

**IN THE MATTER OF THE PETITION FOR ADMISSION AS CITIZEN OF
THE PHILIPPINES, SANTIAGO YAP ALIAS YAP YU HAI,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-23385. February 27, 1968

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e2971cdfdff0/>

FERNANDO, J.:

This is an appeal by the Republic of the Philippines from a decision granting the petition of appellee Santiago Yap for naturalization in a decision rendered by the lower court on March 1, 1963. The appeal possesses merit.

In its brief as appellant, six errors were assigned as committed by the lower court, the first of which consisted in its failure to hold that petitioner Santiago Yap "has not conducted himself in a proper and irreproachable manner in relation to the community in which he is living." Such a failing was manifested by petitioner's participating or taking part in the national elections held in 1961 as well as the barrio elections in 1962. There was testimony from a witness, Victor Rodriguez, to the effect that petitioner "violated the election law prohibiting aliens from electioneering or helping a candidate." [1] The witness, who was then a municipal secretary, asserted that petitioner "campaigns for Veloso because we were together, he drove a truck, he hauled people to attend the meeting and he even distributed drinks, offered them to the people who attended the rally * * *." [2] Petitioner and the witness had the same candidate. [3] Moreover, according to the same witness, who ran for barrio lieutenant in January of 1962, petitioner "strongly opposed [his] candidacy and he even supported Billy White." [4]

It is true that the above testimony was sought to be refuted by petitioner's witness, one Primo L. Ocampo, who testified that while petitioner was present at such an occasion in the 1961 elections, "he was not distributing drinks and he was not the one who drove the truck." [5] When asked whether petitioner "had been helping actively, financially or materially any candidate in connection with any election" all that the witness could answer was "I have not known him to be doing so." [6] When questioned as to whether petitioner did help the opponent of the witness Rodriguez when he ran for barrio lieutenant, the answer of the rebuttal witness was: "I do not think that is the case because White happens to be my first cousin and he has means of his own, he can foot his own expenses, * * *." [7] It is evident that the above answer far from constituting categorical denials were at the most half-hearted, timid attempts at minimizing what was testified to as a clear participation in both national and barrio elections.

It is likewise noteworthy that petitioner when called as a rebuttal witness, far from refuting in a detailed and convincing manner the above accusation, contented himself in saying that it was not true that he helped actively in the elections of 1961 and it was not true either that he drove a truck and distributed drinks on the occasion mentioned. There was not even a denial as to his alleged participation in the barrio elections of 1962. What is even more revealing is that the six-page brief of petitioner as appellee is bereft of any effort to disprove such an accusation of participation in the two elections.

On the authority of *Benluy v. Republic of the Philippines*,^[8] the lower court must be reversed and this petition denied.

The facts of that case were as follows: "The appellant Leoncio Ho Benluy, a Chinese citizen, filed an application for naturalization in 1951. There was no opposition to the application on the part of the Government. At the hearing the applicant presented evidence in support of his application, including two character witnesses, one of them, Atty. Marcial M. Anastacio, a resident of Obando, Bulacan. With one exception, Benluy proved that he possessed all the qualifications for Philippine citizenship and none of the disqualifications, and the trial court so found. The exception is that Atty. Anastacio, one of his witnesses, in his endeavor, even enthusiasm to prove that the applicant had identified himself with the Filipinos, helped them when asked was very congenial and friendly, said that Benluy even took part in two electoral campaigns in Bulacan, not only persuading some voters connected with his business but also contributing to the campaign fund of the Liberal Party." Under the circumstances, the evidence of such political activities, being presented by his own witness, this Court, according to Justice Montemayor, who penned the opinion, was "at the beginning inclined not to attach much importance to that phase of his residence in the Philippines and association with the Filipinos." He was not prosecuted for such violation of the Election Code. Moreover, at the time of the decision, the offense had already prescribed. Such an attitude, however, did not prevail for the law is clear."

A foreigner is prohibited from aiding any candidate directly or indirectly or taking part in or influencing in any manner any election. The violation of the above provision is considered a serious election offense.^[9] As was aptly stated by this Court: "These provisions of the Revised Election Code may not be taken lightly, much less ignored. They were intended to discourage foreigners from taking active part in or otherwise interfering with our elections, under penalty not only of imprisonment but also of deportation. It might be well be that as already stated, the evidence about this violation of the election law was given by his own witness who in all likelihood gave it in good faith and in all friendship to the applicant to bolster the latter's application for naturalization, without realizing that by said declaration he was forever closing the door to Benluy's ever becoming a Filipino citizen. But the law must be applied and enforced."

There must be a reiteration of the above ruling; the conclusion reached merits full and unconditional approval. The political right of suffrage, so wisely reserved to Filipinos, is of such transcendental importance that its exercise by a foreigner is to be condemned. The deplorable practice of a non-citizen, whether by himself or in association with others, to exert pressure or influence on voters, direct or indirect, should not be countenanced. This Court would be failing in its duty if it does not express its displeasure at such alien interference in the most categorical language. Petitioner having been shown to have engaged not once but twice in such a prohibited activity, rightly made a criminal offense under the Revised Election Code, cannot be said to have conducted himself in a proper and irreproachable manner.

The other objections to his application for citizenship need not be considered for by such a shortcoming, fatal in its consequences, his petition ought to have been denied.

WHEREFORE, the decision appealed from is reversed and the petition of Santiago Yap, alias Yap Yu Hai, is denied. With costs against petitioner.

Reyes, J.B.L., Actg. C.J., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro and Angeles, JJ., concur.

[1] T. S. N., Session of Oct. 17, 1962, p. 54.

[2] Id., pp. 54-55.

[3] Id., p. 55.

[4] Id., p. 56. Presumably Billy White was the opposing candidate for barrio lieutenant.

[5] T.S.N., Session of January 26, 1963, p. 141.

[6] Id., pp. 141-142.

[7] Id., p. 142.

[8] 94 Phil. 110 (1953).

[9] Sections 56 and 183, Revised Election Code.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.