

## UY CHIN HONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

*G.R. No. L-21219. May 20, 1966*

Ponente: REYES, J.B.L., J.

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### REYES, J.B.L., J.:

Appeal by oppositor Republic of the Philippines from a decision of the Court of First Instance of Cebu granting the petition for naturalization of petitioner Uy Chin Hong.

The original petition, dated 27 February 1961, was amended to include the petitioner's baptismal name of Jaime Uy. Finding no necessity for the petitioner to file with the Office of the Solicitor-General a declaration of intention to become a citizen of the Philippines, the lower court, after previous notices of hearing were published in the Official Gazette on 15, 22 and 29 January 1962 and in "La Prensa", heard the petition, and, finding that the petitioner possesses all the qualifications and none of the disqualifications for Philippine citizenship, decreed the petitioner's naturalization as a citizen of this country.

More particularly, the lower court found that the petitioner, Uy Chin Hong, was born in Cebu City on 2 February 1938 but was baptized as Jaime Uy on December, 1938 at the Cebu Metropolitan Church; that his parents are Nationalist Chinese; that he is single and has studied his primary and secondary education in the Cebu Chinese High School and the University of Southern Philippines; that these schools, which teach Philippine history, government and civics, are recognized by the government; that the petitioner had continuously resided in the Philippines since birth; that he is a co-owner of the International Bazar, an establishment engaged in the business of flour importation, and from which he derives a yearly income of P3,000 as his share in the profits, that he is employed as cashier in the Dakay Enterprises with a monthly salary of F300; that he can speak, read and write English and the Cebu-Visayan dialect; that his moral character is irreproachable and is of good standing in the community and has never been charged with, nor convicted of, any crime; that he is not suffering from any incurable, contagious disease nor suffering from mental alienation. The lower court was satisfied of the petitioner's beliefs in the principles underlying the Philippine Constitution, his social mingling with Filipinos, his desire to embrace our customs, traditions and ideals, his non-opposition to organized government, etc.

On the government's first assignment of error that—

"The lower court erred in holding: that petitioner is exempt from the filing of a declaration of intention and in not dismissing this case for lack of jurisdiction because of petitioner's failure<sup>1</sup> to file said declaration of intention",

it suffices to state that the record is bereft of any evidence that attendance in the Cebu Chinese High School, where applicant had his elementary education, was not limited to any race or nationality. There is no proof that said school had any Filipino students at the time applicant studied there. This Court ruled in *Lee Ng Len vs. Republic*, Lr-20151, 31 March 1965, which is on all fours with the present case, as follows:

"\* \* \*. Considering that section 6 of the Naturalization Law expressly requires that to be exempt from filing

declarations of intention Philippine-born applicants must inter alia have received both primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality; that there is no evidence that the Manila Chinese School (where petitioner received primary education) was not limited to any race or nationality, but, on the contrary, its name clearly imported that it was limited to Chinese students (cf. *Wang I. Fu vs. Republic*, L-15819, Sept. 29, 1962; *Hao Su Siong vs. Republic*, L-13045, July 30, 1962; *Sy See vs. Republic*, L-17025, May 30, 1962); and considering that the burden lies on applicant to satisfactorily show that all schools attended by him are not limited to students of a particular nationality, but are regularly attended by a sizeable number of Filipino students from whom applicant could have imbibed Filipino customs and traditions, we agree that petitioner should have filed in due time his declaration of intention, and not having done so, his application was erroneously granted."

Applicant, therefore, has not shown himself entitled to exemption from filing a declaration of intention.

The second assigned error questions the credence attached by the lower court to the testimony of vouching witness Eustacio Ch. Veloso, and is, likewise, meritorious. This witness is an independent auditor of the business of the petitioner's family from which he derives "good pay"; he admitted that one reason why he did not hesitate to testify as a vouching witness for applicant is that the petitioner is one of the owners of the business establishment where he was working (t.s.n., p. 52); that this is the third time he has acted as a witness to a petition for naturalization (t.s.n., p. 50). Aside from his bias, his testimony, like that of the petitioner, merely indulged in generalities in the matter of qualifications and disqualifications of the petitioner, without mentioning- sufficient specific instances (as required in *Chua vs. Republic*, L-19776, Sept. 29, 1964), and followed closely, clause by clause, as though by rote, the provisions of the Naturalization Law.

Definitely, the above-named witness, who works for the petitioner's firm, International Bazar, is not entitled to credibility (*Si Ne vs. Republic*, L-16828, 30 May 1962; *Calvin Lo vs. Republic*, L-15919, 19 May 1961; *Leoncio Ngo and Liong Siu vs. Republic*, L-18319, 31 May 1963). His acquaintance with the applicant is so slight that he met him only once or twice a month (t.s.n., p. 63). In fact, the witness could not state what particular course applicant was taking in his college studies (t.s.n., p. 6C), and did not even know how many brothers and sisters applicant had: the witness said they were four, but applicant testified they were six brothers and sisters (t.s.n., pp. 59 and 142).

Since it has been ruled that a vouching witness must have intimate knowledge of the applicant for citizenship, and that professional or business dealings alone do not provide sufficient basis for such knowledge (*Tan Sang vs. Republic*, No. L-19914, 23 June 1965; *Saw Cen vs. Republic*, L-20310, 30 April 1965), applicant's witness, Eustacio Veloso, can not be deemed a credible person who can be an insurer of the worthiness of the applicant, as required by law.

For the foregoing reasons, the appealed decision is reversed, the naturalization decree is cancelled, and the petition dismissed with costs against the petitioners-appellee Uy Chong.

Bengzon, C.J., Bautista Angelo, Concepcion, Barrera, Dizon and Makalintal, JJ., concur.

Judgment reversed.

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