

IN THE MATTER OF THE PETITION OF DY SUAT HONG ALIAS SANCHE DY SUAT HONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. DY SUAT HONG ALIAS SANCHE DY SUAT HONG, PETITIONER AND APP...

G. R. No. L-9224. May 29, 1957

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e593d89b4022/>

PADILLA, J.:

The Solicitor General appeals from a decree entered by the Court of First Instance of Cebu granting the application for naturalization of Dy Suat Hong alias Sancho Dy Suat Hong, on the ground that his supporting witnesses are not competent and qualified, for they have not known him to be a resident of the Philippines for the period of time required by law.

The applicant alleges in his petition filed on 3 April 1954 that he is a citizen of the Republic of China, born in Amoy on 15 July 1917, and emigrated to the Philip- pines on or about 24 December 1924; that since his arrival

in the Philippines he has been continuously residing therein, particularly in Butuan City from 1924 to 1926, from 1931 to 1941, and from 1946 to 1952; in Surigao, Surigao, from 1927 to 1931; and in Cebu City from 1952 to the present; that he speaks and writes the English language and the Cebu Visayan dialect; that on 29 November 1936 he was married to Francisca Ong Bonpin with whom he has six children, all of whom are residing in the Philippines and four who are of school age had been enrolled in public schools and at present are enrolled at the Colegio de San Jose—Recoletos, in Cebu City, a private school recognized by the Government where Philippine History, government and civics are taught; that he is a merchant and a stockholder of the East Mindanao Lumber Company dealing in lumber, from which he derives an average annual income of P10,000; that he owns a residential house and lot at Climaco street, Cebu City, valued at P48,000; that on 30 July 1948 he filed a declaration of intention to become a citizen of the Philippines, as required by section 5 of Commonwealth Act No. 473, as amended; and that he has all the qualifications and none of the disqualifications to become a citizen of the Republic, as provided for in sections 2 and 4 of Commonwealth Act No. .473, as amended. Attached to his petition is the joint affidavit of Dr. Eduardo A. Bernardo and Melecio Palacios, swearing that they are Filipino citizens and attesting that they have personally known the petitioner, the former since 1936 and the latter since 1930; that the petitioner has been continuously residing in the Philippines since the time they have known him, and particularly in Cebu City since 1952; that the petitioner is of good moral character; and that in their opinion he has ail the qualifications and none of the disqualifications to become a citizen of the Republic.

After due publication of the petition and hearing, the Court granted the petition.

Dr. Eduardo A. Bernardo, one of the supporting witnesses, testified that he is a resident of Cebu City; that

he knows the petitioner whom he met sometime in 1936 in Surigao when he was connected with the Army; that in 1938, because of the friendship that developed between them, he (the witness) asked him (the petitioner)" to be

the godfather of his eldest son; that in 1939, 1940 and 1941, they were together in Surigao; that their association, was interrupted during the Japanese occupation; that after liberation they resumed seeing each other again; and that in 1952 they visited each other in Cebu City at their respective houses and attended each other's parties.

Melecio Palacios, another supporting witness, testified that he is a resident of Cebu City; that he came to know the petitioner in Cebu City in 1981 or 1932, while he (the petitioner) was a young man; that in 1952, when the petitioner began to reside in Cebu City where he built his house, they met in the streets and at the house of his (the petitioner's) brothers and relatives; that he was friendly with the petitioner's brothers and sisters "since a long time ago;" and that actually he has no knowledge of the petitioner's business activities and of his social dealings with the Filipinos.

A petition for naturalization must be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for a period of ten years as required by section 1 in connection with section 2 of Commonwealth Act No. 473, as amended.[1] The affidavit of two credible persons, who must be presented in Court to testify at the hearing[2] except for a valid excuse such as death,[1] is required by law to ascertain how the petitioner has acted during the ten-year period, whether he has conducted himself in a proper and irreproachable manner in relation with the constituted government and in the community in which he lived, and whether he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. In fine, much depends upon what they know of the petitioner during at least ten years before he applied for naturalization. That is why it is necessary that these witnesses know the petitioner for at least that period of time.

The petitioner's two supporting witnesses, whose joint affidavit is attached to the petition, do not have the qualifications required by the Revised Naturalization Law. The first witness came to know the petitioner in Surigao in 1936. They were together in Surigao in 1939, 1940 and 1941 and their association was interrupted during the Japanese occupation and resumed only after liberation. The statement of the witness that they were together in Surigao in 1939, 1940 and 1941 contradicts the allegation of the petitioner that he was in Butuan City from 1931 to 1941. Again, the same witness states that in 1952 they used to exchange visits at their respective houses in Cebu City and attended each other's parties. So, it was only in 1952 when the petitioner moved to Cebu City that they resumed their association. Furthermore, the witness and the petitioner, though friends and "compadres," have not been actually in close and continuous contact since the time they came to know each other so as to afford him (the witness) the opportunity to observe his conduct. The witness had moved from place to place. He was in the Army in 1936 stationed in Surigao where he came to know the petitioner. During the Japanese occupation he did not meet the petitioner. And it was only in 1952 that they resumed their association in Cebu City where the petitioner had built a house.

Counsel for the petitioner claims that nowhere in the testimony of the witness may be found the statement that he and the petitioner resumed their social contact in 1952. Counsel contends that what the witness testified is that "after the Japanese occupation we again had our close relationship." Hence, according to counsel, they resumed contact or association after the Japanese occupation or from 1945. There is no evidence that Dr. Bernardo lived elsewhere than in Cebu City after liberation. On the other hand, there is evidence that the appellee lived in Cebu City from 1927 to 1931 and from 1952 to 28 February 1955, the date of hearing. Therefore, the logical inference is that they resumed such contact in 1952. The ten-year requirement of knowledge and observation, of the petitioner's life, conduct and character by the supporting witness Dr. Eduardo A. Bernardo has not been met and satisfied.

The second supporting witness has a scanty knowledge of the petitioner's conduct and reputation. True he came to know him in 1931 or 1932 in Cebu City while he (the petitioner) was a young man. But again, the petitioner in his

petition alleges that from 1931 to 1941 he was a resident of Butuan City and not of Cebu City. How, then, could the witness account for the petitioner's good conduct and reputation during all that time? It was only in 1952 when the petitioner began to reside in Cebu City and from then up to the time the witness testified in Court that he used to meet the petitioner in the streets of Cebu City, but that has no knowledge of his (the petitioner's) business activities and social dealings with the Filipinos. These two supporting witnesses are not, therefore, qualified and competent.

The testimony of Francisco M. Rosca, introduced at the hearing over the objection of the Fiscal, is of no value because he has not been mentioned in the petition for naturalization, which shall set forth the names and postoffice addresses of such witnesses as the petitioner might desire to introduce at the hearing,[1] and their names included in the notice of publication.[2] The observation made by this Court in *Karam Singh vs. Republic*, supra, is in point.

For obvious reasons, in order that an imposition may not be made upon the Court, it is necessary that the Government be informed in advance of the witnesses by whom or by whose testimonies a petitioner for naturalization seeks to prove that he possesses the qualifications and none of the disqualifications enumerated in the law. Without previous investigation, it is difficult, if not impossible, on the part of the Government to determine if the witness had already known or had the occasion or opportunity to know the petitioner and for such a period of time as may qualify him to testify on the petitioner's character, conduct and actuations during the entire period of his stay in the Philippines. The Government must have time to investigate, prior to the hearing, where the expected witness had lived- during the period of time that an applicant has lived in the Philippines. The Government must also have time to investigate the real character of the witnesses, that they may not make impositions upon the Court hearing the petition. A hearing without such preparation on the part of the Government would not be a fair hearing. * * *. (Pp. 5174-5175.)

Substitution of witness in case of death of one of the supporting- witnesses may be allowed,[3] but not where both witnesses are alive and have not known the petitioner for a period of ten years.

The decree appealed from is reversed and the petition denied, without prejudice, with costs against the appellee.

Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B.L., Endencia and Felix, JJ., concur.

[1] *Cu vs. Republic*, 89 Phil., 473; *Yu Chiang Tian vs. Republic*, 94 Phil., 743; *Awad vs. Republic*, 97 Phil., 569; *Karam Singh vs. Republic*, 97 Phil., 622, 51 Off. Gaz., 5172; *Cabrales Cu. vs. Republic* 97 Phil., 746, 51 Off. Gaz. 5GZ5; and *Chan Pong vs. Republic*, G. R. No. L-9153, 17 May 1967.

[2] *Karam Singh vs. Republic*, supra; *Cabrales Cu. vs. Republic*, supra.

[1] *Raymundo Po and Fortunate Pem. vs. Republic*, 99 Phil., 580, 52 Off. Gaz. 6855; *Lui vs. Republic*, 100 Phil., 268, 53 Off. Gaz. 879.

[1] Section 7, Commonwealth Act No. 473

[2] Section 9, supra

[3] *Raymundo Pe and Fortunato Fe vs. Republic*, supra; *Lui vs. Republic*, supra.

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.