

## ANDRES ONG KHAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

*G.R. No. L-19709. September 30, 1964*

Ponente: PAREDES, J.

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### PAREDES, J.:

Upon an amended petition for naturalization presented by Andres Ong Khan, prepared in due form and duly published, and after proper hearings, the Court of First Instance of Laguna, rendered judgment, the pertinent portion of which read:

"The testimonial and documentary evidence adduced by the petitioner disclose that he was born on February 6, 1932 in Los Baños, Laguna, where since then he has continuously resided up to the present. \* \* \*. After studying in the Los Baños Elementary School from 1940 to 1940, the petitioner completed the elementary curriculum prescribed by the Commonwealth Government on April 17, 1946. The petitioner then studied the secondary course from 1947 to 1951 in the Laguna Institute, at Calamba, Laguna, which is a private school duly recognized by the Government and authorized to operate a complete Academic Secondary Course and the enrolment therein was not limited to any race or nationality. In the year 1951, lie finished the high school course after which he enrolled in the University of the East where he was conferred the Degree of Bachelor of Science in Business Administration on October, 1954.

In 1954, the petitioner was working as a Junior Salesman of the International Tobacco Co., with an annual salary of P2,400.00. He married Natividad Lim, a Chinese citizen on February 20, 1956, and since then three children were born to them whose names, date and place of birth are as follows:

\* \* \*

At present the petitioner is employed with the Philippine Sales, Inc. of the Tabacalera and his salary was raised to P492.00 monthly. He still maintains his residence at No. 15 Rizal Street, Los Baños, Laguna, where he is living with his family. Although he travels from one place to another because of the nature of his work, he always returns to his place of residence. In his home Tagalog is the language used and the petitioner speaks fluently and writes very well in English and Tagalog. The three children of the petitioner being not yet of school age are not enrolled at any school but they are all residing with their parents in Los Baños, Laguna. The petitioner is a Catholic married in the Roman Catholic Church and his children baptized as Catholics.

Since birth and during his stay in the Philippines, the petitioner has conducted himself in a proper manner and mingled socially with the Filipinos. He has evinced a sincere desire to learn and in fact has embraced the customs, traditions and ideals of the Filipinos and he had taken part in the social and civic activities in the municipality of Los Baños. The petitioner has not been charged or prosecuted much less convicted of any crime and has complied with the laws of the Philippines applicable to him such as the filing of income tax returns, statement of assets and liabilities and obtaining an alien registration certificates.

The petitioner is not opposed to organized government nor is he affiliated with any association or group of person who uphold and teach doctrines opposing all organized government. He does not defend or teach the necessity of violence, personal assault or assasination for the success and predominance of man's ideas. Neither

is he a polygamist nor a believer in the practice of polygamy. He believes in the principles underlying the constitution of the Philippines. He is not suffering from any incurable disease and he is a citizen of Nationalist China, which is not at war with the Philippines and under whose laws a Filipino may be naturalized in said country. The petitioner has the intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to the Republic of Nationalist China and that he will reside continuously in the Philippines, which he consider now as his home.

The two witnesses Aurelio C. Almazan and Francisco Banzon, both Filipino citizens and residents of Los Baños, Laguna, testified that they are well acquainted with the petitioner since his birth and that they came to know him as a person of good repute, morally irreproachable and a believer in the principles underlying the Philippine Constitution and they both indorsed favorably the application of the petitioner.

In view of all the foregoing, the Court finds that the applicant possesses all the qualifications and none of the disqualifications under the law to be naturalized as Filipino citizen and hereby grants to Andres Ong Khan alias Andres Khaw, Filipino citizenship by naturalization, subject to the provisions of Section 1 and 2 of Republic Act No. 630."

The Solicitor General interposed the instant appeal, urging the reversal of the above judgment, on two counts, to wit: the lower court erred in granting the petition for citizenship despite—

- (1) the failure to establish by competent evidence that petitioner can speak and write the English and Tagalog languages;
- (2) the fact that petitioner uses an alias name in open violation of Commonwealth Act No. 142.

Regarding the first assigned error, We note that the Solicitor General did not elaborate on the reasons thereof and he did not advance any argument to support his claim. We find in the records, however, that petitioner-appellee testified in the English language. Furthermore, there is unrebutted documentary evidence pointing to the fact that petitioner is a holder of a Bachelor's degree in Business Administration (B.B.A.) awarded by the University of the East. This, by itself, is a competent proof that petitioner can write and speak the English language. It is true that there is no indication in the transcript to the effect that petitioner could write and speak Tagalog or any of the native dialects. The Court a quo, however, made the observation that Tagalog was the household mode of conversation in petitioner's family and considering the fact that petitioner is a salesman, which is a calling that requires knowledge, of the most commonly used dialect, it is safe to presume that he speaks and writes said dialect.

With respect to the use of aliases, however, the record reveals that the petitioner uses different names and/or spells his family name in different ways, such that the impression given is that he was out to create confusion as to his identity. The name of petitioner's father was Khaw Si alias Go Yeng, while his mother's name was Ong Chua. Petitioner's family name should be Khaw and "no variation at all should be made in the spelling of such patronymic". Both the original and amended petitions for naturalization were filed in the name of Andres Ong Khan (Exh. A A & BB). How petitioner's family name had been transformed to Khan, We are simply left to conjecture. Petitioner's alien certificate of registration and immigration certificate of residence were both issued in the name of Andres Thaw (Exh. U and V). Petitioner's "A" and "B" residence certificates for 1958 gave his name as Andres Khan (Exhs. X and X-1). The various clearances presented in evidence by petitioner sometimes gave his name as Andres Ong Khan and sometimes plain Andres Khaw or Andres Khan (Exhs. HH, HH-4-HH-6; LL; J to Q), as if he could not make up his mind what his name should be. In the very nature of things, it becomes manifest, therefore, that petitioner was not fully identified in the notices which were published, thereby preventing anyone who may have any thing against him, to bring to the attention of the trial court his objections to the application for naturalization. In this jurisdiction, there is a law governing the use of aliases. The records fail to

show that petitioner was allowed to use an alias. There was, therefore, a violation of the law, which is sufficient to deny petitioner's right to Philippine citizenship. In the case of *Tan vs. Republic*, L-16384, April 26, 1962, merely because of a discrepancy in the spelling of the name stated in the petition and the petitioner's name, We said:

"\* Petitions for change of name being proceedings in rem, strict compliance with the requirements of publication is essential, for it is by such means that the Court acquires jurisdiction (*Aida Jacobo vs. Republic*, 52 Off. Gaz., No. 9, p. 2928). Considering the fact that the proceedings is one for change of name, the defect in the petition and the order, as to the spelling of the name of the petitioner is substantial because it did not correctly identify the party to said proceedings. \* \* .

\* \* \* \* \*

"\* \* \*. The difference of one letter in a name may mean the distinction of identity of one person with that of another. \* \* \*."

If in a case of a mere change of name, a difference in the spelling of the name was considered sufficient basis for the denial of the petition, greater reasons exist to deny the acquisition of Philippine citizenship, when the name appearing in the petition is different from the true name of the person applying for naturalization. Having been born in this country, and educated in the schools recognized by the government, petitioner should know or ought to have known, that the variety of name styles or the use of aliases is unipilipino and facilitates the perpetration of all kinds of frauds.

PREMISES CONSIDERED, the decision appealed from granting the present petition for naturalization is reversed, with costs against petitioner.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

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