

IN THE MATTER OF THE PETITION FOR NATURALIZATION TO BECOME CITIZEN OF THE PHILIPPINES. ANTONIO GO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELL...

G. R. No. L-18068. October 30, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal by the Government from a decision of the Court of First Instance of Misamis Oriental, granting the petition for naturalization of Antonio Go despite the opposition thereto of the Solicitor General. The grounds relied upon by appellant in urging the reversal of said decision may be summed up as follows: (1) non-compliance with Section 9 of Commonwealth Act No. 473, as amended; (2) appellee's character witnesses are neither competent nor credible; and (3) petitioner's lack of the requisite qualifications.

In view of our opinion concerning the last two (2) issues, we find it unnecessary to pass upon the first one.

Referring now to the second issue, we find that Governor De Lara, one of the character witnesses in this case, does not have sufficient personal knowledge of the facts pertinent thereto to vouch for the qualifications of petitioner herein and his alleged lack of disqualifications. Governor De Lara testified that some of the data contained in his affidavit attached to the petition, such as the date of birth of petitioner, was supplied by the latter. Hence, the knowledge of said witness thereon is purely hearsay. Governor De Lara likewise stated that petitioner had studied in public schools, although the school records and other evidence for the latter show the contrary. Again, said witness testified that petitioner is a business partner of the Mindanao Lumber and Hardware, whereas petitioner contradicted him by asserting that he was a salaried employee of said establishment. Indeed, petitioner resides in Cagayan de Oro City, which is over 150 kilometers away from the municipality of Gingoog, Misamis Oriental, where the Governor resides, thus explaining his scant knowledge of the aforementioned facts.

With respect to the other character witness, namely, Henry Canoy, suffice it to note that the Revised Naturalization Law requires that character witnesses be "credible persons" and that, as held in *Ong vs. Republic of the Philippines*, 103 Phil., 964:

"* * * Within the purview of the Naturalization Law, a 'credible' person is, to our mind, not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose 'affidavit' or testimony is not incredible. What must be 'credible' is not the declaration made, but the person making it. This implies that such person must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the petitioner. Thus in *Cu vs. Republic*, 89 Phil., 473, we declared that said affiants 'are in a way insurers of the character of the candidate concerned.' Indeed, by their affidavits, they do not merely make the statements herein contained. They also vouch for the applicant, attest to the merits of his petition and sort of underwrite the same."

The record before us does not affirmatively show that Henry Canoy lives up to the foregoing standard.

Again, the evidence for petitioner does not satisfactorily establish that he possesses the qualifications prescribed by law. To begin with, he would have us believe that he used to get from a business establishment of his family, a monthly salary of P120.00, which was lately increased to P200.00, aside from free board and lodging from his mother. We have already held that, in view of the reduced purchasing power of the Philippine currency, said income does not suffice to make his trade or occupation a "lucrative" one, as required in Section 2, paragraph 4, of the Revised Naturalization Law (*Koa Gui vs. Republic*, L-13717 July 31, 1962; *Tan vs. Republic*, 112 Phil., 131; *Ong vs. Republic*, L-15764 May 19, 1961; *Tan vs. Republic*, L-14861 March 17, 1961). The absence of this qualification becomes more patent when we consider petitioner's testimony to the effect that, upon graduation from college, he would stop working to study medicine in Manila.

So, too, petitioner's veracity, and, hence, moral character, are, to say the least, of dubious nature. The testimony given by him about his alleged employment and compensation is contradicted by the fact that his residence certificates and school records show that his occupation is merely that of a student. In his declaration of intention Exhibit L, he claimed to be "actually engaged in (the) business operation" of the Mindanao Lumber and Hardware, which is contrary to his testimony in court to the effect that he is an employee. Then, also, he has not paid income tax or residence tax class B, which he should if his testimony as to alleged income were true.

Wherefore, the decision appealed from is hereby reversed and the petition herein dismissed, with costs against the petitioner. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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