

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP.

G.R. No. L-4747. October 24, 1952

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed by Yu Keng on September 14, 1949, in the Court of First Instance of Marinduque. The Government opposed the petition on the ground that he does not possess all the qualifications enumerated in section 2 of Commonwealth Act No. 473, as amended by Act No. 535.

Petitioner was born in Amoy, China, on October 15, 1903. He came to the Philippines on January 16, 1915, and established residence in Gasan, Marinduque, where he continuously resided for nearly 35 years.

He is a merchant by occupation and has a store with a capital of no less than P18,000. He is the general manager of the Gasan branch of Yu Chu & Company, with an annual salary of P6,800.

Petitioner married twice, his first wife being Po Sin, who died in 1928. He has one child with her named Concepcion who finished the course of Pharmacy in the University of the Philippines. His second wife is Tan Chian who bore him four children, namely, Rodrigo, Angelito, Rosario and Benjamin. Rodrigo is enrolled in Marinduque Central High School, while Angelito in the Immaculate Concepcion Academy. Benjamin and Rosario are both enrolled in Gasan Elementary public school.

He speaks and writes Spanish and the national language; he does not believe in the principles of Communism nor is he affiliated with any association or group of subversive character; he believes in the principles underlying our Constitution; he is not suffering from any mental or contagious disease and has never been convicted of any crime. He is a member of the Parent-Teacher Association and the Baluarte Club, and has contributed liberally to several charitable and civic organizations.

After trial, the lower court found that petitioner has all the qualifications to become a Philippine citizen and ordered that he be granted the necessary certificate of naturalization. From this decision the Government appealed.

The main basis of the opposition of the Government is the claim that petitioner interfered with the elections of 1949, and that, being a married man, he had a common-law wife named Gavina Motol, which shows that he has not observed a good and irreproachable conduct which would entitle him to Philippine citizenship.

With regard to the first point, the Government tried to show that during the elections of 1949, petitioner approached one Armando de Leon and urged him to vote for the candidates of the Nacionalista Party and because De Leon refused to accede to his desire and petitioner wielded great influence over the officials of the Stevedoring Union with which De Leon was affiliated, petitioner saw to it that De Leon be discharged or separated from said union. The only witness presented in support of this claim is Armando de Leon himself. It is contended that this act of petitioner is in contravention of the provisions of section 56 of the Revised Election Code which prohibit

under penalty of imprisonment any foreigner from taking part in any election held in the Philippines.

The lower court did not find credible this testimony of Armando de Leon. He said that he was a member of the Stevedoring Union and as such was employed by said union as Checker, but was later dismissed without his salary having been paid; and that he was dismissed by petitioner presumably because he did not agree to his desire that he vote for the Nacionalista candidates. It appears, however, that petitioner has nothing to do with the stevedoring union, which is an organization composed exclusively of laborers who banded themselves together to promote their interests and enhance their opportunities for employment, and the president of that union is Diosdado Luna. Assuming for the sake of argument that De Leon was dismissed as checker as he claimed, he must have been dismissed by the officers of said union and not by petitioner who has nothing to do with its internal organization, so that even if we suppose that De Leon was approached and urged by petitioner to work for the Nacionalista candidates and he refused to give his help, it will be preposterous for us to conclude that his separation from the union is due to an act of revenge on the part of petitioner. Be it as it may, the fact remains that the testimony of this witness did not deserve credence from the lower court. Speaking of his credibility, the court said:

"The court observes that while Armando de Leon was testifying in court he showed a belligerent and antagonistic attitude towards the petitioner as if the former entertained some personal grudge against the latter. This attitude of the witness could be readily noticed by any casual observer in the courtroom because of the inflection of his voice and the arrogant manner he made his statements. Furthermore, said witness is prone to jumping at conclusions without foundations of facts. The fact that this witness appears at the hearing of the case and voluntarily offered himself to be a witness strengthens the belief that said witness was impelled not by the desire to prevent the admission of an undesirable alien into Filipino citizenship but by the opportunity to wreck vengeance on the petitioner whom said witness believed, erroneously, to have caused him some trouble."

The claim that petitioner, being a married man, had illicit relations with another woman by the name of Gavina Motol and that he had children with her, has not also been established by sufficient evidence. The only proof presented to support the alleged illicit relations is the testimony of Armando de Leon and Miguel Comia, but these witnesses instead of relating facts bearing on said illicit relations, merely indulged in conjectures and suppositions which cannot be given credence because of their unreliability. In this connection, it should be stated that petitioner has his store in the poblacion of Gasan, Marinduque, where his wife and children live, because the wife takes care of the store. The branch office of Yu Chu & Company of which petitioner is the manager is situated in a place known as Pañgi, which is about one and a half kilometer from the poblacion. Because of the nature of his work and the close supervision he has over the business of the company, petitioner has to stay much of the time in said place and away from his family. Now, because Gavina Motol was then living in Pañgi and petitioner was seen by De Leon going to her house, De Leon jumped at the conclusion that said woman is the paramour of petitioner. Much less reliance can be placed on the testimony of Miguel Comia who averred that petitioner has three children with Gavina Motol. When asked why he believed that they were the children of petitioner, he stated that he came to that conclusion because the children have a striking similarity with the face of petitioner and the latter used to go to the house of Gavina Motol. The lower court did not also give credence to the testimony of this witness because it noticed that he did so for purely personal reasons. It appears that Comia is a member of Gasan Labor Union which is the rival of Gasan Stevedoring, whose services have more often been contracted by the petitioner because he found them to be more satisfactory than those of the former and that when he (witness) learned that petitioner has filed the present petition for naturalization, he applied to petitioner for a position which was turned down. He candidly admitted in court that if petitioner would give him a job he would withdraw his opposition. This explains why Comia volunteered to testify against petitioner.

Finding no error in the decision appealed from, the same is hereby affirmed, without pronouncement as to costs.

Paras, Pablo, Bengzon, Padilla, Montemayor, Jugo, and Labrador, JJ., concur.

Feria, Tuason, and Reyes, JJ., did not take part.

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