

LEE TIT ALIAS SIA KHUY, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-21446. April 29, 1966

Ponente: REGALA, J.

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REGALA, J.:

Lee Tit, a Chinaman, applied for naturalization in the Court of First Instance of Cebu.

The evidence shows the following: The petitioner was born in China on August 1, 1912, of Chinese parents. As son of a merchant he came to the country in 1932 and never returned to China. Residing in the Philippines Since then, he stayed for sometime in Ayungan, Negros Oriental, but he is now a resident of Cebu City. He is a widower without children. He speaks and writes English and the Cebu-Visayan dialect. Since 1947, petitioner has been employed as salesman at the Lian Sing Trading with a salary of P250 a month with free board and lodging. He owns a house at Cebu City valued at P5,000 which he rents out for P200 a month. In 1960 he earned P2,040 and in 1961 his income was P4,177.80.

The petitioner testified inter alia that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence here; that he has mingled socially with the Filipinos; that he evinced a sincere desire to learn and embrace Filipino customs, ideals and traditions; that he is not opposed to organized government; and that he neither believes in nor practices polygamy.

With this evidence, the lower court, over the opposition interposed by the Government, granted the petition.

The Solicitor General has appealed, pointing out several errors committed by the trial court. The petitioner-appellee has not refuted appellant's assignment of errors, failing to file a reply brief within the reglementary period.

The Solicitor General has assails the credibility of the character witnesses presented by petitioner. Witness Ramon Diores admitted that the petitioner's counsel in this case, Atty. Luis Diores, is his own son. We agree with the Solicitor General that with such a relationship, Ramon Diores could not have testified with such independence of mind as is required of character witnesses in naturalization cases. In a similar case (*Albert Ong Ling Chuan vs. Republic*, G. R. No. L-18550, February 28, 1964), where one of the witnesses was the lawyer of petitioner's father, We held that "this circumstance lends doubt as to the veracity of his testimony, and leads one to conclude that his declarations are biased and untrustworthy."

The appellant has also shown that the said Diores and his co-witness, Alejandro Borces, came to know the petitioner only in 1947, so that they could not vouch, as they claim, for petitioner's goodness of character and conduct during the entire period of his stay in this country.[1]

Another objection raised by the Solicitor General is on the petitioner's using an alias "Sia Khuy". We find this a valid ground for the denial of petitioner's application, because it appears that his use of an alias was never

judicially authorized. (See *Wang I. Fu vs. Republic*, supra.)

As also pointed out, petitioner has shown that he lacks the honesty or sincerity required of an applicant for Philippine citizenship. In his income tax returns for 1961, it appears that he had a wife and thus obtained an exemption in the amount of P3,000. But in his testimony, it appears that his Chinese wife has been unheard of since the second world war and he presumes her to be dead. This apparent contradiction does not speak well of petitioner. He actually falsified his income tax returns for 1961 so as to gain exemption of P3,000.

Speaking of his wife, in this connection, the fact that petitioner did not take pains in finding out as to her whereabouts and well-being, further demonstrates lack of love and affection on his part, something not characteristic of a Filipino.

We need not go further to discuss the other errors assigned by the Solicitor General. The above defects on the part of the petitioner call for the dismissal of his application for naturalization.

In view hereof, the decision granting the petition is hereby reversed, with costs against the petitioner-appelle.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

[1] See *Chua Pun vs. Republic*, G. R. No. L-16862, Dec. 22, 1961; *Wang I Fu vs. Republic*, G. R. No. L-15819, Sept. 29, 1962; *Nanikian Sehwani vs. Republic*, G. R. L-18219, Dec. 27, 1963; *Uy Tian It vs. Republic*, G. R. No. L-18248, Dec. 27, 1963, and other cases on the subject.

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