

IN THE MATTER OF THE PETITION OF CHUA TIONG CHIA TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES. CHUA TIONG CHIA, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITO...

G. R. No. L-5029. May 22, 1953

Ponente: BENGZON, J.

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BENGZON, J.:

The Office of the Solicitor General challenges in this appeal the correctness of the decision of the Manila court of first instance approving the naturalization of Chua Tiong Chia. It discusses three main grounds of opposition. Firstly, because it appears that Chua only filed his income tax returns for the years 1945, 1946 and 1947 in the year 1951 after he was required during the hearing of his application to exhibit said income tax returns and the corresponding receipts of payment.

On this point we believe it is quite probable that as this objection was not pressed in the court below,[1] the petitioner did not care to explain the circumstances giving rise to such belated payment. Some valid reasons must have existed for the Bureau of Internal Revenue to permit a compromise, as it did. And after accepting such compromise, it does not seem equitable for the Government to place the taxpayer at a further disadvantage.

Second ground of objection is the mistake committed by the petitioner, during the trial, concerning the dates of his marriage to Chua Kim and of the birth of their daughter Vicenta Sia Chua. However, the applicant explained his error saying he was confused in computing dates from the Chinese to the Gregorian calendar. Persons not accustomed to court proceedings sometimes through sheer nervousness get their dates twisted. Anyway the inaccuracies were immaterial, there being no doubt that this applicant is the husband and the father of Chua Kim and Vicenta respectively.

The third and last objection is based on section 7 of the Revised Naturalization Law (Com. Act 473) requiring a petition for naturalization to be supported by the affidavits of two credible witnesses who personally know the petitioner to be a resident of the Philippines "for the period of time" specified by the same law. Now, "in the case at bar" argues the Republic-appellant "the applicant Chua Tiong Chia, not having been born in this country and not having filed his declaration of intention to become a citizen of the Philippines one year prior to the filing of his present petition for naturalization, the length of residence in this country required of him by law before he may be granted Philippine citizenship, is at least 30 years (Section 6 Revised Naturalization Law). However, the witnesses Vicente de la Cruz and Toribio Angeles whom the petitioner presented in support of his petition for naturalization have known him only since 1935 and 1937 respectively (pp. 8-11, Rec. on Appeal; pp. 2, 9, t. s. n., Cruz). Accordingly said witnesses could not in truth attest, as required by law, that they personally know the herein petitioner to be a resident of the Philippines for a continuous period of 80 years or more."

Section 7 above mentioned provides in part:

"* * * The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions, of this Act. * * *"

The period of residence "required by this Act" has obvious reference to sections 2 and 3 of the same Act fixing ten and five years according to the circumstances therein stated.[2] The 30-year period fixed in section 6 applies only to applicant's exemption from the duty to declare his intention in advance of his application. And there is no statute providing that every applicant for naturalization must prove his 30-year residence.

The record shows the supporting witnesses Vicente de la Cruz and Toribio Angeles swore to having known Chua Tiong Chia for more than ten years (since 1935 and 1937; hearing in 1951). Hence the requirement as to personal acquaintance of the witnesses with the applicant has been amply satisfied.

Wherefore, none of the grounds of opposition is meritorious.

On the other hand, the appealed decision of the Hon. Alejandro J. Panlilio describes in detail all pertinent data concerning the personal qualifications of this applicant for naturalization. No need to repeat them here. Enough to say, they demonstrate that he deserves admission to Philippine citizenship.

Affirmed without costs.

Paras, C. J., Feria, Pablo, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

[1] See the written opposition dated July 9, 1951.

[2] *Cu vs. Republic*, 89 Phil. 473.

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