

IN THE MATTER OF PETITION TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES, FELIX A. QUA ALIAS QUA HOCK DU, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND A...

G.R. No. L-19834. October 27, 1964

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

A petition for naturalization was filed by Felix A. Qua alias Qua Hock Du in the court of First Instance of Albay on April 5, 1961. It alleged that the applicant was a citizen of Nationalist China; that he was born in Manila on May 2, 1939; that he had continuously lived in the Philippines; that his permanent residence was Legaspi City; that he received his primary secondary education therein; that he pursued premedical studies at Letran College, first year Medicine at the University of Santo Tomas, and Commerce at Letran College, where he was in third year; that he was single; that he was employed at the Union Steel Manufacturing Co., Inc. in Caloocan City at a salary of P300.00 a month; that he had conducted himself in a proper and irreproachable manner; that he could speak and write English, Bicol and Tagalog; that he had none of the disqualification provided by law, enumerating the same; that he was willing to renounce allegiance to Nationalist China; that he was exempt from filing a declaration of intention; that he had not previously applied for naturalization; and the names and addresses of his character witnesses.

After publication and trial, the petition was granted. The Republic has taken this appeal.

Appellant contends that the petition is fatally defective for having failed to state applicant's present and former places of residence and to allege that applicant believed in the principles underlying the Philippine Constitution.

Section 7 of the Revised Naturalization Law (Com. Act No. 473) requires the petition to set forth the applicant's "present and former places of residence". Appellee's petition stated that "his permanent residence is the City of Legaspi, Philippines" (Rec. on app., p. 2), and mentioned no other place of residence. However, during the trial petitioner testified that after he graduated from high school in 1957 he left Legaspi City and resided in Manila at 1771 A. Mabini Street, Malate, although he returned to Legaspi City during vacation (Tsn., p. 135).

The petition, in not setting forth the applicant's place of residence in Manila, clearly failed to comply with Section 7 of the Revised Naturalization Law. In *Lo vs. Republic*, 111 Phil., 1036, We held—

"Section 7 of the Revised Naturalization Law expressly requires that the petitioner should set forth in his petition, besides his name and surname, 'his present and former places of residence * * *'. The fact that he was able to present evidence proving the above-mentioned facts does not necessarily mean that he has not transgressed the above requirements because his ulterior proof cannot have the effect of curing such transgression. The reason behind such requirement is obvious: said facts are required to be stated in the petition in order that, upon its publication, the public as well as the investigating agencies of our government may be given the needed opportunity to be informed thereof and voice their objection, if any, to petitioner's desire to become a filipino citizen. By omitting said facts from the petition the public and said agencies are deprived of

such opportunity thereby defeating the purpose of the law."

Petitioner argues, however, that his residence in Manila was only temporary so that his legal residence or domicile remained to be Legaspi City. Section 7 of the Revised Naturalization Law speaks of "present and former places of residence" without specifying actual or legal residence. Its purpose, as stated, is to give the public and the investigating agencies of the government an opportunity to gather information and to express objection relative to the petition. Precisely for this reason it is important that petitioner's actual, physical residence be likewise set forth and published, since information regarding petitioner and objection to his application are apt to be provided by people in his actual physical surrounding.

Section 7 abovementioned requires disclosure of "present and former places of residence" as a precaution against suppression of information regarding any possible misbehavior on the part of applicant in any community where he may have lived at one time or another. To ignore this purpose would be to disregard obvious legislative intent as well as to forego the high degree of prudence and care required of Us in naturalization proceedings (*Uy vs. Republic*, L-19578, October 27, 1964).

Appellee mentions *Republic vs. Tan*, L-12409, April 1, 1959, wherein this Court held that residence means legal residence. However, it was to Section 8 of the law, on where to file the petition, that said decision referred. Considering the different purpose intended for Section 7, the residence mentioned therein does not exclude actual residence even though temporary. Neither can applicant contend that the omission in his petition was cured during the trial. In *Lo vs. Republic*, supra, We held that non-compliance with Section 7 cannot be cured by evidence.

The petition also failed to allege that petitioner believed in the principles underlying the Philippine Constitution. The omission is admitted (Appellee's brief, p. 21). Petitioner contends, however, that evidence adduced during the trial has cured the omission.

The record shows that in his testimony petitioner nowhere stated he believed in the principles underlying the Philippine Constitution. He only testified that he knew said principles (Tsn., 107-110, 149, 151, 153-154), naming some of them (Tsn., 151, 154). One thing is to know and another to believe in what one knows. Evidence of knowledge is no evidence of belief. In fact, petitioner's failure to allege and to explicitly declare his belief in the principles underlying our Constitution becomes all the more gross in the midst of showing that he knows them and in the light of the fact that he finished primary and secondary education in our schools and was pursuing College education therein. We have already ruled in *Ching vs. Republic*, L-15955, October 26, 1961, that courts must not admit petitioner to Filipino citizenship in the absence of allegation and competent proof that he believes in the principles of the Philippine Constitution.

The judgment appealed from is hereby reversed and the petition denied. Costs against petitioner.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, Makalintal, and Zaldivar, JJ., concur.

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