, a Chinese, born in Amoy, China, by whom he has a child named Go Yee Kim, born in Amoy, China, on June 15, 1948. When the petition for naturalization in this case was filed with the Court of First Instance of Manila, on April 29, 1960, Go Sio Bee and said child Go Yee Kim were residing in Hongkong. Later that year, or on November 14, 1960, mother and child, the latter then 12 years of age, came to the Philippines and were admitted as "temporary visitors," with authority to stay therein for three (3) months. Thereupon, petitioner - who had an average annual income of P6,000 – enrolled his child at the Ex-Cowhm Elementary School in Manila, a Chinese educational institution, but later transferred him to the Far Eastern University. Judgment having been rendered on January 23, 1961, granting the petition for naturalization, petitioner moved, on July 9, 1963, that he be allowed, after appropriate proceedings, to take his oath of

allegiance. The motion was denied on June 30, 1965, petitioner's child not having been enrolled "in any of the schools prescribed in the Revised Naturalization Law," upon reaching school age. Hence, this appeal by the petitioner.

9. L-25178 – Pablo Go vs. Republic

Born on July 14 or 30, 1938, in Calauag, Quezon, of Chinese parentage, Pablo Go, alias Pablito Lim, finished his elementary education in a public school and his secondary education in the Southern Luzon High School. As an agent of Yu Pang Peng Trading, he had an average yearly income of P3,600 in 1961, when he filed his application for naturalization (on April 24, 1961), which was granted in a decision of the Court of First Instance of Quezon dated August 16, 1965. The case is before Us on appeal taken by the Solicitor General, who seeks the reversal of said decision upon the ground that petitioner has been using an alias – Pablito Lim – without judicial authority therefor and that he does not have a lucrative trade.

10. L-30934 – Tan Ngo vs. Republic

The Court of First Instance of Batangas having rendered, on November 17, 1960, a decision granting Tan Ngo's petition for naturalization as citizen of the Philippines, said court issued, on July 31, 1963, an order authorizing the petitioner to take his oath of allegiance, which he did on the same date. The corresponding certificate of naturalization having been issued on September 5, 1963, the Government moved, on December 6, 1968, to cancel the same, alleging that copy of said decision had not been furnished the Solicitor General until November 11, 1968; that neither copy nor notice of petitioner's motion to be allowed to take said oath of allegiance had ever been served upon said officer; that the petition for naturalization is defective for, inter alia, lack of allegation on petitioner's moral character and the name Vicente Go he appears to have been using; that the P5,000 yearly income he claims to have is not sufficient to justify a finding that he has a "lucrative" trade, considering that he has a wife and seven (7) children dependent upon him. Petitioner objected to said motion, the Solicitor General having been represented by the city fiscal of Lipa, who was served with all pleadings and notices and had neither appealed from said decision nor objected to petitioner's motion for the taking of his oath of allegiance. The lower court sustained this objection and issued, on July 15, 1969, an order, the dispositive part of which reads:

"WHEREFORE, finding that almost all of the defects assailed by movants are procedural or highly technical in nature without sinister purpose on the part of petitioner Tan Ngo, but considering that the Court has no full and complete jurisdiction over the petition and/or petitioner Tan Ngo, petitioner is hereby ordered to cause a regular publication of notice, giving thereby knowledge to the entire world that petitioner in his native name Tan Ngo and aliases Vicente Go, Vicente and Tan Chua Ngo wants to be a citizen of the Philippines, and giving right to every person, either natural or artificial, to object to the petition on valid or legal grounds during a public hearing before this Court on a date to be fixed in the notice by the required publication at the instance and expense of the petitioner.

"After the finality of this Order, from receipt thereof, without motion for reconsideration, appeal, or whatever remedy that holds the running of the reglementary period for finality of this order, and compliance to all necessary requirements, the grant of citizenship to and the rights and privileges therefrom of Tan Ngo are suspended."

The main issue in all of these cases, except in L-24863, is the effect of non-compliance with some of the requirements of the Revised Naturalization Act. It has consistently been held, since as early as 1941,[1] that strict compliance with said requirements is essential to naturalization as a citizen of the Philippines.[2] In the recent case of Chua Bon Chiong vs. Republic,[3] the Court, speaking thru Mr. Justice Makasiar, had the following to say:

"This High Tribunal never deviated from its ruling that a naturalization proceeding is not simply a private

contest between the applicant and the Solicitor General but is a matter impressed with the highest public interest, involving as it does an inquiry as to when an alien should be allowed to enjoy the coveted boon of Filipino citizenship. It is for this reason that the burden of proof is upon the applicant to show full and complete compliance with the requirements of the law. The government can at all stages of the proceeding raise the issue of such non-compliance even without filing a formal opposition to the petition. * * * The appeal from the order of the lower court authorizing the taking of the oath of allegiance subjects the entire naturalization proceedings to scrutiny by the Supreme Court to determine whether the applicant has all the qualifications and none of the disqualifications and whether he has complied with the procedural requirements of the law, even if those matters are not touched in the briefs or pleadings of the parties. * * * If the applicant fails to establish by affirmative proof his compliance with the legal requirements, the court should deny his application."

As regards the possession by the applicant of "some known lucrative trade," We have declared that this qualification is lacking in a married applicant who has the following annual income and number of children: P9,600.00, with eleven (11) children, four (4) of them in college, one (1) in high school and three (3) in grade school[4] ; P5,000.00, P7,799.34, P8,067.24 or P8,687.50, with five (5) children[5] ; P7,133.29, with four (4) children[6] ; P5,980.00, with three (3) children.[7] The same conclusion has been reached as regards unmarried applicants with an annual income of P2,470 or P3,600.[8]

Referring now to the cases at bar, We find that the petitions in L-24042 and L-30934 do not allege that petitioners therein have a good moral character and are not suffering from mental alienation, in violation of sections 2 and 7 of the Revised Naturalization Act, a deficiency which cannot be cured by the evidence.[9] Upon the other hand, the petitions in L-20174 and L-23168 fail to state some of petitioners' former places of residence,[10] and a minor child of school age of the petitioner in said L-20174, as well as of the petitioners in L-23008 and L-24969 were not enrolled in the prescribed schools upon reaching the school age.[11] Similarly, the minor children of school age of the petitioner in L-22617 were enrolled in a Chinese school, thus indicating that he did not have a sincere desire to embrace our customs and traditions. Furthermore, petitioners in said L-24969 and L-30934 were, also, known, to their friends and the people in the communities in which they live, by other names,[12] which were not mentioned in their respective petitions[13] ; whereas in L-25178, petitioner Pablo Go had been using an alias (Pablito Lim) without judicial authority therefor,[14] an act characterized by this Court as "anything but proper and irreproachable." [15] Again, it appears that petitioner in L-23008 is deficient in his knowledge of English and Tagalog; that in L-20174 and L-30934, the Solicitor General was not notified of the hearing of the petition for the oath-taking, thereby rendering the proceedings in connection therewith "null and void" [16] ; and that the yearly incomes of petitioners in L-20174, L-24042, L-24969, L-25178 and L-30934 (P6,000 for married applicant, with 7 children, L-20174; P3,600 for unmarried applicant in L-24042 and L-25178; P6,000 for married applicant, with a child of school age, in L-24969; and P5,000 for married applicant, with 7 children, L-30934), fall short of the "lucrative" test set in the cases adverted to above.

Another issue, raised in L-23168 and L-24851, refers to the sufficiency of the testimony of the character witnesses therein. Our view thereon has been set forth in the following language:

"* * *. Our law requires that one who applies for Philippine citizenship should support his claim with sworn statements of two character witnesses who should attest to the fact that he has all the qualifications to become so, one of them being that he is a person of good moral character and has conducted himself irreproachably during the entire period of his residence in the country. This requirement must be clearly established and cannot be left merely to conjecture. And here that situation does not obtain, for the two witnesses who testified in his behalf fall short of the competence to do so. Thus, both Ligorio Luzada and Eleuterio Katada emphatically declared that they only came to know petitioner since 1940 when the evidence clearly shows that he landed in the Philippines on February 26, 1926 and resided therein ever since up to the present time. There

is, therefore, no evidence as regards his good reputation and behavior from said date until 1940 or during an interval of 14 years. This long gap argues eloquently against the qualification of good conduct and behavior that the law requires of an applicant for Filipino citizenship.

'* * * since the law requires proper and irreproachable conduct during the entire period of his residence in the Philippines (Section 2, par. 3, Com. Act 473), the evidence falls far short when only two witnesses are presented who came to know applicant only in 1945 and 1946 respectively (see *Di Tiam vs. Republic*, L-10200, April 18, 1958), and who were, therefore, in no position to testify as to applicant's conduct from the time he arrived in the Philippines on October 2, 1924. Needless to say, it takes much more than the uncorroborated assertions of applicant himself to establish this vital fact. * * *' (*Chua Pun vs. Republic*, L-16825, December 22, 1961)"[17]

In other words, the character witnesses must have known the applicant for the period prescribed by law and had the opportunity to observe him personally during such period,[18] as well as the ability to attest to the possession by him of the requisite qualifications – one of which is that he has "conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines" - and to state whether or not he believes in the principles underlying our Constitution.[19]

Apart from the foregoing, Sec. 7 of Com. Act No. 473 requires that the character witnesses be "credible persons," for which purpose, it must be proven, not merely that they are not police characters, but, also, that they have such a well-established reputation for honesty and integrity, in the community, that their word can be taken at its face value.[20]

Applying the foregoing standards, We note that Idanmal Johnny Pribhdas, the petitioner in L-23168, was born on September 5, 1928, in Manila where he resided until 1949, when he transferred to Iloilo City. His character witnesses – Jose A. Alvarez and Buenaventura Sian – testified that they met him for the first time in La Paz, Iloilo, in 1950. None of said witnesses knew anything about petitioner's life in Manila for a period of 21 years prior thereto. Neither did they testify that he believes in the principles underlying our Constitution or has the qualifications and none of the disqualifications prescribed in the Revised Naturalization Act.

Similarly, petitioner in L-24851 arrived at the port of Cebu on November 28, 1937. His character witnesses did not know him until 1950, and their testimonies were mainly general in nature as well as limited to the expression of their opinions or beliefs, without facts or circumstances in support thereof. What is more, the petitioner in L-24851 had not secured from the Government of Nationalist China the permission required by its laws, so that he could validly renounce his allegiance thereto and acquire another nationality.[21]

As above indicated, petitioner in L-23008 assails the lower court's authority to inquire into his qualifications in the proceedings, held on July 22, 1963, to determine whether he may be allowed to take his oath of allegiance, over two (2) years after the rendition on January 26, 1961, of the decision – which was not appealed – granting his petition for naturalization, whereas the main issue in L-24863 is whether or not an order allowing the taking of said oath is appealable.

In connection with the first question, it appears that, while the petitioner in L-23008 was testifying to establish compliance with the conditions essential to be allowed to take the requisite oath of allegiance, the lower court found that he did not know either English or Tagalog sufficiently to qualify for naturalization and that his child, Sia Siok Keng, was born on November 3, 1948, in Hongkong and a resident thereof, where she still resided on April 29, 1960, when her father's petition for naturalization was filed; that, although she came to the Philippines in 1958, she was then enrolled in a Chinese school; and that she did not appear to be enrolled in a Philippine school until 1963, when she was already 15 years of age. Hence, the denial of petitioner's motion to be allowed to take his oath of allegiance as naturalized citizen of the Philippines.

It is well-settled, however, that "the applicant's qualifications may be questioned at the proceedings for his authorization to take the oath of allegiance." [22] In the language of *Republic vs. Santos*, [23] there should be no retreat and in fact there has been none – from "the firm and unwavering adherence, so manifest in the decisions of this Court, to the concept that Filipino citizenship being an inestimable boon and priceless acquisition, one who seeks to enjoy its rights and privileges must not shirk the most exacting scrutiny as to his fulfilling the qualifications required by law, which must be fully met and could be inquired into at any stage of the proceedings, whether it be in the course of the original petition or during the stage leading to his oath-taking, pursuant to Republic Act No. 530." The contention of petitioner in L-23008 is thus manifestly devoid of merit. [24]

The appealability of an order allowing the applicant to take the oath of allegiance has long been settled in the affirmative -

"* * *. It is a settled rule that the decision of the court of first instance in naturalization cases does not become final until after the expiration of the period to appeal from the order of the court authorizing the taking of the oath of allegiance as provided in Section 1 of Republic Act No. 530 – and this, notwithstanding that the applicant for citizenship had already taken his oath of allegiance. (So vs. Republic, L-20145, June 30, 1965; Pe vs. Republic, L-20375, January 31, 1966; Co Im Ty vs. Republic, L-17919, July 30, 1966.) Likewise, it is a settled rule that an appeal from the order of the court of first instance authorizing the taking of the oath of allegiance, under Section 1 of Republic Act 530, subjects the entire naturalization proceedings to scrutiny by the Supreme Court, so that any matter pertinent to the determination of: whether or not the applicant for naturalization is really qualified to become a Filipino citizen, whether or not the original petition had complied with all the requirements of the law, and whether or not the procedural requirements in the lower court had been complied with, may be reviewed on appeal by this Court even if those matters are not touched in the briefs or pleadings of the parties. (How vs. Republic, L-18521, January 30, 1964; Guan vs. Republic, L-15691, March 27, 1961; Liong vs. Republic, L-21671, February 28, 1966; Co Im Ty vs. Republic, supra; Lim Eng Yu vs. Republic, L-20809, August 31, 1966". [25]

In *Republic vs. Santos*, supra, this Court pointed out "that the mere failure * * * to file an opposition to the motion for oath-taking cannot and does not constitute a waiver precluding an appeal. That has been the settled law as far back as 1950."

As regards the timeliness of the appeal in L-24863, the record shows that copy of the order of April 24, 1965, allowing the applicant therein to take his oath of allegiance, was served on the Solicitor General on April 30, 1965. The 30-day period, under Rule 41, Section 3 of the Rules of Court, within which to appeal from said order, expired on May 30, 1965, which was Sunday. Hence, on May 31, 1965, the next succeeding business day, the Solicitor General filed his notice of appeal and requested, by telegram, an extension of ten (10) days within which to file the record on appeal, which was granted on June 2, 1965. On June 4, 1965, the Solicitor General moved for another extension of ten (10) days, which, likewise, was granted on June 8, 1965. The last extension expired on June 21, but prior thereto, or on June 16, 1965, the Government filed its record on appeal. It is thus obvious that the appeal had been perfected on time.

"It appears that petitioners received copy of the decision on the merits on October 24, 1952. On November 24, 1952, the last day of the period for the perfection of the appeal, they filed a motion for extension of time to file their record on appeal. This motion was granted on November 28, 1952. Two more motions for extension were filed, each on the last day of the extended period, and both motions were granted. And on the last day of the period allowed by the trial court, or on January 3, 1953, petitioners finally filed their record on appeal. These facts clearly indicate that, while the order of the court granting the last extension was not issued before the expiration of the period previously extended, the record on appeal was however filed within the additional period granted to petitioners by the trial court. In the circumstances, we hold that the record on appeal was filed on time and the court of Appeals erred in considering the appeal to have lapsed and in dismissing the

petition for mandamus on that ground." [26]

The lower court disallowed the appeal upon the theory that the telegraphic message incorporating the first motion for extension was not a formal motion, for which reason, and because there was no proof of service upon the other party and no notice of hearing, it was not entitled to be dealt with as a motion. Said request for extension of time was addressed, however, to the discretion of the court, which may act thereon *ex parte*. [27] In the case at bar, His Honor, the trial Judge, did so and granted, not only said request, but, also, the subsequent motion for an additional extension of time. Inasmuch as said two (2) orders granting extensions of time were not null and void *ab initio*, the lower court committed a grave abuse of discretion, amounting to excess of jurisdiction, in disallowing the record on appeal filed by the Government within the period thus extended.

IN VIEW OF THE FOREGOING , judgment should be, as it is hereby rendered:

1. In L-20174, (a) setting aside the appealed order, dated December 28, 1961, (b) declaring that the oath of allegiance taken by petitioner Que Tiac, the next day, is null and void, (c) directing the cancellation and recall of the certificate of naturalization issued to him, and (d) dismissing the petition therein, for failure of the petitioner to state, in his application for naturalization, his places of residence from 1926 to 1944, and to enroll, within the period of ten (10) years residence required of him, his son, Lorenzo Que, of school age, in one of the schools prescribed by law, as well as to give to the Solicitor General notice of the hearing of petitioner's motion for the reception of the evidence - which was taken before the deputy clerk of the Court of First Instance of Bulacan, at Malolos, Bulacan, although the case was pending before the Court of First Instance of Bataan - essential to authorize the taking of the requisite oath of allegiance - which was taken before the order of December 28, 1961, had become final - and, also, for lack of a lucrative trade;
2. In L-22617, reversing the decision of the lower court and dismissing the petition therein, petitioner Uy Chiao Tian having failed to evince a sincere desire to become a citizen of the Philippines, by enrolling his three (3) children of school age in a Chinese school, and his character witnesses – Regalado Gahole, bookkeeper of the Larena National Vocational School, and Cornelio Padayhad, a special agent of the Provincial Governor of Negros Oriental – not having been shown to be "credible persons," as the term is used in section 7 of Commonwealth Act No. 473;
3. In L-23008, L-24042 and L-24969, affirming the orders denying petitioners' motions for the taking of their respective oaths of allegiance, it appearing: (a) that Sia Uan, petitioner in L-23008, does not sufficiently speak and write English and Tagalog and did not see to it that, upon reaching school age, his daughter Sia Siok Keng was enrolled in one of the schools prescribed in the Revised Naturalization Law; and (b) that Ang Hok, petitioner in L-24042, and Go Le Kian, petitioner in L-24969, do not have a lucrative trade;
4. L-23168, L-24851 and L-25178, reversing the decisions appealed from inasmuch as: (a) the testimony of the character witnesses in L-23168 does not live up to the requirements of the law and Idanmal Johnny Pribhdas, the petitioner therein, has not alleged, in his petition, all of his former places of residence in the Philippines; (b) the testimony of the character witnesses in L-24851 is similarly defective and, apart from lacking the permission of Nationalist China to renounce his allegiance thereto and adopt another nationality, Dy Kim Sia, the petitioner therein, has not satisfactorily established that he has a lucrative trade, his evidence thereon being of dubious nature; and (c) Pablo Go, the petitioner in L-25178, had used an alias without judicial authority therefor, aside from not having a lucrative trade;
5. In L-24863, (a) declaring null and void the contested order, dated July 29, 1965, disallowing the record on appeal filed by the Government, (b) directing the Court of First Instance of Cebu to approve said record on appeal and cause the same to be certified and forwarded to this Court, together with all the evidence, oral and documentary, introduced therein, said record on appeal having been perfected in due time, and (c) making permanent the writ of preliminary injunction issued by this Court in pursuance of its resolution of September 8, 1965;

6. In L-30934, (a) setting aside the lower court's decision, dated November 17, 1960, granting Tan Ngo's petition for naturalization, said petition being defective for lack of allegation on petitioner's moral character, and petitioner not having a lucrative trade, aside from being known by another name, not stated in the petition nor included in the notice publishing the same, and (b) cancelling the certificate of naturalization issued to him after his oath of allegiance taken on July 31, 1963, pursuant to an order of the same date which was not as yet final and executory, and notice of the motion for the hearing preceding the taking of said oath of allegiance not having been served upon the Solicitor General; and

7. With costs against the private respondent in L-24863 and the petitioners in the other cases.

IT IS SO ORDERED.

Reyes, J.B.L., Zaldivar, Villamor, and Makasiar, JJ., concur.

Makalintal, J., concurs in the result.

Fernando, J., reserving his vote on the question of the need for permission as to renunciation by the Nationalist Chinese Government.

Castro, Teehankee, and Barredo, JJ., did not take part.

[1] Orestoff vs. Government, 71 Phil. 240.

[2] Lim vs. Republic, L-27126, May 29, 1970.

[3] L-29200, May 31, 1971.

[4] Sy Suan vs. Republic, L-23470, Feb. 28, 1969.

[5] Keng Giok vs. Republic, L-13347, Aug. 31, 1961; Tio Tek Chai vs. Republic, L-19112, Oct. 30, 1964; Yap Bun Pin vs. Republic, L-19577, Oct. 30, 1964; Uy Ching Ho vs. Republic, L-19582, March 26, 1965.

[6] Go Bon The vs. Republic. L-16813, Dec. 27, 1963.

[7] Koa Gui vs. Republic, L-13717, July 31, 1962.

[8] Uy vs. Republic, L-20208, June 30, 1965; Pe vs. Republic, L-20375, Jan. 31, 1966; Co vs. Republic, L-21078, April 29, 1966.

[9] Lim Cho Kuan vs. Republic, L-21198, Jan. 22, 1966; Chan Ho Lay vs. Republic, L-26244, Oct. 31, 1969; Dy vs. Republic, L-21958, Sept. 28, 1970; Chua Bon Chiong vs. Republic, L-29200, May 31, 1971.

[10] Calvin Lo vs. Republic, L-15919, May 19, 1961; Keng Giok vs. Republic, L-13347, Aug. 31, 1961; Koa Gui vs. Republic, L-13717, July 31, 1962; Ngo vs. Republic, L-18319, May 31, 1963; Go Bon The vs. Republic, L-16813, Dec. 27, 1963; Serwani vs. Republic, L-18219, Dec. 27, 1963; Chieng Yen vs. Rep., L-18885, Jan. 31, 1964; Manuel de Lara vs. Rep., L-18203, May 29, 1964; Pio de Lara vs. Rep., L-18204, May 29, 1964; Gaw Ching vs. Rep., L-19419, Sept. 30, 1964; Qua vs. Rep., L-19834, Oct. 27, 1964; Ong Tai v. Rep., L-19418, Dec. 23, 1964; Ong Ping Seng vs. Rep., L-19575, Feb. 26, 1965; Tan vs. Rep., L-19694, Mar. 30, 1965; Cheng vs. Rep., L-20013, Mar. 30, 1965; Lee Ng Len vs. Rep., L-20151, Mar. 31, 1965; Go vs. Rep., L-20558, Mar. 31, 1965; Ng vs. Rep., L-19646, May 31, 1965; Yu Ti vs. Rep., L-19913, June 23, 1965; Tan Nga Kok vs. Rep., L-16767, June 30, 1965; Uy vs. Rep., L-20208, June 30, 1965; Yao Long vs. Rep., L-20910, Nov. 27, 1965; Rep. vs. Hon. A. Reyes, L-20602, Dec. 24, 1965; Pe vs. Rep., L-20375, Jan. 31, 1966; Yu An Kiong vs. Rep., L-21333, Jan. 31, 1966; Chan Kiat Huat vs. Rep., L-19579, Feb. 28, 1966; Dy vs. Rep., L-20152, Feb. 28, 1966; Kao Heng

vs. Rep., L-21079, Feb. 28, 1966; Tan vs. Rep., L-21671, Feb. 28, 1966; Wayne Chang vs. Rep., L-20713, April 28, 1966; Go vs. Rep., L-21895, Apr. 29, 1966; Lim Tan vs. Rep., L-22192, Apr. 30, 1966; Tan vs. Rep., L-22207, May 30, 1966; Chi vs. Rep., L-18207, June 20, 1966; Yu vs. Rep., L-19110, July 30, 1966; Rep. vs. Co Keng, L-19829, July 30, 1966; Yap vs. Rep., L-19832, Aug. 23, 1966; Yong Sai vs. Rep., L-20483, Sept. 30, 1966; Dy Bu Si vs. Rep., L-22076, Oct. 29, 1966; Uy Tian Hua Jr. vs. Rep., L-20813, Nov. 29, 1966; Tan Tiu vs. Rep., L-21018, Nov. 29, 1966; Tan vs. Rep., L-22077, Feb. 18, 1967; Tan vs. Rep., L-19899, Mar. 18, 1967; Tan Chua vs. Rep., L-22310, Apr. 24, 1967; Lim vs. Rep., L-22387, Apr. 24, 1967; Law Tai vs. Rep., L-20623, Apr. 27, 1967; Syson vs. Rep., L-21199, May 29, 1967; Ong Chia Suy vs. Rep., L-21739, May 30, 1967; Chun Eng Go vs. Rep., L-21054, July 18, 1967; O Ku Phuan vs. Rep., L-23406, Aug. 31, 1967; Ho Ngo vs. Rep., L-24335, Nov. 18, 1967; Li Siu Liat vs. Rep., L-25356, Nov. 25, 1967; Tan Khe Shing vs. Rep., L-22390, Feb. 29, 1968; Chua Bok vs. Rep., L-24286, Apr. 25, 1968; Rep. vs. Co Keng, L-19829, May 4, 1968; Yap Puey Eng vs. Rep., L-24805, May 23, 1968; Cu King Nan vs. Rep., L-20490, June 29, 1968; Chua Chu vs. Rep., L-24951, July 20, 1968; Ng vs. Rep., L-26242, Oct. 25, 1968; Choa Hai vs. Rep., L-23515, Feb. 27, 1969; Sy Suan vs. Rep., L-23470, Feb. 28, 1969; Go Ay Koc vs. Rep., L-23652, Apr. 25, 1969; Chua Lian Yan vs. Rep., L-26416, Apr. 25, 1969; Zabaleta vs. Rep., L-25401, June 30, 1969; Tan Tiu vs. Rep., L-21558, Jan. 30, 1970; Ong Siao Liong vs. Rep., L-23544, July 31, 1970; Gan Gwen vs. Rep., L-26196, July 31, 1970; Choa Tion Chong vs. Rep., L-25608, Aug. 31, 1970; Dy vs. Rep., L-21958, Sept. 28, 1970;

[11] Tan Hoi vs. Rep., L-15266, Sept. 30, 1960; Ong Ching Guan vs. Rep., L-15691, Mar. 27, 1961; Garchitorena alias Dy Boon Beng vs. Rep., L-15102, Apr. 20, 1961; Rep. vs. Go Bon Lee, L-11499, Apr. 29, 1961; Si Ne vs. Rep., L-16828, May 30, 1962; Sy See vs. Rep., L-17025, May 30, 1962; Hao Su Siong alias Ramon Cuenco vs. Rep., L-13045, July 30, 1962; Wang I Fu vs. Rep., L-15819, Sept. 29, 1962; Lu Beng Ga vs. Rep., L-18005, Nov. 29, 1963; Yap Chuan vs. Rep., L-18516, Jan. 30, 1964; Tan Ten Koc vs. Rep., L-18344, Feb. 28, 1964; Ong Ping Seng vs. Rep., L-19575, Feb. 26, 1965; Uy Ching Ho vs. Rep., L-19582, Mar. 26, 1965; Yu Ti vs. Rep., L-19913, June 23, 1965; Ong So vs. Rep., L-20145, June 30, 1965; Yao Long vs. Rep., L-20910, Nov. 27, 1965; Ting Tong vs. Rep., L-21138, Nov. 27, 1965; Li Tong Pek vs. Rep., L-20912, Nov. 29, 1965; Rep. vs. Hon. A. Reyes, L-20602, Dec. 24, 1965; Lim Yuen vs. Rep., L-21218, Dec. 24, 1965; Sio Kim vs. Rep., L-20415, Dec. 29, 1965; Chan Kiat Huat vs. Rep., L-19579, Feb. 28, 1966; Go Bon Lee vs. Rep., L-21981, May 19, 1966; Uy Chin Hong vs. Rep., L-21219, May 20, 1966; Ang Pue vs. Rep., L-16459, July 26, 1966; Hui Eng vs. Rep., L-20714, Nov. 24, 1966; Yap vs. Rep., L-24805, May 23, 1968; Chan De vs. Rep., L-25551, May 29, 1968; Ng vs. Rep., L-26242, Oct. 25, 1968; Choa Hai vs. Rep., L-23515, Feb. 27, 1969; Go Ay Koc vs. Rep., L-23652, Apr. 25, 1969; Chua Lian Yan vs. Rep., L-26416, Apr. 25, 1969; Lim Chuy Tian vs. Rep., L-26602, Apr. 25, 1969; Lim Siong vs. Rep., L-26601, June 30, 1969; Rep. vs. Uy Piek Tuy, L-27580, Aug. 27, 1969.

[12] Go Le Kian - petitioner in L-24969 – is, also, known as Vicente Tan and Tan Keng Giao; whereas Tan Ngo – petitioner in L-30934 – is, similarly, known as Vicente Go.

[13] Koa Gui vs. Rep., L-13717, July 31, 1962; Te Eng Ling vs. Rep., L-17918, Nov. 28, 1962; Kwan Kwock How vs. Rep., L-18521, Jan. 30, 1964; Ong Khan vs. Rep., L-19709, Sept. 30, 1964; Lee vs. Rep., L-20151, Mar. 31, 1965; Ang Tee Yee vs. Rep., L-20305, Mar. 31, 1965; Go vs. Rep., L-20558, Mar. 31, 1965; Saw Cen vs. Rep., L-20310, Apr. 30, 1965; Lim Uy vs. Rep., L-19916, June 23, 1965; Rep. vs. Hon. Andres Reyes, L-20602, Dec. 24, 1965; Yu Nam vs. Rep., L-20016, Apr. 29, 1966; Dy vs. Rep., L-20709, Apr. 29, 1966; Yong Sai vs. Rep., L-20483, Sept. 30, 1966; Chuah Tak Seng vs. Rep., L-21599, Oct. 29, 1966; Te Poot vs. Rep., L-20017, Mar. 28, 1969; Rep. vs. Borromeo, L-26870, May 29, 1970; Yap vs. Rep., L-26820, July 31, 1970; Choa Tion Chong vs. Rep., L-25608, Aug. 31, 1970; Dy vs. Rep., L-21915, Sept. 28, 1970.

[14] Lim Bun vs. Rep., L-12822, Apr. 26, 1961; Ng Liam Keng vs. Rep., L-14146, Apr. 29, 1961; Koa Gui vs.

Rep., L-13717, July 31, 1962; Wang I Fu vs. Rep., L-15819, Sept. 29, 1962; Te Eng Ling vs. Rep., L-17918, Nov. 28, 1962; Ong Khan vs. Rep., L-19709, Sept. 30, 1964; Uy Eng Hiok vs. Rep., L-17118, Nov. 17, 1964; Cheng vs. Rep., L-20013, Mar. 30, 1965; Ang Tee Yee vs. Rep., L-20305, March 31, 1965; Lee vs. Rep., L-20148, April 30, 1965; Go A. Leng vs. Rep., L-19836, June 21, 1965; Chiu Bok vs. Rep., L-19111, June 22, 1965; Vy Tian vs. Rep., L-19918, July 30, 1965; Tan vs. Rep., L-20287, July 30, 1965; Dy vs. Rep., L-20152, Feb. 28, 1966; Wayne Chang vs. Rep., L-20713, April 29, 1966; Lee Tit vs. Rep., L-21446, April 29, 1966; Ko Bok vs. Rep., L-21452, April 29, 1966; Kock Tee Yap vs. Rep., L-20992, May 14, 1966; Soglou vs. Rep., L-20318, May 19, 1966; Ong Hock Lian vs. Rep., L-21197, May 19, 1966; Chan vs. Rep., L-22352, June 30, 1966; Lim vs. Rep., L-20811, July 26, 1966; Go Tian An vs. Rep., L-19833, Aug. 31, 1966; Dy Bu Si vs. Rep., L-22076, Oct. 29, 1966; Tse Viw vs. Rep., L-18281, Nov. 22, 1966; Carmen Dy vs. Rep., L-20814, Nov. 29, 1966; Chua Tek vs. Rep., L-22372, March 31, 1967; Tan Chua vs. Rep., L-22310, April 24, 1967; Wong Chui vs. Rep., L-23855, April 24, 1967; O Ku Phuan vs. Rep., L-23406, Aug. 31, 1967; Tan Sen vs. Rep., L-23181, Oct. 24, 1967; Ho Ngo vs. Rep., L-24335, Nov. 18, 1967; Tan Khe Shing vs. Rep., L-22390, Feb. 29, 1968; Te Poot vs. Rep., L-20017, March 28, 1969; Yu Lim vs. Rep., L-23591, March 28, 1969; Say Chong Hai vs. Rep., L-25438, April 25, 1969; Uy vs. Rep., L-20194, July 17, 1969; Lim vs. Rep., L-19835, May 29, 1970; Rep. vs. Borromeo, L-26870, May 29, 1970; Yap vs. Rep., L-26820, July 31, 1970; Choa Tion Chong vs. Rep., L-25608, Aug. 31, 1970; Dy vs. Rep., L-21958, Sept. 28, 1970; Chua Bon Chiong vs. Rep., L-29200, May 31, 1971.

[15] Dy vs. Republic, L-20152, Feb. 28, 1966; Chua Bon Chiong vs. Republic, L-29200, May 31, 1971. See also, Lim Bun vs. Republic, L-12822, April 26, 1961; Ng Liam Keng vs. Republic, L-14146, April 29, 1961; Koa Gui vs. Republic, L-13717, July 31, 1962; Wang I fu vs. Republic, L-15819, Sept. 29, 1962.

[16] Yao Mun Tek vs. Republic, L-23383, Jan. 28, 1971; Lim vs. Republic, L-27126, May 29, 1970.

[17] Uy Ching Ho vs. Republic, L-19582, March 26, 1965. *Italics ours.*

[18] Ng vs. Rep., L-21179, Jan. 22, 1966; King vs. Rep., L-19082, Sept. 29, 1966; Wong Chui vs. Rep., L-23855, April 24, 1967; Te Poot vs. Rep., L-20017, March 28, 1969; Say Chong Hai vs. Rep., L-25438, April 25, 1969.

[19] Lim Ching Tian vs. Rep., L-12001, Feb. 28, 1961; Ng Liam Keng vs. Rep., L-14146, April 29, 1961; Lo vs. Rep., L-15919, May 19, 1961; Sy Cezar vs. Rep., L-14009, May 31, 1961; Que Choc Gui vs. Rep., L-16184, Sept. 30, 1961; Chua Pun vs. Rep., L-16825, Dec. 22, 1961; Ng vs. Rep., L-16302, Feb. 28, 1962; Uy vs. Rep., L-17622, May 29, 1962; Si Ne vs. Rep., L-16828, May 30, 1962; Yan Kang vs. Rep., L-17013, May 30, 1962; Dy Lam Go. vs. Rep., L-15858, July 31, 1962; Wang I Fu vs. Rep., L-15819, Sept. 29, 1962; Sy Pinero vs. Rep., L-17399, Oct. 30, 1962; Go vs. Rep., L-18068, Oct. 30, 1962; Cuaki Tan Si vs. Rep., L-18006, Oct. 31, 1962; Uy Chin Hua vs. Rep., L-17316, Nov. 29, 1962; Yu Kiu Tian vs. Rep., L-15554, Nov. 30, 1962; Te Tay Seng vs. Rep., L-15656, March 30, 1963; Ngo vs. Rep., L-18319, May 31, 1963; Serwani vs. Rep., L-18219, Dec. 27, 1963; Uy Tian It vs. Rep., L-18243, Dec. 27, 1963; Kwan Kwock How vs. Rep., L-18521, Jan. 30, 1964; Ong Ling Chuan vs. Rep., L-18550, Feb. 28, 1964; De Lara vs. Rep., L-18203, May 29, 1964; De Lara vs. Rep., L-18204, May 29, 1964; Koh Chet vs. Rep., L-17223, June 30, 1964; Gaw Ching vs. Rep., L-19419, Sept. 30, 1964; Ong Bon Kok vs. Rep., L-19583, Sept. 30, 1964; Teh vs. Rep., L-19830, Sept. 30, 1964; Uy vs. Rep., L-19578, Oct. 27, 1964; Tse vs. Rep., L-19642, Nov. 9, 1964; Yap vs. Rep., L-19846, Feb. 26, 1965; Uy Ching Ho vs. Rep., L-19582, March 26, 1965; Tan vs. Rep., L-19694, March 30, 1965; Saw Cen vs. Rep., L-20310, April 30, 1965; Yu Tiu vs. Rep., L-19844, June 30, 1965; Vy Tian vs. Rep., L-19918, July 30, 1965; Lu vs. Rep., L-20915, Nov. 27, 1965; Lim vs. Rep., L-20711, Dec. 21, 1965; Rep. vs. Reyes, L-20602, Dec. 24, 1965; Po vs. Rep., L-21019, Dec. 24, 1965; Ng vs. Rep., L-21179, Jan. 22, 1966; Yu An Kiong vs. Rep., L-21333, Jan. 31, 1966; Lee Tit vs. Rep., L-21446, April 29, 1966; Uy Chin Hong vs. Rep., L-21219, May 20, 1966; Ang Dit Kue vs. Rep., L-15795, June 20, 1966; Lim vs. Rep., L-22437, June 21, 1966; Tan Te Buntiong vs. Rep., L-20020,

Aug. 23, 1966; Lim Eng Yu vs. Rep., L-20809, Aug. 31, 1966; King vs. Rep., L-19082, Sept. 29, 1966; Tse Viw vs. Rep., L-18281, Nov. 22, 1966; Tan vs. Rep., L-22077, Feb. 18, 1967; Chua Beng vs. Rep., L-21755, May 13, 1967; Po Chu King vs. Rep., L-20810, May 16, 1967; O Ku Phuan vs. Rep., L-23406, Aug. 31, 1967; Haw Guan Seng vs. Rep., L-23936, Sept. 13, 1967; To vs. Rep., L-20156, Dec. 29, 1967; Jao vs. Rep., L-23116, Jan. 24, 1968; Jao King Yog vs. Rep., L-24950, Feb. 10, 1968; Chan De vs. Rep., L-25551, May 29, 1968; Cu King Nan vs. Rep., L-20490, June 29, 1968; Chua Chu vs. Rep., L-24951, July 20, 1968; Choa Hai vs. Rep., L-23515, Feb. 27, 1969; Sy Suan vs. Rep., L-23470, Feb. 28, 1969; Te Poot vs. Rep., L-20017, March 28, 1969; Say Chong Hai vs. Rep., L-25438, April 25, 1969; Ong Siao vs. Rep., L-23544, July 31, 1970.

[20] Ong vs. Rep., 103 Phil. 964, 971; Go vs. Rep., L-18068, Oct. 30, 1962; Saw Cen vs. Rep., L-20310, April 30, 1965; O Ku Phuan vs. Rep., L-23406, Aug. 31, 1967; Hao Guan Seng vs. Rep., L-23936, Sept. 13, 1967.

[21] Go A. Leng vs. Rep., L-19836, June 21, 1965; Oh Hek How vs. Rep., L-27429, Aug. 27, 1969; Sy Dy vs. Rep., L-25637, Feb. 20, 1971.

[22] Lim vs. Rep., L-21193, Sept. 30, 1966. See also: Ong So vs. Rep., L-20145, June 30, 1965; Rep. vs. Hon. A. Reyes, L-20602, Dec. 24, 1965; Pe vs. Rep., L-20375, Jan. 31, 1966; Co Im Ty vs. Rep., L-17919, July 30, 1966; Yong Sai vs. Rep., L-20483, Sept. 30, 1966; Chua Tiong Seng vs. Rep., L-21422, Dec. 18, 1967; Rep. vs. Santos, L-23919, July 29, 1968; Rep. vs. Cloribel, L-27281, June 30, 1970.

[23] L-23919, July 29, 1968.

[24] See also, Tan Hoi vs. Rep., 109 Phil. 689; Go Kay See vs. Rep., L-17318, Dec. 29, 1962; Ong So vs. Republic, L-20145, June 30, 1965; Pe vs. Rep., L-20375, Jan. 31, 1966; Co Im Ty vs. Rep., L-17919, July 30, 1966; Yong Sai vs. Rep., L-20483, Sept. 30, 1966; Lim vs. Rep., L-21193, Sept. 30, 1966; Chua Tiong Seng vs. Rep., L-21422, Dec. 18, 1967; Rep. vs. Santos, L-23919, July 29, 1968; Rep. vs. Cloribel, L-27281, June 30, 1970; Chua Bon Chiong vs. Rep., L-29200, May 31, 1971; Rep. vs. Hon. Maddela, L-30946, Oct. 29, 1971.

[25] Yong Sai vs. Republic, L-20483, Sept. 30, 1966.

[26] Singbengco vs. Arellano, 99 Phil. 952, 955-956. See also: Alejandro vs. Endencia, 64 Phil. 321; Reyes vs. Court of Appeals, 74 Phil. 235; Garcia vs. Buenaventura, 74 Phil. 611; Moya vs. Barton, 76 Phil. 831.

[27] Moya vs. Barton, 76 Phil. 831.

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