

**IN RE PETITION FOR NATURALIZATION TO PHILIPPINE CITIZENSHIP
OF CUAKI TAN SI. CUAKI TAN SI, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. No. L-18006. October 31, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This case is before us on appeal, taken by the Provincial Fiscal of Davao, from a decision of the court of first instance of said province granting the petition of appellee Cuaki Tan Si for naturalization as citizen of the Philippines. Upon the filing of the printed record on appeal and the service of notice requiring the submission of appellant's brief, the Solicitor General submitted a manifestation to the effect that petitioner has, according to the evidence on record, the requisite qualifications and none of the statutory disqualifications to become a citizen of the Philippines, and that, consequently, a withdrawal of the appeal was justified. On August 14, 1961, this Court resolved to consider said manifestation as appellant's brief, to hold its consideration in abeyance until the determination of the case on the merits and to require the petitioner to file his brief within the reglementary period, which he did.

At the outset, it should be noted that a naturalization case is not an ordinary judicial contest, to be decided in favor of the party whose claim is supported by the preponderance of the evidence. Indeed, naturalization is not a matter of right, but one of privilege of the most discriminating, as well as delicate and exacting nature, affecting, as it does, public interest of the highest order, and which may be enjoyed only under the precise conditions prescribed by law therefor. Such conditions are of two

(2) kinds, namely: (1) substantial; and (2) formal or procedural. Of the first class are the possession of the qualifications and of none of the disqualifications enumerated in sections, 2, 3 and 4 of Commonwealth Act No. 473,

as amended. To the second class belong, among others, the filing of a declaration of intention (save in specified cases), and the need of two (2) character witnesses.

With respect to the latter, section 7 of said Act, as amended, requires, in the language of this Court in *Ong vs. Republic of the Philippines*, (103 Phil., 964; 55 Off. Gaz. (18) 3290):

- "1. That they are citizens of the Philippines;
2. That they are 'credible persons';
3. That they personally know the petitioner;
4. That they personally know him to be a resident of the Philippines for the period of time required by law;
5. That they personally know him to be a person of good repute;
6. That they personally know him to be morally irreproachable;

7. That he has, in their opinion, all the qualifications necessary to become a citizen of the Philippines; and
8. That he 'is not in any way disqualified under the provisions' of the Naturalization Law."

In this connection, we must bear in mind that petitioner herein claims to be exempt from the requirement of filing a declaration of intention, under section 6 of the aforementioned Act, upon the ground that he has resided in the Philippines continuously since May 11, 1926, or for over thirty (30) years prior to the filing of his petition herein, on September 2, 1958. Yet, one of his character witnesses, namely Gregorio S. Romero, had known petitioner since 1937 only, or for less than thirty (30) years.

Moreover, referring to the qualifications of the character witnesses, we, likewise, observed in the Ong Case (*supra*):

"* * * Within the purview of the Naturalization Law, a 'credible' person is, to our mind, not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose 'affidavit' or testimony is not incredible. What must be 'credible' is not the declaration made, but the person making it. This implies that such person must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trust' worthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the petitioner. Thus, in *Cu vs. Republic*, 89 Phil., 473 (decided on July 18, 1951), we declared that said affiants 'are in a way insurers of the character of the candidate concerned.' Indeed, by their affidavits, they do not merely make the statements herein contained. They also vouch for the applicant, attest to the merits of his petition and sort of underwrite the same."

As held in *Lim Ching Tian vs. Republic of the Philippines*, (111 Phil., 211) :

"The law requires that a vouching witness should have actually known an applicant for whom he testified for the requisite period prescribed therein to give him the necessary competence to act as such. The reason behind this requirement is that a vouching witness is in a way an insurer of the character of petitioner because on his testimony the court is of necessity compelled to rely in deciding the merits of his petition. It is, therefore, imperative, that he be competent and reliable. And he is only competent to testify on his conduct, character and moral fitness if he has had the opportunity to observe him personally, if not intimately, during the period he has allegedly known him."

Hence, the affidavit of the character witnesses, attesting to the qualifications of the petitioner and to his lack of disqualifications, must be attached to the petition (section 7 of Commonwealth Act No. 473, as amended), thus becoming part and parcel thereof as a pleading. As a consequence, the petition must be denied unless the material statements in said affidavit are established on the witness stand by the testimony of the respective affiants. The law thus, in effect, requires that the character witnesses be, not mere ordinary acquaintances of the applicant, but possessed of such intimate knowledge of the latter as to be competent to testify, of their personal knowledge, that he has each one of the requisite qualifications and none of the statutory disqualifications.

The aforementioned Gregorio S. Romero expressed the belief that petitioner is not disqualified to be a citizen of the Philippines because he has not been convicted of any crime involving moral turpitude and is not suffering from any incurable disease. Romero admitted, however, that he could not say whether or not petitioner believes in the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas.

The other character witness, Celestino Ceniza, testified that he did not know of any disqualification of the petitioner to become a citizen of the Philippines, but there is every reason to believe that the witness is not reasonably posted on the disqualifications under our naturalization laws. In fact, upon being asked to be specific,

he could say no more than that applicant is neither a polygamist nor a believer in polygamy, that he is not opposed to an organized government and that he had never been convicted of any crime involving moral turpitude. What is more, Ceniza was not certain about the political principles embraced by petitioner. Although Ceniza would have us believe that petitioner knows the basic principles of the Constitution, he (Ceniza) appears to believe that those principles are limited to the independence of the three (3) departments, particularly that of the judiciary. Ceniza did not even know the names of some of petitioner's children, and had no idea whatsoever about his religion.

Petitioner's character witnesses do not know him, therefore, sufficiently to be in a position to assure us that he has every one of the requisite qualifications and none of the aforementioned disqualifications. They are not competent to vouch for his fitness to become a member of our citizenry.

Wherefore, the decision appealed from is reversed, and the petition herein dismissed, with cost against the petitioner. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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