

IN THE MATTER OF THE PETITION OF JIMMY CHUA YANHO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. JIMMY CHUA YANHO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOS...

G.R. No. L-19475. April 27, 1967

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Government from a decision of the Court of First Instance of Manila granting the petition for naturalization filed by Jimmy Chua Yanho on April 6, 1960 (Civil Case No. 42905).

The petition alleged that appellee, whose original name was Tan Tiap but was judicially authorized to change it to Jimmy Chua Yanho, is a citizen of the Republic of China, born in Ching kang, China, on June 6, 1912; that he emigrated to the Philippines in August 1927, on board the vessel "Hing An"; that he has continuously resided in the Philippines for more than 32 years, and in the City of Manila for more than one year immediately preceding the date of the petition; that he is residing at No. 434 Rosario St., Manila, and is a businessman by profession, being the owner-manager of the "East Asia Commercial" and "East Asia Indentors", from which he derives an average annual income of approximately P20,000.00; that he is married to Aurae T. Mabanta, a Filipino, with whom he has four children, all living at No. 157 D. Tuason St., Quezon City; that all his children are enrolled at the St. Stephen's School in Manila; and that he possesses all the qualifications to become a Filipino citizen and none of the disqualifications prescribed by law. Attached to the petition was the affidavit of attesting witnesses Pio Pedrosa, Rizal D. Pangilinan and Jose R. Filio, who stated that they personally knew appellee since 1948 and that, to their knowledge, he has resided continuously in the Philippines since said date.

After the requisite publication of the petition and after due hearing, the trial court rendered the appealed judgment.

In this appeal the Government stresses two main points, namely: that petitioner's witnesses do not personally know him to have been a resident of the Philippines for the period of time required by law nor to be a person of good repute and morally irreproachable, and that petitioner is disqualified to be a Filipino citizen because during his period of residence in the Philippines he has not evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos.

In connection with the first point, the Government claims that Mr. Pio Pedrosa, one of petitioner's witnesses, had occasion to observe him closely only "at least for the past four years". This is not exactly true. While said witness testified that he came to know petitioner closely during the four years prior to the date when he testified in court, it is likewise true that he testified that he knew petitioner since before the war and that while his personal knowledge of him was, at the beginning, casual or slight, their acquaintance became closer and more intimate in the course of time; that, in fact, in 1957 when he (Pedrosa) became President of the Prudential Bank, he found out that petitioner was one of the important clients of the bank.

As regards the other witness for the petitioner, Mr. Jose R. Filio, the Government says nothing in its brief.

However, the Government's contention that during petitioner's period of residence in the Philippines he had not evinced a sincere desire to learn, embrace and practice the customs of the Filipinos, is well taken.

Petitioner does not deny that he resides at 434 Rosario St., Manila, while his wife and children reside at 157 Demetrio Tuason St. Quezon City. To explain this obviously unusual situation, petitioner claims that he had to live at 434 Ro-sario St. Manila because that was his place of business and he had to stay there most of the time in order to be able to exercise a close supervision over his business. As another reason for his not living with his wife and children at Quezon City, he points to traffic congestion and bad streets between the two cities, these problems being often compounded by flood and lack of parking space in downtown Manila - all these factors rendering it difficult for a businessman like him to commute between the two cities.

We find petitioner's explanation to be utterly unsatisfactory. That it is strange and unusual for a father to live separately from his wife and children is something that needs no demonstration. Neither is any argument necessary to show that such situation is contrary to, if not destructive of one of the most important traits of the Filipino people - love of family and abiding interest and concern for its members. Indeed, We do not think any real Filipino father would suffer living away from his wife and children simply for business reasons, especially so if the distance between his place of business and the residence of his wife and children is nothing more than that which separates Manila from Demetrio Tuason St. of Quezon City. That petitioner could consider occasional floods, traffic problems and bad condition of streets between the two cities as good enough reason to live separately from his family strengthens the Government's view that he has not evinced any real desire to embrace and practice Filipino customs.

WHEREFORE, the decision appealed from is reversed, with costs.

Concepcion, C.J., Reyes, J.B.L., Regala, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Castro, JJ., concur.

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