

IN THE MATTER OF THE PETITION OF WILLIAM SAY CHONG HAI, WHOSE ALIASES ARE “WILLIAM FRANCISCO SAY”; “FRANCISCO T. SAY”;, “FRANCISCO SAY Y TY”;, “WM. FRANCISCO SAY CHONG HAI” AND “F...

G.R. No. L-25438. April 25, 1969

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d1c76acb8259/>

FERNANDO, J.:

In this petition for naturalization, the lower court, notwithstanding the admitted but unauthorized use of aliases by applicant William Say Chong Hai and his reliance on the testimony of two of his former professors in the San Beda College, came to the conclusion that there was no bar to his acquisition of Philippine citizenship. Accordingly, in the decision of July 19, 1965, such petition was granted. As perhaps could have been expected the obstacle to the grant of citizenship being rather formidable in character, the government appealed. The appeal must be sustained and the judgment of the lower court reversed.

1. The first error assigned by the Republic of the Philippines would assail the failure of the lower court, the use by petitioner of aliases without judicial authority being undoubted, to deny his petition for naturalization as under the circumstances he could not be held as having conducted himself in a proper and irreproachable manner.

The brief for appellant would support its assignment of error thus: "Petitioner uses several aliases interchangeably. Thus, in his Birth Certificate, Exhibit 9, his name appears as Francisco William Say Chiang Hai while in his Alien Certificate of Registration, his name appears as William Say Chiong Hai Likewise, petitioner also used the name of William Say Chiong Hai in his Immigration Certificate of Residence * * * while in his Income Tax Returns for the years 1960, 1961 and 1962, * * *, he used the name of Wm, Francisco Say Chiong Hai. In his Residence Certificate A for the years 1960, 1961 and 1962 * * *, he used the name of William Francisco Say and in the statement of assets, income and liabilities he filed with the Bureau of Internal Revenue, he added the middle name 'Ty' to the name William Francisco Say Chiong Hai." [1]

It was likewise set forth in such brief: "Petitioner himself admitted in open court that most of the time he uses two names, William Francisco Say, by which he is commonly known in the community, and William Say Chiong Hai, which he uses in signing parcel posts * * *. He also admitted that when signing papers in business transaction, he uses the name of William Francisco Say Chiong Hai, William Francisco Say and William Francisco Say interchangeably * * *." [2]

As indicated above, the stand of the Republic of the Philippines is unassailable. Such an error was indeed committed. The decision was rendered on July 19, 1965. This Court made clear in a ruling on March 31 of that year, *Ang Tee Yee v. Republic*, [3] "that the un-explained and unauthorized use of an alias was sufficient to deny a petition for naturalization." As a matter of fact, in a 1962 decision, [4] such a fact would indicate that the conduct

of petitioner was not beyond reproach and would therefore be a ground for the failure of his petition for naturalization. An objection based on such a ground was considered by us valid, again, in a decision rendered on June 21, 1965, barely a month before the lower court granted the petition for naturalization.[5] Petitioner, to whom such an act could be attributed, is thus deemed "unworthy of Philippine citizenship.[6] "On two occasions recently, we have reiterated the doctrine that such an unlawful use of an alias suffices or warrants the denial of a petition for naturalization.[7]

It is thus clear that the lower court failed to exhibit sufficient awareness of decisions that should be deemed controlling. Shortly before the appealed decision was rendered, we did emphatically state in *Cheng v. Republic*,[8] that the use of an alias without authorization is "fatal to the application for naturalization. " Less than a year ago, in *Chan De v. Republic*,[9] we had occasion to employ the same formulation when we considered the failure to mention the other names as "fatal to the proceedings."

How would the brief for petitioner-appellee seek to impart plausibility to what, as had been clearly shown above was an erroneous appraisal of the state of the law by the lower court? It would rely on *Rao Bin Chiong v. Republic*[10] which it considered as speaking to the effect that the unauthorized use of aliases by the applicant is merely a minor transgression, involving no moral turpitude or wilful criminality, [and] cannot by itself obstruct the grant of his application for naturalization, if he has all the necessary qualifications and none of the disqualifications to become a Filipino citizen."[11] What the brief for appellee fails to mention is that since then from *Yu Seco v. Republic*[12] to *Chan De v. Republic*,[13] our decisions are impressive both as to number and unanimity in pointing out, as already mentioned, the infirmity, fatal in character, of the illegal or unauthorized use of an alias.[14]

2. The second assigned error is equally meritorious. The lower court did err in not finding that the character witnesses presented by petitioner could not be considered as credible persons within the meaning of the Naturalization Act.

As noted in the appellant's brief: "Petitioner's character witnesses are not credible persons within the meaning of the Revised Naturalization Law. Although both were at one time or another petitioner's professors or teachers at San Beda College, their acquaintance with petitioner was limited to school activities and very little else. Their testimonies themselves are patently insufficient because they fail to give details about petitioner's life and character to show how well they know him and why they believe him to be qualified for Filipino citizenship. Recaredo Enriquez testified that during the time that he has known petitioner, he could not even remember the topics they talked about, but may be 'it was a common topic or just a small talk' * * *. On the part of witness Zosimo C. Ella, he admitted that his acquaintance with petitioner is more of the relation between professor and student; their meeting had taken place only in the classrooms * * *." [15]

The lower court viewed the matter differently. Thus: "As to the other ground of the opposition, the Court finds after examining the testimony of the character witnesses of the petitioner that said witnesses have known the petitioner since 1946 when the petitioner was a primary student at San Beda College, and their dealings with the petitioner extend through the high school and college years of the petitioner both inside and outside of the school activities. They therefore had the opportunity to observe the conduct and character of the petitioner. Such being the case, the said witnesses are competent persons to testify, as they did testify favorably, on the conduct and reputation of the petitioner." [16]

Here, again, the lower court failed to exhibit fidelity to our controlling decisions, which, it must ever be borne in mind, should be treated with the utmost respect and deference by inferior tribunals. As early as July 18, 1951, this Court, in an opinion by Justice Tuason, relying on American decisions of a persuasive character, stressed the

importance of character witnesses. Thus: "In the case of *In re Kornstain*, 268 Fed. Rep. 182, the court expressed the same idea and reasoned: 'In naturalization petitions, the Courts are peculiarly at the mercy of the witnesses offered by the candidate. Such candidate takes care to see that only those who are friendly to him, are offered as witnesses. The Courts can-not be expected to possess acquaintance with the candidates presenting themselves for naturalization-in fact, no duty rests upon them in this particular; so that witnesses appearing before them are in a way insurers of the character of the candidate concerned, and on their testimony the courts are of necessity compelled to rely. A witness who is incompetent renders an application void. (*United States v. Martorana*, 171 Fed. 397, 96 C.C.A 353) A competent witness cannot be substituted for an in-competent one. (*United States v. Gulliksen*, 244 Fed. 727, 157 C.C.A. 175.) The question of a witness' qualifications in naturalization proceedings is therefore a matter of more than usual importance.'"[17] After setting forth the above, the opinion stated that the above reasoning is "sound and reasonable and therefore we made it "our own." [18]

We went further in *Lim Ching Tian v. Republic*, [19] a 1961 decision. Thus: "The law requires that a vouching witness should have actually known an applicant for whom he testified for the requisite period prescribed therein to give him the necessary competence to act as such. The reason behind this requirement is that a vouching witness is in a way an insurer of the character of petitioner because on his testimony the court is of necessity compelled to rely in deciding the merits of his petition. It is, therefore, imperative that he be competent and reliable. And he is only competent to testify on his conduct, character and moral fitness if he has had the opportunity to observe him personally, if not intimately, during the period he has allegedly known him. Such knowledge Flores did not possess. He is, therefore, disqualified to act as character witness."

It does not admit of doubt then that to impute the utmost credence to testimony coming from character witnesses, who were professors in the San Beda College, where petitioner studied, would be to disregard the realities of the situation. Whatever may be said of the extent of knowledge a teacher or a professor may have of a student as such, even if it be admitted that a certain degree of intimacy could have been assumed, it cannot rise to that degree of certainty as to his possessing all the qualifications and none of the disqualifications that a court of justice must rely upon to be rightfully possessed of that requisite confidence in the award of citizenship. Nor is this the only objection. It has been shown that the knowledge acquired of petitioner dated only from 1946. Again, the period required for the acquaintance that must exist for such witnesses to be deemed credible was not present. Had the lower court in this instance, as in the first error assigned, been more exacting in its appraisal of the testimony thus offered, it could not have fallen into this error. [20]

More specifically, the use of a tutor or professor as attesting witnesses had in at least three cases been frowned upon by this Court because of the far from persuasive nature of their testimony: [21] We do so again.

WHEREFORE, the appealed decision of July 19, 1965 by the lower court is hereby reversed, with costs against petitioner-appellee.

Reyes, J.B.L., Acting C.J., Dizon, Makalintal, Zaldivar, Sanchez, Capistrano, and Teehankee, JJ., concur.
Concepcion, C.J., and Castro, J., on official leave.
Barredo, J., on official leave.

[1] Brief for Appellant, p. 4.

[2] Ibid.

[3] L-20305.

[4] Wang I Fu v. Republic, 6 SCRA 93.

[5] Go A Leng v. Republic, L-19836.

[6] Chang v. Republic, 16 SCRA 718 (1966).

[7] O Ku Phuan v. Republic, 20 SCRA 1219 (1967). and Tan Khe Shing v. Republic, 22 SCRA 896, (1968).

[8] L-20013, March 30 1965.

[9] 23 SCRA 943 (1968).

[10] L-13526, November 24, 1959.

[11] Brief for Petitioner-Appellee, p. 8.

[12] L-13441, June 30, 1960.

[13] 23 SCRA 943 (1968).

[14] Cheng v. Republic, 107 Phil. 33 (1960); Lim Bun v. Republic, 1 SCRA 1054 (1961); Ng Liam Keng v. Republic, 1 SCRA 1210 (1961); Koa Gui v. Republic, 5 SCRA 679 (1962); Wang I Fu v. Republic, 6 SCRA 93 (1962); Ong Khan v. Republic, L-19709, Sept. 30, 1964; Uy Eng Hiok v. Republic, L-17118, Nov. 17, 1964; Cheng v. Republic, L-20013, March 30, 1965; Ang Tee Yee v. Republic, L-20305, March 31, 1965; Pablo Lee v. Republic, L-20148, April 30, 1965; Saw Cen v. Republic, L-20310, April 30, 1965; Go A Leng v. Republic, L-19836, June 21, 1965; Chiu Bok v. Republic, L- 19111, June 22, 1965 Vy Tian v. Republic, L-19918, July 30, 1965; Tan v. Republic, L-20287, July 30, 1965; Dy v. Republic, L-20152, Feb. 28, 1966; Chang v. Republic, 16 SCRA 718 (1966); Ko Bok v. Republic, 16 SCRA 738 1966); Lee Tit v. Republic, 16 SCRA 735 1966); Kock Tee Yap v. Republic, 17 SCRA 1 (1966); Soglou v. Republic, 17 SCRA 184 (1966); Ong Hock Lian v. Republic, 17 SCRA 188(1966); Chan v. Republic, 17 SCRA 474 (1966); Lim v. Republic, 17 SCRA 424 (1966); Cosme Go Tian An v. Republic, 17 SCRA 1053 (1966); Dy Bu Si v. Republic, 18 SCRA 580 (1966); Tee Viw v. Republic, 18 SCRA 696 (1966); Dy v. Republic, 18 SCRA 858 1966); Chua Tek v. Republic, 19 SCRA 719 1967 ; Wong Chui v. Republic, 19 SCRA 805 1967 ; Tan Chua v. Republic, 19 SCRA 797 (1967); O Kee Phuan v. Republic, 20 SCRA 1219 (1967); Tan Sen v. Republic, 21 SCRA ,478 (1967); Ho Ngo v. Republic, 21 SCRA 967 (1967); Tan Khe Shing v. Republic, 22 SCRA 896 (1968); Chua Uan v. Republic, L-20952, May 22, 1968.

[15] Brief for Appellant, pp. 5-6.

[16] Record on Appeal, p. 44.

[17] Cu v. Republic, 89 Phil. 473, 478.

[18] Ibid.

[19] 1 SCRA 622, 624.

[20] Cf. Lim Ching Tian v. Republic, 1 SCRA 622 (1961); Ng Liam Keng v. Republic, 1 SCRA 1210 (1961); Que Choc Gui v. Republic, 3 SCRA 194 (1961); Chua Pun v. Republic, 3 SCRA 652 (1961); Uy v); Republic, 5 SCRA 114 (1962); Yan Hang v. Republic, 5 SCRA 185 (1962); loo Yuen Tsi v. Republic, 5 SCRA 407 (1962); Sy Peñero v. Republic, 6 SCRA 322 (1962); Go v. Republic, 6 SCRA 364 (1962); People v. Susukan, 6 SCRA 545 (1962); Uy Chin Hua v. Republic, 6 SCRA 675 (1962); Yu Kiu Tian v. Republic, 6 SCRA 770 (1962);

Serwani (Nanki Hiranand) v. Republic, L-18219, Dec. 27, 1963; Uy Tian It (Peter Uy Lorenzo) v. Republic, L-18248, Dec. 27, 1963; Kwan Kwock Haw v. Republic, L-18521, Jan. 30, 1964; Albert Ong Lin Chuan v. Republic, L-18550, Feb. 28, 1964; Koh Chet v. Republic, L-17223, June 30, 1964; Paul Teh v. Republic, L-19830, Sept. 30, 1964; Pedro T. Uy v. Republic, L-19578, Oct. 27, 1964; Uy Ching Ho v. Republic, L-19582, March 26, 1965; Vy Tian v. Republic, L-19918, July 30, 1965; Lim Cho Kuan v. Republic, 16 SCRA 21 (1966); Yu An Kiang v. Republic, 16 SCRA 129 (1966); Ko Bok v. Republic, 16 SCRA 738 (1966); Yap v. Republic, 17 SCRA 8 (1966); Chin Hong v. Republic, 17 SCRA 220 (1966); Aug Dit Kue v. Republic, 17 SCRA 385 (1966);-Lim v. Republic, 17 SCR& 424 (1966) ; King v. Republic, 18 SCRA 179 1966 ; Tae Viw v. Republic, 18 SCRA 696 1966 ; Wong Chui v. Republic, 19 SCRA 805 (1967 ; Yap v. Republic, 20 SCRA 19 (1967); O Ku Phuan v. Republic, 21 SCRA 1219 (1967); Hao Guan Seng v. Republic, 21 SCRA 75 (1967); Joo King Yog v. Republic, 22 SCRA 515 (1968); Chan De v. Republic, 23 SCRA 943 (1968).

[21] Ong Ling Chuan v. Republic, L-18550, February 28, 1964; Wong Chi v. Republic, 19 SCRA 805 (1967); Yap v. Republic, 20 SCRA 19 (1967).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.