

IN THE MATTER OF THE PETITION OF UY CHIONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. UY CHIONG, PETITIONER AND APPELLEE VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APP...

G. R. No. L-3233. July 23, 1951

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

The Republic of the Philippines thru the Solicitor-General is appealing from a decision of the Court of First Instance of Iloilo, granting the application of petitioner-appellee Uy Chiong for naturalization as a Filipino citizen.

According to the application of Uy Chiong as well as the evidence presented in support of it, he was born of Chinese parents in Amoy, China, in 1905; that he came to the Philippines in 1914; that he lived with his father in the then municipality of Jaro, Iloilo, until 1921 when he transferred to the municipality of Iloilo (now City of Iloilo) where he has since continuously resided up to the date of the hearing of his petition for naturalization; that he went to China on three occasions, first, in 1922, when he stayed there for three years, during which time he studied in the Anglo-Chinese School in Amoy, and the last two times in 1928, for short vacations to visit his mother; that he married a Filipina named Josefa Dy born of Filipino parents, the marriage ceremony having been performed in the Catholic Church of Tanza, Iloilo; that of said marriage, eight children were born, namely: Ricardo, Eduardo, Alicia, Aida, Anita, Gloria, Ernesto, and Roberto, all surnamed Uy, whose agfcs range from 20 to 5; that Uy Chiong has two other boys named Uy Hua Kan and Uy Beng Han, both born in China of Chinese parents, whom he had adopted according to the custom of that country and who had been living with him here in the Philippines for so many years and whom he and his wife Josefa have treated and considered as their own children; that the elder of said two children is the present Manager of the Uy Gongo Rice Mill of which petitioner-appellee is part owner; that of his own eight children, Ricardo is enrolled in San Agustin College in Iloilo, a Catholic institution recognized by the Government, the other seven children studying in the Iloilo Chinese Commercial School, also an institution recognized by the Government, and that in each of these schools the curriculum includes subjects such as Philippine History, Geography, Civics and Government. It is also shown that aside from being part owner of the Uy Gongo Rice Mill in which he owns a share worth P10,000, petitioner-appellee is the owner of a store in the City of Iloilo with assets worth about P100,000; and that he speaks and writes English and the Visayan dialect and understands a little Spanish. In addition to these facts, we quote the following findings of the trial court:

"It has been shown by the testimony of the petitioner himself as well as by that of Mayor Vicente R. Ybiemes and Atty. Luis G. Hofileia, both of whom have known him for many years, that he is a person of good moral character, who has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the community in which he is living. He is an active member of the Y. M. C. A. and of the International and Chinese Chambers of Commerce, and formerly belonged to the

Iloilo Rotary Club. He has contributed generously to charity, particularly to the Red Cross and the Boys' Town of Iloilo. It is his desire, according to him, to become a Filipino citizen because he likes the customs and way of life of the Filipinos, the form and underlying principles of their government, and has many friends among them."

It would therefore appear that petitioner-appellee is qualified to become a Filipino citizen, and that the lower court acted correctly in granting his petition for naturalization. The Solicitor-General, however, is dissatisfied with the decision and has appealed, basing his appeal on two grounds: First, because applicant is said to be a person not possessing a good moral character; second, because he is not qualified to become a Filipino citizen for the reason that according to the laws of his country, he needs the permission of the Chinese Government to renounce his allegiance to said sovereignty.

As regards the first contention, the Government accuses the appellee of deliberate falsehood, in that in his application he misrepresented the two boys Uy Hua Han and Uy Beng Han as his own children born of his marriage to Josefa Dy, when as a matter of fact and as testified to by himself during the hearing of his application, said two children were born in China of unknown parents and were bought by his mother and later sent to him here in the Philippines; and that in appellee's affidavit made and sworn to before Agent No. 5 of the National Bureau of Investigation (NBI), he stated that said two children Uy Hua Han and Uy Beng Han were his own children born of his marriage to one Lim Ping Ty, a Chinese woman, now dead. The Solicitor-General contends that a person committing such deliberate falsehood is not worthy of Philippine citizenship.

The applicant explained the discrepancy between his application and affidavit on the one hand and his testimony on the other. He said that the two boys in question had been adopted by him as his own children according to Chinese custom; that they had been given by him names which included his own surname Uy, were educated and supported by him, and since childhood had lived with him and his wife Josef a; that both he and his wife had always considered them as their own children, and that was the main reason why he had stated in his application that the two boys were his own, and listed with the eight children of the marriage; and that although he gave to the Agent of the NBI the name Lim Ping Ty as the Chinese mother of the two boys in question, he did not regard that as important, and that the name was given merely to complete the answer to the question made by the said Agent of the NBI. However, he said that he did not tell the Agent that he ever married said Lim Ping Ty. He adds that he did not read the affidavit (Exhibit 1) before signing it, considering it to be a mere routinary matter of no special significance. During the trial the discrepancy between his petition and his testimony was noted by his counsel and the latter asked permission to amend the petition so as to conform to the evidence.

Evidently, the trial court did not attach so much importance to this discrepancy because it was not even mentioned in its decision. Agent No. 5 of the NBI who conferred with the applicant-appellee and who prepared the affidavit (Exhibit 1) supposedly based on the declaration made to him by applicant, has not been presented as a witness, to explain the circumstances under which the statements attributed to applicant-appellee were made by the latter. Ordinarily, a deliberate falsehood committed by anyone when made with ulterior motives should be regarded as serious. In the present case, however, and giving the benefit of the doubt to the petitioner-appellee, we are inclined to believe that the discrepancy or the falsehood appearing in his application and affidavit is not as serious as it may appear. The petitioner-appellee may have acted under the belief that the two boys in question were in legal contemplation his own children and so stated this as a fact in his application. And as to his affidavit, it is possible that he may not have attached much importance to the parentage of those two boys and that he may have supplied the name of the supposed mother only to complete his answer, maintaining in his testimony that he never told the NBI Agent that said supposed mother was his wife.

When the qualifications of an applicant for naturalization are doubtful, a discrepancy and departure from the truth

as that found in the present case may incline the courts to deny the application. But considering the unusually favorable qualifications of the present petitioner-appellee, we believe that the discrepancy and irregularity found in his affidavit and application should not be allowed to stand in the way of his being admitted to Philippine citizenship.

With regards to the second contention about the effect of the Chinese Law on the renunciation of allegiance, that point has already been decided by this Court in other cases and we quote what we have said in the recent case of *Alfonso R. Lim So vs. Republic of the Philippines*, *supra*, p. 74:

"The Solicitor General who opposed the application, while admitting the qualifications of the applicant for Philippine citizenship, nevertheless appeals from the decisions of the lower court only on the ground that said applicant is not in a position to renounce his Chinese nationality effectively for the reason that according to Article 11, Chapter III of the Chinese Law of Nationality, a Chinese citizen may renounce said citizenship only with the permission of the Chinese Ministry of Interior. We have already held in several cases (*Parado vs. Republic of the Philippines*, G. R. No. L-2628, promulgated May 6, 1950; *King vs. Republic of the Philippines*, G. R. No. L-2687, promulgated May 23, 1951, and *Johnny Chausintek vs. Republic of the Philippines*, G. R. No. 2755) that said permission from the Chinese Ministry of Interior is not required in our law as a condition precedent to naturalization. In justice to the Government counsel it may be stated that these decisions were promulgated after he had perfected his appeal and even after the preparation of his brief."

In this connection we wish to state that the brief of the Solicitor-General in this case was submitted long before the decision from which we made the quotation was promulgated.

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

Paras, C. J., Bengzon, Padilla, Tuason, Reyes and Jugo, JJ., concur.

DISIDENTE

PABLO, M.

En mi opinion, debe denegarse la solicitud de ciudadanía.

El solicitante declaro en su solicitud (jurada en 22 de abril de 1948) que ha tenido diez hijos con su esposa Josefa Dy, una filipina, todos nacidos en la ciudad de Iloilo, Filipinas, y son: Uy Hua Han, Uy Beng Han, Ricardo Uy, Eduardo Uy, Alicia Uy, Aida Uy, Anita Uy, Ernesto Uy y Roberto Uy.

En la vista de la causa en 20 de diciembre de 1948, el solicitante, como testigo, declaro lo siguiente:

"Q.

Will you please mention your children with your wife starting from the oldest to the youngest?

"A.

Uy Hua Han, 21; Uy Ben Han, 20; Ricardo Uy, 19; Eduardo Uy, 18; Alicia Uy—she was born in October, 1932.

"Q.

The next one?

"A.

Aida Uy born on November 1933.

"Q.

The next one?

(El solicitante declaro* sobre sus otros hijos)

La solicitud en cuanto a Uy Hua Han y Uy Beng Han fue confirmada por el solicitante; pero, en repreguntas— para acomodarse tal vez a las exigencias de la Ley de Naturalizacion—declaro que Uy Hua Han y Uy Beng Han nacieron en China de padres desconocidos y que fueron comprados por su madre y enviados a el aqui en Filipinas; que, sin formalidades legales, fueron adoptados por el como hijos y que los nombres de Uy Hua Han y Uy Beng Han fueron dados por el. Uy Hua Han, segun declaro el solicitante, es gerente del Uy Congo Rice Mill; pero no hay prueba alguna de que el y su hermano Uy Beng Han hayan cursado la primera y segunda ensenanza en una escuela reconocida por el Gobierno.

En 10 de julio de 1948, el solicitante presto un affidavit ante el Agente No. 5 del National Bureau of Investigation, del Departamento de Justicia, tres parrafos del cual son del tenor siguiente:

"That I married Josefa Uy on 27 March 1928, with whom I have eight sons, namely: Ricardo Uy, Eduardo Uy, Alicia Uy, Aida Uy, Anita Uy, Gloria Uy, Ernesto Uy and Roberto Uy;

"That I have two sons with my former Chinese wife Lim Ping Ty (now dead) who were all born at Amoy, China, and named Uy Hua Han and Uy Beng Han; Uy Hua Han married a Chinese woman in Amoy in 1947;

"That except Ernesto Uy and Roberto Uy who are at present living with me, all my other children are now in China, studying at Anglo Chinese School in Amoy at my own expense."

Este affidavit revela que Uy Hua Han y Uy Beng Han son hijos del solicitante con su difunta esposa Lim Ping Ty. Probablemente esto sea la verdad, porque el solicitante presto inesperadamente su declaration sin saber tal vez las disposiciones de la Ley de Naturalizacion. Si durante la vista dijo despues que Uy Hua Han y Uy Beng Han no eran hijos suyos sino personas compradas por su madre, sera porque alguien le advirtio que, siendo hijos suyos, tendrian que estar educados en primera y segunda ensenanza en una escuela reconocida por el Gobierno para que el solicitante pueda naturalizarse.

Si Uy Hua Han y Uy Beng Han son hijos legitimos del solicitante con su esposa actual o con su primera esposa china, o hijos legalmente adoptados, es condicion sine qua non que los mismos hayan estudiado la primera y segunda ensenanza en una escuela reconocida por el Gobierno para que el solicitante pueda naturalizarse. Parte del articulo 6 de la Ley No. 535 dice asi: "A dichos requisitos se anadira el de que el solicitante haya dado educacion primaria y secundaria a todos sus hijos en las escuelas publicas o privadas reconocidas por el Gobierno que no sean exclusivas de una raza o nacionalidad."

Si Uy Hua Han y Uy Beng Han no son hijos del solicitante, sino que fueron comprados por su madre y enviados a el, entonces el solicitante fue un contrabandista, introdujo en Filipinas personas que no tienen derecho a estar aqui, y uno que, por medios fraudulentos o clandestinos, trae a Filipinas personas compradas en China, no solamente no merece ser naturalizado sino que es un elemento indeseable porque contraviene las leyes de

inmigracion y encubre la trata en personas, que es contrario a la moral y a las buenas costumbres. En Filipinas no se permite la venta de personas.

Que Uy Hua Han y Uy Beng Han no son hijos del solicitante con su actual esposa es cosa cierta; sin embargo, el solicitante lo declaro bajo juramento, dos veces, sabiendo que era falso. El que jura en falso no puede clasificarse como persona tie moralidad intachable. El que mediante falsas declaraciones o haciendo uso de medios clandestinos eonsigue introducir dos extranjeros en Filipinas tampoco puede ser considerado persona de moralidad intachable, como requiere el articulo 7 de la Ley No. 473 del Commonwealth.

FERIA, J.;I concur in this dissentinzg opinion.

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