

IN THE MATTER OF THE PETITION OF ONG HO PING TO BECOME A CITIZEN OF THE PHILIPPINES. ONG HO PING, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G. R. No. L-9712. April 27, 1957

Ponente: REYES, A., J.

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REYES, A., J.:

This is an appeal from a decision of the Court of First Instance of Manila denying appellant's petition for naturalization.

Petitioner is a Chinese citizen born in Amoy, China, on March 7, 1917. He immigrated to the Philippines on December 7, 1929 and has continuously resided here since then. He has a known lucrative trade, having a jewelry store and watch repairing shop which employs sixteen Filipinos and four Chinese and gives him a yearly net income of about P20,000. He has been paying his taxes regularly and has presented clearance from the Manila Police Department, the Philippine Constabulary, the National Bureau of Investigation and other government agencies. He is married to a Filipino-Chinese mestiza named Maria Enriquez and has four children by her, all born in Manila and baptized in the Catholic church and two of them—the only ones of school age—studying in the Ateneo de Manila. The whole family is registered in the Bureau of Immigration.

Petitioner has also presented evidence of his good moral character and states that he does not believe in communism; that he practices the customs and believes in the traditions of the Filipino people; that he has conducted himself in an irreproachable manner during his stay here and has socially mingled with the Filipinos; that he is not a polygamist and does not approve of polygamy; that he is not suffering from any incurable or contagious disease; and that he is not opposed to organized government nor does he teach the necessity of violence for the success of men's ideas. He obviously is not in the class of disqualified persons enumerated in section 10 of the Revised Naturalization Law.

The lower court denied the petition on the ground that petitioner's scanty knowledge of English and Tagalog does not justify the conclusion that he is able to speak and write those languages. But this appraisal of petitioner's qualification in that regard hardly squares with the evidence, as may be seen from the following excerpt from his testimony:

"Q.

Do you know how to speak and write the English language?

A.

A little.

Q.

Will you please answer the following question in English: What is your reason why you like to become a Filipino citizen?

A.

Because I like the people and the government here. (Witness answered directly in English)

Q.

You write that in this sheet of paper? (Witness writes.) 'Because I like the people and the government here.'

Q.

Do you know the Tagalog translation for that?

A.

Yes," sir.

Q.

Please write the Tagalog' translation beneath that English you wrote?

A.

Witness does so."

It is true that petitioner appeared confused or uncommunicative when the Court asked him the following question:

"Q.

Suppose you write down in that piece of paper your answer to this question of the Court. 'You said that your children have been baptized in the Catholic Church. Do you have any objection to informing the Court whether or not you are also a Catholic, and if you are state and write down in this piece of paper the reason why you are a Catholic?'"

But his confusion or inability to give a prompt reply may have been due merely to the nature of the question and not to lack of familiarity with the English language. For not only is the question long, complex and rather involved, but it also calls for a philosophical answer which may not be easy for any layman to figure out as well as to formulate.

Again it may be true that in some portions of his testimony petitioner did not show a high degree of proficiency in the use of either Tagalog or English. But as this Court said in *Zuellig vs. Republic of the Philippines*, 83 Phil., 768, 46 Off. Gaz., [Supp. 11] 220 the law does not specify the degree of proficiency in speaking and writing the required languages, so that an applicant for naturalization "need not be proficient." Continuing, this Court there said:

"* * ' It is not necessary that lie writes a native dialect faultlessly and without effort and that lie speak it fluently and idiomatically. It is enough that be has sufficient knowledge of it so that in his association with the Filipinos he can understand them when they speak or write to him in a principal dialect, and that he can make himself understood by them in said dialect."

On the whole we are persuaded that, with the knowledge of Tagalog and English which petitioner has shown himself to possess, he can understand and be understood by the Filipinos through the medium of those languages. His years of residence in Manila where he has been doing business and has mingled socially with Filipinos for a long time, cannot but lend weight to this conclusion.

The Solicitor General thinks it has not been sufficiently proved that petitioner believes in the principles underlying our Constitution. But while petitioner did not directly state that he believes in those principles, the fact that he really believes in them is fairly deducible from his testimony. For after correctly answering questions on the important provisions of the Constitution and declaring that we have here a democratic government, a government understood by him to be one of the people, by the people, and for the people, and that in a communistic government the people have no rights and "can be arrested and be killed, the same as what happened during the Japanese occupation," he expressed preference for the democratic government. Furthermore,, petitioner testified that he is not opposed to organized government nor does he advocate the necessity of using violence for the success of men's ideas.

In view of the foregoing, the decision appealed from is reversed and it is ordered that judgment be entered granting" appellant's petition for naturalization subject to the conditions prescribed in the Revised Naturalization Law. Without costs.

Bengzon, Padilla, Montemayor, Bautista Angelo, Labra'dor, Conception, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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