

## **IN THE MATTER OF THE PETITION OF CHUA UAN ALIAS PETER CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. CHUA UAN ALIAS PETER CHUA, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILI...**

*G.R. No. L-20952. May 22, 1968*

Ponente: DIZON, J.

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### **DIZON, J.:**

Appeal taken by the Government from the order of the Court of First Instance of Negros Occidental in Civil Case No. 5040 granting the petition of Chua Uan, alias Peter Chua, to be allowed to take his oath as a citizen of the Philippines.

On January 30, 1960, a decision was rendered by the abovementioned court in Civil Case No. 5040 granting appellee's application for naturalization as a Filipino citizen. The Provincial Fiscal of Negros Occidental, in representation of the Solicitor General, appealed from said decision to Us (G. R. No. L-16923) claiming, that it was contrary to the provisions of Section 2, paragraph of Commonwealth Act No. 473, as amended, which requires applicants for citizenship to be able to speak and write English or Spanish and any principal Philippine dialect. On September 12, 1960, however, a motion to withdraw the appeal was filed by Solicitor General Edilberto Barot and Solicitor Hector C. Fule and the same was granted by Us.

The decision of January 30, 1960 having become final, on February 6, 1962 appellee filed with the lower court a petition to be allowed to take his oath of allegiance as a Filipino citizen. After due hearing, the court, on October 27, 1962, issued the appealed order.

The Government claims that the Court a quo erred: firstly, in not finding that appellee had not conducted himself in 3 proper and irreproachable manner; secondly, in not holding that appellee can not speak and write any one of the principal Philippine languages; thirdly, in not holding that appellee failed to prove indubitably he had not left the Philippines since the promulgation of the decision granting his petition for naturalization and lastly, in granting appellee's application for oath taking.

In support of the first the Government contends that appellee had used the alias Peter Chua without legal authority, as shown by his own petition for naturalization; the document Exhibit A, which is a clearance issued by the Court of First Instance of Occidental Negros; Exhibit B, which is a similar document issued by the office of the Provincial Fiscal of the same province, and lastly, his own certificate of baptism Exhibit M.

Upon an examination of the record, however, We find that appellee has satisfactorily explained the use more apparent than real - of the name Peter Chua. According to his uncontradicted testimony, he has not used nor does he intend to use said alias; that he has always signed his name as Chua Uan; that the alleged alias was made to appear in his baptismal certificate, without his knowledge and consent, through an honest mistake committed by a priest of San Sebastian Catholic Church where he was baptized on March 11, 1953.

The Government not only made no attempt to disprove this testimony but likewise utterly failed to prove that appellee - personally - had ever made use of the aforesaid alias. Exhibits A, B, and M where said alias appears as referring to him are documents issued and/or signed by other parties. On the other hand, it is obvious that appellee's application for naturalization was made the name of Chua Uan, alias Peter Chua, for the purpose of making said application conform with what appeared on appellee's certificate of baptism. Indeed, had he not done so, he could be charged with failing to disclose a material fact.

The Government attempts to prove its contention in the second alleged error by pointing to the fact that appellee's own application for naturalization simply alleges that he knew "how to read, write and speak in Chinese language; he also knows how to read and writ, the English language and speak and understands Filipino dialects", and that in the very decision of the lower court of January 30, 1960 the Court simply said that "petitioner knows how to write and speak the English language any he speaks and understands Ilongo dialect". From this the conclusion is drawn that appellee failed to prove that he could speak and write at least one of the principle Philippine languages.

In this regard, we are of the opinion that the decision of January 30, 1960, reasonably construed, means that the petitioner in the case not only spoke but could write in the Ilongo dialect; for if the Court did not mean this precisely, it would have dismissed the petition.

Moreover, this question may now be deemed finally settled by reason of the motion for the withdrawal of the appeal in G. R. No. L-16923 filed by Solicitor General Barot and Solicitor Fule upon the ground that, after a careful study of the evidence, they found no ground warranting the prosecution of the appeal; that upon an examination of the record they had discovered that appellee had demonstrated his competence on this point. As stated heretofore, we granted the petition accepting these allegations as true. Consequently, the Solicitor General may not now be heard to say that appellee failed to prove his ability to write at least one of the principal Philippine dialects.

In connection with the third assignment of error, the Government admits that during the hearing on appellee's petition for leave to take the oath as a Filipino citizen, testified under oath that since the promulgation of the decision of January 30, 1960, he had never left the Philippines having dedicated himself to his profession as cashier of Bacolod United Hardware, Bacolod City, and that during the intervening period he had not been convicted of any offense or violation of any rule or regulation promulgated by the duly constituted authorities nor committed any act prejudicial to the best interest of the nation or contrary to any government announced policy. In fact, this testimony was accepted as true and sufficient by the court a quo. On the other hand, the Government made no attempt whatsoever to show that any portion thereof was not true. We, therefore, find this third contention of the appellant to be untenable.

The fourth and last assignment of error is but a mere corollary of the previous three. Having arrived at the above conclusions, We believe that no further discussion thereof is necessary.

WHEREFORE, the appealed order being in accordance with law, the same is affirmed, without costs.

Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Angeles and Fernando, JJ., concur.  
Concepcion, C.J., in the result.

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