

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, FRANCISCO LIM ALIAS ELIS LIM, PETITIONER AND APPELLANT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APP...

G. R. No. L-22437. June 21, 1966

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Petitioner, who was born in Bacuit (now El Nido), Palawan, on October 10, 1939, applied for naturalization. The judgment below denied his petition. Hence this appeal.

- The main point of inquiry is: Are petitioners two character witnesses credible within the meaning of the Naturalization Law?

We part with the statement that petitioner lived in Bacuit (now El Nido), Palawan, with his parents until 1954, when he transferred to Manila. He took up high school at the Mapua Institute of Technology and graduated therefrom in 1958. In 1961, he found employment with the Manila Advertising Company and Acme Mill Supply.

Witness Vicente M. Rodriguez, a supervising nurse in the Muntinglupa Prisons Hospital, declared that he knew petitioner since birth; that he was a resident of El Nido from 1924 to 1946, when he transferred to Muntinglupa, Rizal, where he resides. Witness Bernardo Dangan's testimony is that he was a resident of El Nido; but that from 1950 to 1961, he resided in Muntinglupa, Rizal, where he worked first as bookkeeper then as accountant at the Bureau of Prisons until 1961, when he retired and returned to El Nido.

Evident is the fact that, for a long period of time - since 1946 in the case of Rodriguez, and since 1950 in the case of Dangan - these witnesses were living at a place (Muntinglupa) far from petitioner's residence which was El Nido, and later, Manila. Dangan, it is true, returned to El Nido in 1962; but by that time petitioner was already in Manila. When, for a long period of time, witnesses are residents of one place and petitioner of another, the former unquestionably have no "sufficient background and basis to vouch for petitioner's character or to qualify as 'insurers' of his good conduct".[1] This is specially true here, because Manila or Palawan is far from Muntinglupa.

Petitioner's witnesses, however, sought to fill the void caused by separate residences. Rodriguez declared that from 1953 petitioner used to visit him in Muntinglupa "sometimes once a month, or twice a month"; that he goes to petitioner's house "Sometimes once a week, or twice a month, like that, or once a month", and stays, "Sometimes a few minutes, sometimes an hour, like that, or half an hour"; that they also meet at parties - twice in his house and "about three or four times" in petitioner's house; that they meet sometimes at the Luneta. Witness Dangan's version, upon the other hand, is that in Manila, he used to visit petitioner "once a week, sometimes, two times a month"; that petitioner used to visit him in Muntinglupa; that from 1961 he came to Manila 4 times a year, one month each time, to buy things for his sari-sari store.

The versions just recited - assuming them to be true - would not help petitioner any. At best, they reveal but

occasional meetings which afforded petitioner's witnesses no ample opportunity to observe petitioner's conduct. And yet, witnesses must have personal knowledge of petitioner's conduct "during the entire period of his residence in the Philippines".[2] This is a fact for which an applicant's witnesses must vouch.[3]

But the narrative of witnesses Rodriguez and Dangan in reference to the so-called "visits" between them and petitioner, strains credulity. These alleged visits would appear to be out of the ordinary. At the time of the hearing, petitioner was but 24 years of age, Rodriguez 62, and Dangan 48. The wide gap in ages suggests that there is not much in common upon which social contacts between petitioner and his witnesses could rest. Appropriately, the trial court remarked:

"*** Moreover, it is very doubtful if these-witnesses had really visited the petitioner as often as they did, considering the disparity in their ages. There was no common interest between them which would warrant the alleged frequent visits of the petitioner to his character witnesses and vice-versa."

But if the foregoing were not yet sufficient, let us take a look at the evidence given by witness Dangan on other matters. He declared that petitioner's father is Lim Kim. This is not correct - the true name of petitioner's father is Lim Te. Culled from another portion of the transcript is the following, also of witness Dangan:

"Q - How do you know that the petitioner has all the qualifications and none of the disqualifications to become a Filipino citizen?

A - He is more than 21 years of age.

Q - I am asking you how do you know that the petitioner has all the qualifications and none of the disqualifications to become a Filipino citizen. Did you read the revised Naturalization Law?

A - No, sir." y[4]

This admission is quite revealing. Dangan certainly does not rise to the level of a credible witness. For, when one has no knowledge of the qualifications and disqualifications to become a citizen of this Republic, as witness Dangan has displayed, he can hardly be qualified to testify on the subject with respect to the petitioner.[5]

At all events, the evidence heretofore recited epitomizes the fact that very little do petitioner's witnesses know about his (petitioner's) character, behavior and moral fitness, and his other qualifications to become a citizen. At best, their knowledge of petitioner is but superficial, not intimate.[6]

On this score alone, petitioner's application for naturalization was correctly denied.

- Naturalization proceedings involve public interest. In consequence, the entire record is open to scrutiny.[7] We thus approach the case from another angle. And we reach the same result.

At the time of petitioner's application for naturalization, his income - the first he ever reported - was a monthly salary of P240.00, with commissions of P3,755.01 per annum. Commissions do not figure in reckoning income because they are contingent, speculative.[8] For purposes of naturalization, his income is but P240.00 a month. By judicial standard, this income is below the level of the lucrative within the meaning of Section 2, Fourth, of the Naturalization Law, having in mind the high cost of living and the low purchasing power of the peso.[9]

Upon the record as we read it, the appealed judgment should be, as it is, hereby affirmed. Costs against petitioner.

SO ORDERED.

Concepcion, C. J., Reyes, Barrera, Dizon, Regala, Makalintal, Bengzon, Zaldivar, and Sanchez, JJ., concur.

[1] Sy Pifiero vs. Republic, 1-17399, October 30, 1962. See also: Sheng vs. Republic, L-13496, April 27, 1960;

Serwani vs. Republic, L-18219, December 27, 1963; Manuel de Lara vs. Republic, L-18203, May 29, 1964; Pio de Lar vs. Republic, L-18204, May 29, 1964.

[2] Uy Tian vs. Republic, L-1991S, July 30, 1965.

[3] Manuel de Lara vs. Republic, *supra*.

[4] Tr., November 15, 1963, p. 21.

[5] Cf. Ong Ling Chuan vs. Republic, L-18550, February 28, 1964.

[6] Cuaki Tan Si vs. Republic, L-18006, October 31, 1962; Ngo vs. Republic, 1-18319, Kay 31, 1963; Tse vs. Republic, L-19642, November 9, 1964; Uy vs. Republic, L-19578, October 27, 1964; Saw Cen vs. Republic, L-20310, April 30, 1965; Tan Sang vs. Republic, L-19914, June 23, 1965; Yu Tiu vs. Republic, L-19844, June 30, 1965.

[7] Kwan Kwock How vs. Republic, L-18521, January 30, 1964; Tio Tek Chai vs. Republic, L-19112, October 30, 1964; Cheng vs. Republic, L-20013, March 30, 1965; Lee Ng Len vs. Republic, L-20151, March 31, 1965; Lee vs. Republic, L-20148, April 30, 1965.

[8] Ong Tai vs. Republic, L-19418, December 23, 1964; Tochip vs. Republic, L-19637, February 26, 1965; Ong So vs. Republic, L-20145, June 30, 1965.

[9] In the following cases, income of an applicant for naturalization who is single - as is the petitioner - was held insufficient: F3,600.00 a year, Uy vs. Republic, L-20208, June 30, 1965; P3,000.00 a year, aside from bonuses and allowances, Tan vs. Republic, L-19694, March 30, 1965.

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