

**IN THE MATTER OF THE PETITION OF TEOFILO YAP TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, TEOFILO YAP,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-23656. May 15, 1967

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal by the Solicitor General from a decision of the Court of First Instance of Zamboanga City, holding that petitioner Teofilo Yap is eligible for naturalization as citizen of the Philippines.

Upon a review of the record, we find that the appeal is well taken. To begin with, the notice of the filing of the petition herein was published in the "Clarion" which, according to the lower court, is of general circulation in the City of Zamboanga. Section 9 of the Naturalization Law provides, however, that said notice be published in a newspaper of general circulation in the province[1] and the "Clarion" does not meet this qualification.

Moreover, a naturalization case is a proceeding in rem and, as such, publication is required in order that the court may acquire jurisdiction over the whole world, which would be bound by the decision it may render, if the requirements of due process were complied with. In consequence, however, of the failure to cause said publication to be made in the manner provided by law, the lower court did not acquire, in this case, the jurisdiction necessary to render a binding decision, and, hence, the decision appealed from is null and void.[2]

Although this conclusion may, at first blush, appear to be rather technical, it is not so from the viewpoint of the substance of due process, particularly of the purpose of said publication in naturalization proceedings. Indeed, notice of the filing of the petition therein is required to be published, not only in the Official Gazette, but, also, in a newspaper of general circulation in the province where the petitioner resides, in order that as many people therein who know the petitioner may be informed of his application for naturalization, and be induced to submit to the authorities such data relevant thereto as may be in their possession or within their knowledge. Otherwise, an undesirable alien may effectively prevent such data from reaching the authorities, by causing the notice to be published in a newspaper of general circulation in a local subdivision other than his home town.

Then again, Section 7 of the Naturalization Law¹ requires that each petition for naturalization be supported by the affidavit of two (2) "credible persons." Referring to the meaning of this phrase, we had occasion to say, as early as May 30, 1958:

"x x x Within the purview of the Naturalization Law, a 'credible' person is, to our mind, not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose 'affidavit' or testimony is not incredible. What must be 'credible' is not the declaration made, but the person making it. This implies that such person must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the

petitioner. Thus, in *Cu vs. Re-public*, G. R. No. L-3018 (decided on July 18, 1951), we declared that said affiants 'are in a way in-surers of the character of the candidate concerned.' Indeed, by their affidavits, they do not merely make the statements herein contained. They also vouch for the applicant, attest to the merits of his petition and sort of underwrite the same." (*Ong vs. Republic*, 103 Phil., 964.)

The attesting witnesses of petitioner herein do not appear to belong to this category. One of them, Leticia C. Alvarez, is a teacher in the Zamboanga Chinese School, in which he had been her pupil for two (2) years in the elementary department. The other, Catalino C. Pantaleon, is shop superintendent of the Bureau of Public Highways, Zamboanga City. Without, in the least, underrating the profession or occupation of each, the fact is that there is absolutely nothing in the record to indicate, even if remotely, that any of them has the status contemplated in the Naturalization Act. This is not to cast any doubt upon the moral fabric of said witnesses. It simply indicates that their honesty and integrity - even if the same were assumed to be a fact - are insufficient to place them within the class envisaged by law. It is, also, necessary that each one possess such a high degree of reputation in the community for honesty and integrity that "his word may be taken on its face value as a good warranty of the worthiness of the petitioner."

WHEREFORE, the decision appealed from should be, as it is hereby, reversed and another one shall be entered dismissing the petition, with costs against petitioner Teofilo Yap.

SO ORDERED.

Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Castro, JJ., concur.

[1] "SEC. 9. Notification and appearance. - Immediately upon the filing of a petition, it shall be the duty of the clerk of the court to publish the same at petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides, x x x."

[2] *Augusto Dy vs. Republic*, L-20709, April 29, 1966; *Chua vs. Republic*, L-19695, October 31, 1964; *Tan Ten Koc vs. Republic*, L-18344, February 28, 1964; *Co vs. Republic*, L-10761, November 29, 1958.

1 "SEC. 7. Petition of citizenship. - Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; x x x. The petition must be signed by the applicant in his own handwriting and be 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."

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