

## IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP JOSE LEELIN, PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

*G.R. No. L-1761. August 24, 1949*

Ponente: TUASON, J.

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### TUASON, J.:

The Court of First Instance of Camarines Sur pronounced Jose Leelin "entitled to become a Filipino citizen," and ordered the issuance of the corresponding naturalization certificate and its registration in the proper civil registry, as required in section 10 of Act No. 3753. The provincial fiscal appealed and the Solicitor General makes the following assignment of errors:

"I

"The lower court erred in finding that appellee speaks and writes well English, Tagalog and Bicol, and in not finding he had failed to satisfactorily establish that he has this particular qualification prescribed by law.

"II

"The lower court erred in not finding that appellee has failed to establish satisfactorily that the laws of China grant Filipinos the right to become naturalized citizens or subjects thereof and hence, he is disqualified for Philippine citizenship under section 4 (h) of the Revised Naturalization Law.

### "III

"The lower court erred in considering Exhibits I and I-1, the same being immaterial, irrelevant and inconsistent with the present petition for naturalization, and, in granting appellee Philippine citizenship.

On the first assigned error, the undisputed evidence shows that the applicant was born on February 9, 1924, in Tigaon, Camarines Sur, of a Filipino mother and a Chinese father, and that he finished high school at Far Eastern University and went through the lower grades in the Tigaon Elementary School. The petitioner testified that he speaks and writes Tagalog, Bicol, English and a little Spanish, adding that the idioms spoken at home are Tagalog and Bicol. He also has shown that he is a merchant with an invested capital of not less than P5,000.

Applicant's positive assurance coupled with his schooling, his age and parentage, and his having been born in the Philippines and having lived in this country all his life, is more than satisfactory proof of his proficiency to a required degree in English, Tagalog and/or Bicol. If the opponent was not convinced by applicant's testimony, he himself could, and should, have subjected the petitioner to a practical test. Only thus could he confirm or dispel his doubts. An "actual demonstration" made at the instance of petitioner's attorney might be impugned as having been rehearsed.

On the second assigned error, it suffices to say that in previous cases, a translation of the Chinese Naturalization Law, made and certified to be correct by the Chinese Consulate General in Manila, was admitted and considered

sufficient evidence to establish that the laws of China permit Filipinos to become citizens of that country.

The foregoing conclusions make superfluous a discussion of the third assignment of error.

The decision of the lower court is affirmed without costs.

Moran, C.J., Ozaeta, Paras, Feria, Bengzon, Padilla, Montemayor, and Reyes, JJ., concur.

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