

ALFONSO TIAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-12627. May 30, 1960

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d32e079e9dee/>

BAUTISTA ANGELO, J.:

This is a petition for naturalization which the court granted declaring petitioner entitled to Philippine citizenship. The court, however, ordered that the decision "shall not be executory until after two (2) years from its promulgation and the Court, on proper hearing, with the attendance of the Solicitor General or his representative shall have been satisfied and so finds that during said intervening time the applicant (1) has not left the Philippines; (2) has dedicated himself continuously to a lawful calling or profession; (3) has not been convicted of any offense or violation of Government promulgated rules; nor (4) committed any act prejudicial to the interests of the nation or contrary to any Government announced policies."

The government has appealed.

Petitioner was born in Cebu City on April 15, 1929 and has continuously resided therein since birth without having gone abroad. He is single and employed in Uy Matiao and Company, Inc. as copra classifier and assistant warehouseman with a salary of P120.00 a month. He has been filing his income tax returns since 1954. He has registered with the Bureau of Immigration, and has been reporting for registration as alien every year. He studied in the Little Flower of Jesus Academy for his elementary course, although he enrolled in the City Central School in grade six completing the elementary course in said school on November 23, 1946. He took his high school course in the University of the Visayas during his first year, and in the University of Southern Philippines for the next three years, completing the high school course in said university, where he is now enrolled in the college of commerce. He speaks and writes English and the Visayan dialect. He does not, however, speak nor write the Chinese language.

He believes in the principles underlying our constitution. He has never been charged with nor convicted of any criminal offense. He has paid all his taxes to the government and has no pending tax liability. He is not suffering from any contagious disease. He has been associating with the Filipinos. Although in the direct examination he did not declare that he does not believe in polygamy, nor is he a polygamist, one of his witnesses, on cross-examination, stated that petitioner is not opposed to organized government, nor is he a polygamist. Likewise, although petitioner did not testify that it was his desire to become a Filipino citizen, one of his witnesses stated that he really wants to become a Filipino citizen as shown by his taking ROTC course even if he is exempt therefrom.

The government contends that the trial court erred in not finding that petitioner is not entitled to exemption from filing the declaration of intention required by law because it nowhere appears in the evidence that he has enrolled in a elementary school recognized by the government except only in the sixth grade during which he attended a public school and completed the elementary course therein. It is claimed that petitioner took his first five years of

elementary education in the Little Flower of Jesus Academy, but there is no evidence that said school is recognized by the government, where Philippine government, civics, and history are taught as part of the curriculum.

It appears, however, that petitioner completed his elementary education in the City Central School under the Bureau of Public School in Cebu City and was awarded by said bureau an elementary certificate of graduation stating that he had "completed the elementary curriculum prescribed for elementary schools of the Republic of the Philippines." It is obvious that if petitioner has been awarded such elementary certificate of graduation, all his first five years of elementary education at the Little Flower of Jesus Academy must have been taken in accordance with the prescribed curriculum for elementary schools in the Philippines as is required in an institution recognized by the government.

The government also contends that the two witnesses presented by petitioner are not competent to testify on his qualifications because their close observation on his conduct started since 1948 only which is short of the period of ten years required by law and that even if it covers that period the same is only confined to his relations with his folks and elders and not in relation to the people in general. The government is under the impression that the period of residence we have to reckon with in this case is that of ten years which is required of those who are not born in the Philippines, but the period that applies here is not ten years but five years for the reason that petitioner was born in the Philippines, as provided for in Section 3 of the Revised Naturalization Law. Note that said witnesses are Juan Alburo, Dean of the College of Commerce, University of Southern Philippines, and Eriberto Jueco, Principal of the High School Department of the same university, and both have testified that they have come to know petitioner well not only because he studied in their university but because they used to visit his family frequently, and insofar as their observation is concerned his behavior and conduct toward the community has always been proper and becoming to the extent that he has always evinced a desire to become a Filipino citizen. In fact, even the solicitor in charge of this appeal has expressed the opinion that these witnesses "appear to be legally qualified and competent to testify as to the conduct and character of petitioner."

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

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.