

[WITH RESOLUTION OF June 30, 1961]*G.R. No. L-14146. April 29, 1961*

Ponente: BAUTISTA ANGELO, J.

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Ng Liam Keng alias Jose Tangconkong seeks Philippine citizenship in a petition filed before the Court of First Instance of Rizal. This petition is supported by the affidavits of Narciso Peña, a lawyer, and Ramon L. Echem, a businessman.

After hearing, the court dismissed the petition holding that petitioner failed to comply with all the statutory requirements necessary to qualify him. to become a Filipino citizen. The grounds on which the trial court predicated the dismissal of the petition are:

"(1) There is no proof showing the laws of China allowing Filipinos to be citizens of the Republic of China;

"(2) That his certificate (Exh. J) of arrival was not authentic, for if it were so, the date and the month of his arrival should have been shown. Even the applicant himself proved the very doubt of the court when, in answer to a question propounded to him applicant said, 'that the certificate (Exh. J) does not reflect the true facts'. (See pp. 144-147 t.s.n.). Even the applicant himself does not remember the date, although according to him, he thinks it was on November, 1919 (p. 144, t.s.n.). The court takes judicial notice of the fact that, records of arrival were burned during the last war, and this fact is substantiated by the very statement of. the applicant (t.s.n., p. 145). When the applicant was asked about his landing certificate, he could not account for it, hence the court rejected the admission of the certificate of arrival (Exh. J) for it does not reflect the date and month of Ttis arrival and, the insertion of the SS/Taiseng and the year appearing in the said certificate (Exh. J) does not reflect from any authentic entries that the Immigration office had under its control and possession, as correctly stated by the applicant himself.

"(3) It is a fact that the applicant was permitted to use Ng Liam Keng with1 his alias name Jose Tangconkong in an order of the Court of First Instance of Quezon City (Judge Castelo), as shown in the order (Exh. D) dated October 18, 1948, yet in his income taxes (Exhs. 1, 2 and 3), for three, years he did not use his real name Ng Liam Keng but only his alias name Jose Tangconkong, in open violation of the order herein indicated. (See order of October 18, 1948). The same thing holds true in his Residence Certificate marked as Exhibits R, R-1 and R-2, except that for 1957. It is, however, clear from the testimony of Ills witness lawyer, Mr. Narciso Peña, that even before the application for the use of his alias name, said applicant never used his real name in transactions but the alias name of Jose Tangconkong, It seems that, what impels him to apply for citizenship was no other than to protect his interest (See deed of sale Exh. Q) title into his name, when the acquisition of the same was made since 1943 (Japanese occupation). Naturally, once naturalized, the acquisition of the said property could be legalized.

"(4) There are nine children listed in the application. The first six children carry the surname Ng but the remaining three children have the surname of Tang, the discrepancies of their differences were never explained into the records of the case, beside the last child listed as Tan Soat Ha has no birth certificate and yet no explanation was offered by applicant. Let us take Ng Sing Chin, the birth certificate shows that his name wag

different from that shown in Exhibit 1-1. While as regards Ng Soat Eng the data appearing in the application is December 20th, was not the same as the one appearing in Exhibit I—3, which is December 30th, and yet, no explanation was offered by the applicant to explain the discrepancies.

"(5) From the evidence disclosed, the applicant did not evince a sincere desire to learn and embrace Filipino customs, traditions and ideals, as his memory on historical facts in this country are completely ignored by him."

Petitioner has appealed and now contends that the lower court erred:

(1) In holding in effect that it was necessary to show that the laws of China allow Filipinos to be citizens of the Republic of China;

(2) In holding that petitioner-appellant's certificate of arrival (Exh. J) was not authentic just because it did not contain the date and the month of his arrival in the Philippines;

(3) In holding that because appellant used his alias name Jose Tangconkong, instead of his real name Ng Liam Keng, appellant was impelled to apply for citizenship only to protect his interests;

(4) In holding against appellant his failure to explain why his first six children carried the surname of "Ng" while the three younger children carried the surname of "Tang";

(5) In holding that appellant did not evince a sincere desire to learn and embrace Filipino customs, traditions and ideals just because he failed to remember some historical facts regarding this country; and

(6) In denying with prejudice appellant's application for Filipino citizenship when he has all the qualifications and none of the disqualifications therefor.

The contention that the trial court erred in holding that it was necessary for petitioner to show that the laws of China allow Filipinos to be citizens of that country is well taken for this Court has already held that such is not necessary it being sufficient that he submit proof that he is a citizen of Nationalist China.[1] Petitioner's contention that the lower court erred in holding that his certificate of arrival Exhibit J was not authentic just because it does not contain the date and the month of his arrival in the Philippines is likewise well-taken considering that said certificate expressly states that he arrived in Manila in 1919 and the same was issued by the Bureau of Immigration.

With regard, however, to the other errors assigned which in substance aim to show that the lower court erred in dismissing the petition, suffice it for us to state the following reasons in justification for such action.

To begin with, petitioner has shown a deficient knowledge in writing the national language and in speaking and writing the English language. Thus, while in his direct examination he testified in Tagalog, however, when tested as to his knowledge to write said language he demonstrated a brazen inability to do so as shown by the fact that when the court dictated to him during the trial a sentence taken from an English magazine for him to translate and write in the Tagalog dialect he was not able to make the translation, nor write it as required, which shows that he does not write such language as required by law. The same shortcoming is evinced by him insofar as his knowledge of the English language is concerned. In the first place, he testified in Tagalog when he could have given his answers directly in English to obviate the use of an interpreter. The most that he did to show his knowledge of that language is to write in English the translation of the sentence, "Ako ay may asawa", which he did correctly by writing "I have a wife." Such test is indeed insufficient to show that he speaks and writes that language with such proficiency as required by law. Much less can be said of his alleged knowledge of Spanish for the proof on this matter is nil. In the circumstances, we hold that petitioner has failed to show satisfactorily that he possesses the requisite language qualification.

We also find correct the observation of the lower court that petitioner committed a violation of the Alias Law, or Commonwealth Act No. 142, for his failure to use both his real name Ng Liam Keng and his authorized alias Jose Tangconkong as expressly decreed in the order of the court. It appears that, contrary to said order, and in violation of the spirit of the law, he interchangeably used either name in some of his business transactions, and not jointly as should have been done, thus giving rise to the suspicion that he has done it imbued by an improper design.

Finally, petitioner's two character witnesses have not satisfactorily established that they know him sufficiently well during the requisite period the law requires them to have known him to be able to act as such. The record shows that witness Peña became acquainted with petitioner because he acted for a brief period as his counsel and has gone to his store occasionally but has not been able to point out specific dates of personal and social visits or contact which would demonstrate their close association. To the same effect is the testimony of witness Echem who apparently became acquainted with petitioner in view only of the circumstance that they had been neighbors for about 5 years, or from 1940 to 1945. We cannot therefore affirm with a degree of certainty that said witnesses can qualify as insurers of his moral character as is required in a petition for naturalization.[2]

Wherefore, the decision appealed from is affirmed, with costs against appellant.

Bengzon, C.J., Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

[1] Cu vs. Republic, 97 Phil., 746 61 Off. Gaz. No. 11, 5625.

[2] Pong vs. Republic, L-9153, May 17, 1957; Young vs. Republic, L-11278, May 19, 1958; Ong vs. Republic, 103 Phil., 964.

RESOLUTION

June 30, 1961

DE LEON, J.:

Before this Court is a "Motion for Partial Reconsideration" of our decision affirming the dismissal "with prejudice" made by the Court of First Instance of Rizal on the herein movant's petition for naturalization. The motion prays that the said decision be reconsidered in the sense that petitioner may, if he so desires, file another application for naturalization in accordance with law, provided that he has all the qualifications and none of the disqualifications therefor.

Considering that the grounds relied upon in the motion appear to be valid and meritorious, let the decision in Ng Liam Keng alias Jose Tangconkong vs. Republic of the Philippines, G. R. No. L-14146, promulgated on April 29, 1961, be amended, so that the dispositive portion thereof shall read as follows:

Wherefore, the decision of the lower court dismissing the petition for naturalization is affirmed, but with the modification that the dismissal shall be without prejudice, with costs against appellant.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, and Natividad, JJ., concur.

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