

## IN THE MATTER OF THE PETITION OF TEOFILO LU ALIAS CANA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. TEOFILO LU ALIAS CANA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPIN...

*G.R. No. L-20915. November 27, 1965*

Ponente: CONCEPCION, J.

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### CONCEPCION, J.:

A decision having been rendered by the Court of First Instance of Cebu, granting the petition for naturalization, as citizen of the Philippines, of appellee Teofilo Lu alias Cana, the Government has interposed the present appeal alleging: (1) that appellee lacks the third qualification prescribed in Section 2 of Commonwealth Act No. 473, in that he does not have a good moral character and has not conducted himself in a proper and irreproachable manner in his relations with the constituted government; and (2) that his attesting witnesses are not credible persons within the purview of said Act.

The first ground is well taken, inasmuch as the record shows: (1) that appellee had made it appear, in his marriage contract Exhibit O, that his deceased father, Lu Yu, was a Filipino, although, in fact, he was a Chinese citizen; (2) that he testified that his mother is Cirila Rivera, whereas, in said Exhibit O, he stated that it is Tan Hoa Eng, and that the latter is Filipina, although she was really a Chinese; (3) that, in the same document, he claimed to be a Filipino, although he is a Chinese citizen and is registered as such in the Chinese Embassy in Manila (Exhibit T-1) and in the Bureau of Immigration; (4) that he had, also, falsely made it appear in his residence certificate for 1962 (Exhibit I) that he is a Filipino; and (5) that he, likewise, failed to register himself and his daughter within the period prescribed therefor in the Alien Registration Act

Independently of the foregoing, we are not satisfied that appellee's attesting witnesses really know whether or not he has all the statutory qualifications and none of the disqualifications to be naturalized as citizen of the Philippines. For instance, Dr. Filoteo admitted that he did not know whether or not appellee is opposed to organized government, or is associated with any group of persons who uphold and teach doctrines opposed to organized government, or defends or teaches the necessity or propriety of violence, personal assault or Assassination for the success and predominance of his ideas, or is a polygamist or believes in the practice of polygamy, or has been convicted of any crime involving moral turpitude. Similarly, Dr. Filoteo admitted that he merely presumed or concluded that appellee believed in the principles underlying the Constitution, because such principles must have been taught to him in school and, accordingly, he must have "imbibed all those things".

It may not be amiss to note that Dr. Filoteo is, in effect, under the employment of a corporation (La Do & Lu Yu Corporation) belonging to appellee's family, for, as retained physician of the corporation, Dr. Filoteo has his office in the premises thereof, and that, consequently, his testimony does not have much weight. Moreover, he and Candido Tabada, the other attesting witness for the appellee, are practically professional witnesses, having testified, as such seven (7) and five (5) times, respectively, in naturalization cases.

In other words, appellee has not established, with the quantum of proof required by the Naturalization Law - the testimony of, at least, two (2) "credible persons", who are citizens of the Philippines - that he has all of the requisite qualifications to be naturalized as such and none of the statutory disqualifications therefor.

Consequently, it is unnecessary to pass upon the second ground of the appeal, and the decision appealed from should be, as it is hereby reversed, with costs against petitioner-appellee. It is so ordered.

Bengzon, C. J., Bautista Angelo, Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, concur.

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