

IN THE MATTER OF THE PETITION OF YOY ON KNOWN ALSO AS AH ONG CHAN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. YOY ON KNOWN ALSO AS AH ONG CHAN, PETITIONER-APPELLEE, VS. REPUBLI...*G.R. No. L-28765. April 29, 1971*

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

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The Republic has appealed from the decision of the Court of First Instance of Rizal, Branch II (Judge Hon. Pedro Navarro presiding), in its Naturalization Case No. 688, dated 5 April 1967, declaring applicant Yoy On, alias Ah Ong Chan, possessed of "all the qualifications, and none of the disqualifications enumerated in the law to become a Filipino citizen".

Applicant's petition was filed on 23 November 1964. His real name is Yoy On, but was known from childhood as Ah Ong Chan, and was enrolled and registered by that name in the schools that he attended. He was born in Makati, Rizal, on 27 August 1927, of Chinese parents, and is a citizen of the Republic of Nationalist China. Applicant is married to Juanita Chan, also a Chinese national, and they have three children, Florence, born 10 February 1960; Alberto, born 1 April 1961; and Manuel, born on 28 March 1963. The three children are registered in the Bureau of Immigration; Florence on 8 February 1961; Alberto on 7 February 1963; and Manuel on 26 August 1964.

Petitioner owns no real property and his net income is mainly derived from juke boxes that he rented to various establishments. As shown by his income tax declarations, his net income (before deductions) was P5,498.60 in 1963; P3,052.20 in 1964; and P4,703.40 in 1965. In the latter year he also derived income from his bakery business (Tip Top Bakery) in which he engaged in 1965 and 1966, receiving therefrom a net of P112.64 for 1965.

The State objected to the proposed naturalization on the grounds of lack of lucrative income, lack of proper and irreproachable conduct and incompetency of the witnesses named in the application, Patrocinio Quijance of Makati and Pedro Tuason of Pasig, province of Rizal. The objections were overruled by the trial court hence, the present appeal.

Our scrutiny of the record compels us to agree with the Solicitor General that the admission of applicant-appellee was improper and should be reversed.

Most serious objection against the application is the applicant's disregard of our immigration and revenue laws. From the date of birth of his three children and of their registration in the Bureau of Immigration, it is apparent that the applicant did not register his children until long after the 30 days afterbirth prescribed by the 1950 Regulations for Registration of aliens issued under the Alien Registration Act (Republic Act 562), thus:

Child

Born

Registered Alien

Difference

Florence

10 February 1960

8 February 1961

1 year

Alberto

1 April 1961

7 February 1963

1 year, 10 mo.

Manuel

28 March 1963

26 August 1964

1 year 5 mo.

In *Koa Heng vs. Republic*, L-21079, 28 February 1966 (16 SCRA 232), and *Emmanuel Lai vs. Republic* L-22619, promulgated 28 March 1969 (27 SCRA 754), this Court held that a late registration of an applicant's children constitutes a double infraction of the law, being a violation not only of immigration regulations, but also of the Alien Registration Act; and that such violations constitute "improper and reproachable conduct in his relation with the government, which renders him disqualified to be a naturalized citizen".

The court below accepted, with precipitate credulity, the applicant's excuse that the delay was due to the lack of registration forms at the Makati branch of the Bureau of Immigration. Not only was there no competent evidence of this excuse, but its flimsiness is readily apparent, since applicant delayed registering his children three times in succession. It is not only improbable that there should be a dearth of blank forms at the Makati branch for three years running, but Makati is so near the head Immigration Office in Manila where such forms could be obtained that the excuse becomes unacceptable.

The same thing can be said of the applicant's conducting his bakery business during 1966, without renewal of his 1965 permit from the Bureau of Commerce. The excuse given is that he did apply for renewal but the same was not acted upon. Not only is this not a lawful excuse, but the filing of the application is not properly established.

We conclude that the applicant Yoy On alias Ah Ong Chan has not conducted himself in a proper and irreproachable manner, as required by Section 2, third paragraph, of the Revised Naturalization law (C. A. 473, as amended); hence his application should have been denied.

Of his two character witnesses, Patrocinio Quijance admitted that he had lost contact with applicant and knew nothing of his conduct from 1941 to 1948, for during said period the witness had returned to Pangasinan, while Yoy An remained in Makati. Considering besides that this witness was a driver of applicant's brother, he can not be considered a trustworthy and reliable insurer of the applicant's character and conduct, and hence is not a

"credible witness" within the contemplation of the law.[1]

Finally, appellant's net income, before deductions, being less than P500.00 a month, is certainly not adequate to support himself, his wife and his three children, considering the increasing cost of living, so as to negate the danger of their becoming charges upon the resources of the State, which is what the naturalization law seeks to avoid by requiring that applicants possess lucrative trade or occupation.[2]

WHEREFORE, the decision appealed from is reversed and the application for naturalization of appellee Yoy On alias Ah Ong Chan is ordered dismissed. Costs against applicant-appellee.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur. Makasiar, J., did not take part.

[1] Cf. Tan vs. Republic, L-22077, 18 February 1967, 19 SCRA 367; O Ku Phuan vs. Republic, 20 SCRA 1219, L-23406, 31 August 1967.

[2] V. Tan vs. Republic, L-19580, 30 April 1965 (13 SCRA 663); Ong Hock Lian vs. Republic, L-21197, 19 May 1966 (17 SCRA 188).

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