

**IN THE MATTER OF THE PETITION OF EULOGIO ONG TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES. EULOGIO ONG,
PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND A...**

G.R. No. L-14625. October 24, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from a judgment of the Court of First Instance of Manila, Hon. Magno S. Gatmaitan, presiding, denying the petition for naturalization of Eulogio Ong.

The grounds upon which the judgment is based are; that petitioner's witness Filomeno Barcelon is not sufficiently competent to testify as to the qualifications of the petitioner because he made contradictory statements as to the place of petitioner's residence, and, that the evidence submitted by petitioner as to his residence shows that he resided in Grace Park, Caloocan, Rizal instead of Gandara Street, Manila, for which reason the Court of First Instance of Manila has no jurisdiction to take cognizance of his application for naturalization.

It is not necessary for us to state the facts proved by petitioner's evidences as to the place of his birth, his educational qualifications, his lawful admission into the Philippines as an alien, etc., because of the result of the application. We therefore limit ourselves to the issue raised in the appeal.

It is a fact that when witness Filomeno Barcelon was called to the witness stand on July 15, 1958 and gave testimony as to the petitioner's residence, he declared that petitioner lived in Gandara Street, Manila, up to the year 1956 and thereafter transferred to Grace Park, Caloocan, Rizal; that from 1956 he (petitioner) continued living in Grace Park, Caloocan, Rizal, until July 15, 1958 (t.s.n., Magtoto, 39, 44-45). However about one month after the hearing he was again called to the witness stand and on this occasion he was allowed to explain that the residence of petitioner testified to by him in his previous testimony, that the petitioner was residing in Grace Park, Caloocan, Rizal, referred to the place of petitioner's business not his residence, his residence being at 917 Gandara Street, Manila. He explained this change that at the time He was being questioned he believed that the question referred to his place of business not his residence. It is claimed on behalf of petitioner-appellant that the above is a sufficient explanation of the previous statement of petitioner's witness.

We do not find the explanation by the witness to be satisfactory, primarily because the judge who heard him testify refused to believe his changed testimony. We note In addition that his residence certificate for 1958 showed that he was a resident of Grace Park, Caloocan, Rizal (Exhibit "F-1" Income Tax Return). It is also a fact, of which we may take judicial notice, that Chinese businessmen rarely have residences different from that of their place of business. If the petitioner had a place of business in Grace Park, Caloocan, Rizal, it is natural that he should reside there especially if we take into account that he does not appear to be of such means that he could afford a place of residence distinct and separate from his place of business.

We have, however, an additional reason or ground for denying his application. He testified that he has a capital of P5,000.00 invested in a business known as the Eurasia Trading, the line of business of which is sale of electrical parts and spare parts for automobiles and diesel engines. That he had such capital is not proved except by his own testimony. But assuming his statement to be true, it would seem that petitioner is engaged in a business of retail which is prohibited to aliens under Republic Act No. 1180. We take judicial notice of the fact that spare parts of automobiles and other diesel engines are very expensive and the capital that petitioner has can not permit a wholesale business in such commodities. In other words we have reasonable grounds to believe that the business of the petitioner is one prohibited to aliens because it is the retail trade. This violation would disqualify him for naturalization.

For the foregoing considerations we affirm the decision of the Court below denying the petition for naturalization.

Wherefore, the judgment appealed from is hereby affirmed with costs against petitioner-appellant.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Judgment affirmed.

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