

IN THE MATTER OF THE PETITION OF LIM HAM CHIONG ALIAS SIMEON LIM TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. LIM HAM CHIONG ALIAS SIMEON LIM, PETITIONER AND APPELLEE, VS. REPUB...*G.R. No. L-10235. February 28, 1958*

Ponente: LABRADOR, J.

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Appeal from a judgment of the Court of First Instance of Cebu, Honorable Clementine V. Diez, presiding, admitting petitioner Lim Ham Chiong alias Simeon Lim for naturalization. The facts found by the trial court, which are fully supported by the testimonies of the witnesses who testified at the hearing, are correct and the same are hereby reproduced:

"Se trata de una solicitud de ciudadanía que se vio despues de haberse publicado la notificacion en la Gaceta Oficial, en los numero correspondientes a los meses de junio, julio y agosto de 1954 (Vease Exhibito L), y en el periodico The Republic Daily, editado en la ciudad de Cebu, en sus ediciones correspondientes a los dias 8, 16 y 23 de junio de 1954 (Vease Exhibito M). Se han fijado tambien copias de la notificacion en la pizarra de anuncios de la escribano delegado al pie del original de la notificacion obrante en el expediente. No se presento oposicion a la solicitud, ni el ministerio fiscal ha presentado pruebas.

"El solicitante es soltero de 24 anos de edad, nacido en 8 de octubre de 1913 en esta ciudad de Debu, pero no pudo presentar copias de los records oficiales y de la iglesia de su nacimiento por haberse quemado durante la pasada guerra. (Veanse certificados de la Oficina del Registro Civil y del cura parroco de la Catedral Exhibitos A y A-1); es hi jo legitimo de los esposos Lim Tian Teng, rauerto en 1945, y Tan Ta, ambos ciudadanos chinos residentes desde hace muchos años en esta ciudad de Cebu; es ciudadano de la Republica de China bajo Chiang Kay Sek; estudio y termino la primaria en el Colegio de la Immaculada Concepcion, de esta ciudad (Vease copia fotostatica Exhibito B-2); la intermedia en el entonces Colegio de San Carlos de Cebu, hoy Universidad de San Carlos (Vease copia fotostatica, Exhibito B-2), y estudio y se graduo de ingeniero mecanico en le misma Universidad (Vease fotografia del diploma, Exhibito B-1); ambas instituciones docentes estan debidamente reconocidas por el Gobierno; habla y escribe el ingles y el bisayo cebuano (Veanse Exhibitos I y 1); es tenedor de 'Alien certificate of registration', cuya copia fotografica es el Exhibito C, expedido en 2 de diciembre de 1950, y ha pagado anulmente todos los derechos correspondientes (Vease Exhibito C-1); y del 'Immigrant Certificate of Residence', Exhibito D, expedido en 8 de julio de 1951; ha residido desde que nacio en esta ciudad de Cebu hasta la fecha; ;solo una vez salio del pais, cuando a la edad de unos siete años; fue llevado por su madre para una corta vacacion de unos diez meses en el pueblo natal de sus padres, Chuanchiu, Fokien, China; durante la guerra estuvo evacuado en Inabanga, Bohol; es empleado como cajero auxiliar de Lim Tian Teng Sons & Company, Inc., dedicada a importacion y capitalizada en P500,000, con un sueldo anual de P1,800 de la misma compania. (Vease certificado Exhibito E) ; no debe por impuestos al Gobierno (Veanse certificados del agente provincial de Rentas Internas, Exhibito F, y del tesorero de la ciudad; Exhibito F-1); ha observado buena conducta y nunca ha sid acusado, ni mucho menos convicto de alguna infraccion de ley, ordenanza municipal o reglamentos (veanse certificados Exhibito G del escribano de

este Juzgado; Exhibito G-1 del escribano del juzgado municipal de Cebu; Exhibito G-2 del Ejercito; Exhibito G-3 de la Constabularia; Exhibito G-4 de la policia de Cebu; G-5 del Fiscal de la Ciudad de Cebu, ni tiene causa pendiente en la Oficina de Inmigracion (Vease certificado Exhibito G-6); no padece de ninguna enfermedad mental, contagiosa o incurable (Vease certificado Exhibito J del oficial de Sanidad de Cebu); se ha conducido siempre de una manera propia tanto en sus relaciones con las autoridades del Gobierno como con los particulares; se ha asociado con filipinos y ha abrazado las costumbres, tradiciones e ideales de los filipinos; cree en los principios de nuestra constitucion; no se halla opuesto a un gobierno organizado, ni esta afiliado a, ni simpatiza con ninguna asociacion o agrupacion de personas que sostienen y enseñan doctrinas opuesta a todo gobierno organizado; no defiende ni enseña la necesidad o conveniencia del empleo de la fuerza o violencia, de la agresion personal, o del asesinato para el exito y predominio de sus ideas; no cree en la poligamia.

"El solicitano se halla exento de presentar declaration de proposito para ser ciudadano filipino por haber nacido y residido en esta ciudad de Cebu continuamente desde que nacio y haber terminado la intermedia, high school, y la ingeniera mecanica en colegios reconocidos por el gobierno.

"EN SU VIRTUD, el Juzgado declara que el solicitante LIM HAM CHONG alias SIMEON LIM reúne todas las condiciones requeridas por la Ley y ninguna de las descualificaciones para ser ciudadano filipino, y ordena que despues de transcurrido el plazo de dos años desde que quedare firme esta decision y de cumplidos con todos los requisitos previtos en el articulo primero de la Ley No. 530 de la Republica de Filipinas, se expida a su favor carta de ciudadania filipina.

"ASI SE ORDENA."

Not satisfied with the above decision the Republic of the Philippines has appealed, claiming that one of the character witnesses, namely, Mayor Jose B. Rodriguez of Cebu, is incompetent to testify on the good moral character of the petitioner during the entire period of the latter's stay in the Philippines, Reason for this claim is the fact that Mayor Rodriguez was absent from the Philippines for three years, from 1948 to 1951, and during that period of time, it is claimed that the witness did not and could not have had the opportunity to observe the conduct and the character of the petitioner, particularly when the latter was growing into manhood. Supposed authority for this contention is the decision of this Court in the case of Karam Singh vs. Republic of the Philippines! G. R. No. L-7567, September 20, 1955.

The case of Karam Singh vs. Republic, supra, is not applicable to the case at bar. The reason why the instrumental witness in that case was declared incompetent was because he came to know the applicant for naturalization only for about four years before the hearing of the case. In the case at bar, witness Jose B. Rodriguez had known the petitioner since the latter's boyhood.

The question, however, which the Solicitor General squarely presents is as follows: Must a witness for naturalization continuously have had opportunity of observing applicant during all the years of stay by the latter in the country, or is it enough that he has been in continuous touch with him during the period of his stay to be able to testify as to his conduct during the stay? More specifically, in the case at bar, did the mere fact of absence of the witness for a period of three years disqualify him as a witness if he had known the applicant for 20 years or more?

Section 2 of Commonwealth Act No. 473, as amended, does not require that witnesses to the character qualification of an applicant for naturalization must continuously be in the Philippines to observe the applicant's conduct. It is not expressly required that a witness continuously see and observe an applicant, in order to be competent to testify that during the applicant's period of stay in the Philippines the latter has acted in an irreproachable manner. Knowledge of the conduct and character of an applicant is not obtained by observation

alone; the acts of a person ordinarily come to the knowledge of his acquaintances. Character is, besides, something that develops in the community and is best evidenced by reputation. If a person observes a conduct that is not proper, or if he commits acts in violation of the laws or the social rules of the community, these will come to the knowledge of any individual, especially an acquaintance, although the latter did not actually see the act committed. For the above reasons, the mere fact that witness Jose B. Rodriguez has been absent from the Philippines for three years does not mean that conduct and character of the applicant during his stay in the country is not true.

Resuming what we have stated above, we hold that witness Jose B. Rodriguez is a competent witness as to the irreproachable conduct and character of the applicant herein during the latter's entire period of stay in the Philippines, because the witness had known applicant since boyhood and up to the time of the filing of the application for naturalization. His absence for three years does not necessarily imply lack of knowledge on the part of said witness of the conduct and character of the applicant during

The judgment appealed from is hereby affirmed, with COSTS DE OFICIO.

Paras, C.J., Bengzon, Padilla., Montemayor, Reyes, A., Bautista Angelo, Concepcion, Endencia, and Felix, JJ., concur

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