

**IN THE MATTER OF THE PETITION OF ONG SIAO LIONG TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, ONG SIAO LIONG,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPE...**

G.R. No. L-23544. July 31, 1970

Ponente: ZALDIVAR, J.

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ZALDIVAR, J.:

Appeal by the Republic of the Philippines from the decision of the Court of First Instance of Manila, in Naturalization Case No. 48376, granting the petition for naturalization of Ong Siao Liong.

On August 17, 1961, Ong Siao Liong filed with the Court of First Instance of Manila, a petition for naturalization, alleging: that he was born on the 26th day of May, 1936, in Kulangsu, China; that he emigrated to the Philippines from Amoy, China, on or about the 9th day of February 1939, and arrived at the port of Manila, Philippines, on board the vessel "Tjinegara"; that he has resided continuously in the Philippines for a period of over 20 years, and in the City of Manila for a period of at least one year, immediately preceding the date of his petition, and that his present, place of residence is No. 921, now 1171, Magdalena Street, City of Manila, and his former places of residence were at Nueva Street, T. Pinpin Street, and 631 Zacateros Street, Manila; that he is single; that his trade or profession is that of an employee, in which he has been engaged since 1957, and from which he derives an average annual income of P3,600.00; that he does not own any real estate; that he is able to speak and write English and Tagalog; that he has filed his declaration of intention on March 2, 1960; that he believes in the principles underlying the Philippine Constitution, he has conducted himself in a proper and irreparable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he lives, has mingled socially with the Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; that he has all the qualifications required under Section 2, and none of the disqualifications under Section 4, of Commonwealth Act No. 473; that he is not opposed to organized government, nor is he affiliated with any association or group of persons that uphold and teach doctrines opposing all organized governments, nor is he defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude, nor is he suffering from any incurable contagious disease; that the nation of which he is a citizen or subject is not at war with the Philippines; that it is his intention in good faith to become a citizen of the Philippines, and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, to the Republic of China; that he will reside continuously in the Philippines from the date of the filing of his petition until the time of his admission to Philippine citizenship; and that he has not made any application for citizenship in any court. The petition was accompanied by two amended affidavits executed by Mauro N. Castro and Vicente Merced, and another affidavit executed by Ignacio Semeniano, all of whom uniformly declared that they have always known the petitioner to be a man of honor and good reputation;

that they have known him for more than ten years, and that during the period of their acquaintance with him they have observed him conduct himself in an irreproachable manner in his relation to the constituted authorities, to the community where he lived, and to his acquaintances and friends; and that the petitioner has, in their opinion, all the qualifications necessary to become a citizen of the Philippines, and not in any way disqualifed under the law.

The petition was duly published as required by law. The Solicitor General filed an opposition to the petition, based on various grounds.

After due hearing, the Court of First Instance of Manila, on February 3, 1964, rendered a decision granting the petition, and ordering that the corresponding certificate or naturalization be issued in favor of petitioner Ong Siao Liong upon compliance by him of the requirements provided in Republic Act No. 530.

In due time the Solicitor General appealed from the decision of the lower court.

In his appeal before this Court, the Solicitor General contends that the lower court erred: (1) in finding that the petitioner has a lucrative income or occupation; (2) in not finding that the character witnesses of the petitioner are not credible persons within the meaning of the law; (3) in finding that the petitioner is of good moral character; and, as a corollary to these contentions, (4) in granting the petition for naturalization.

1. Petitioner in his effort to prove that he has a lucrative income, sufficient to meet the requirements for naturalization, introduced in evidence his income tax returns for the years 1959, 1960, 1961, and 1962, showing that he had the following income:

Salary

Profit from Business

Bonus

TOTAL

1959. . . . P2,400.00

P53.40

None

P2,453.40

1960. . . . P 800.00

None

None

P 800.00

1961. . . . 3,450.00

None

None

3,450.00

1962. . . . 4,100.00

None

P800.00

4,900.00

The record shows that during the hearing of the petition petitioner tried to prove that his income was higher than what he had previously stated in his petition,[1] by declaring that his income was P480.00 a month.[2] We find, however, that petitioner's claim is belied by his own evidence consisting of his personal income tax returns for the years 1959, 1960, 1961 and 1962[3] and the verified certificate issued by his employer, Leheon Textile Co., dated June 18, 1962, where-in the amounts stated as the earnings of petitioner do not tally with his claim during the hearing of the case. We noted that petitioner himself contradicted the statement in the certificate issued by Leheon Textile Co., when he declared on cross-examination that he started to work with Leheon Textile Company in February 1963[4] whereas in the certificate, dated June 18, 1962, it is stated that as of that date he was employed in that textile company at a salary of P400.00 a month.[5] These discrepancies in the testimony of petitioner and his documentary evidence cannot but give the impression that petitioner was not telling the truth regarding his income, and do not speak well of him who is supposed to be a person of good moral character and irreproachable conduct.

We find that in the year 1960, petitioner reported in his income tax return an annual income of P800.00 only, while in the subsequent year, 1961, his income abruptly increased to P3,450.00, or an increase of more than 300%. This is another circumstance that gives the impression that the reported income was deliberately "intended to cure the deficiency for purposes of naturalization." [6] The income to be reckoned with in determining whether the applicant for naturalization has a lucrative income is that "as of the time or the filing of the application" [7], and granting that petitioner's average annual income as of the time he filed his petition was P3,600.00, the same cannot be considered lucrative. This Court has already held that: "an income of P350.00 a month these days is not to be considered lucrative considering the high cost of living not only in the cities but in the province as well." [8] And so an annual income of P3,600.00, which means P300.00 monthly, cannot be considered lucrative for the purposes or qualifying for naturalization.

2. Regarding the second error assigned, the Solicitor General urges that the character witnesses of the petitioner are not credible as contemplated in the Naturalization Law. The Naturalization Law requires that the petition for naturalization must be supported by the testimonies of credible persons, and so there is no presumption in favor of the credibility of witnesses: The credibility of witnesses must be shown as a fact.

Under the Naturalization Law, a credible person is not simply an individual who has not been previously convicted of a crime, or not a police character, or has no police record, or who has not perjured in the past, or whose sworn statement or testimony is not incredible. What must be credible, is not necessarily the declaration made, but the person making it. This implies that such person has a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value as a good warranty of the worthiness of the petitioner.[9] It is not shown in the record that the character witnesses or the petitioner are persons of good standing in the community, and that they are honest and upright, or are reputed to be trustworthy and reliable. Moreover, We have noted that the acquaintance of the witnesses with the petitioner is limited, such that their testimonies would not serve to satisfactorily establish that petitioner has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines. Witness Vicente de la Merced, among other things, testified that during a period of six years he saw the petitioner "May be five or six or eight times." [10] Likewise, the other witness, Ignacio Semeniano, testified, on direct examination, that he came to know the petitioner in 1948 in Tabora street, Manila. But, on cross-examination, this witness admitted that from Grade I to Grade VI he studied in Masbate, and that he

finished his grade VI in 1951.[11] It appears doubtful that in the year 1948 this witness was in Manila and had then associated with the petitioner. Granting that the witness actually knew petitioner since 1948, it could be that their meetings occurred only during school vacation from the year 1948 to 1951, because the witness admitted that he studied his grades I to VI in Masbate, and he finished his grade VI in 1951. The meetings of petitioner and witness Semeniano, if ever there had been, were only occasional. Such occasional meetings are not sufficient to enable him to observe closely petitioner's behavior so as to be competent to testify regarding his good moral character and irreproachable conduct during the entire period of petitioner's residence in the Philippines.[12]

3. The Solicitor General also contends that the evidence to establish that petitioner is of good moral character was not sufficient. Witness Ignacio Semeniano failed to show, by his testimony, that petitioner is of good moral character, because he simply declared that petitioner has not entered illegitimate transaction and has not been put in jail. This character witness did not state specific facts and events from which it may be inferred that petitioner has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines. It takes more than the uncorroborated testimony of the petitioner to establish the fact of his good moral character and irreproachable conduct.[13] We find that the two witnesses of petitioner fall short of being considered credible witnesses and of being competent to testify on the moral character and conduct of petitioner, considering the limited nature of their acquaintance and association with petitioner. It can safely be said that the association of these witnesses with petitioner was not so intimate as to enable them to observe closely and know the character, the beliefs, the social contacts, and the associations of petitioner. [14]

4. We have noted that the petitioner failed to mention in his petition all his places of residence. In his petition he states that his present place of residence is No. 921, now 1171, Magdalena St., City of Manila; and that his former places of residence were at Nueva Street (without number), T. Pinpin Street (without number), and 631 Sacateros Street, Manila. Simply stating the name of the street without giving the number is not a proper indication of a place of residence, considering that the streets are in the City of Manila. We also noted that on being cross-examined by counsel for the State, at the hearing, petitioner revealed that during the last war, he stayed in San Pablo City for about one half year.[15] Yet, he did not state in his petition that for sometime he stayed in San Pablo City.

We find merit in the appeal of the State.

WHEREFORE, the decision appealed from is reversed, and the petition for naturalization of petitioner Ong Siao Liong is dismissed. Costs against said petitioner.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

[1] Annual income of P3,600.00 (or P300.00 monthly) as stated in his petition which was filed in 1961. The hearing took place in 1963.

[2] Page 29, t.s.n. Baria.

[3] Exhibits G, G-1, G-2 and G-3.

[4] Pages 28-29, t.s.n. Baria.

[5] Exhibit F.

[6] Tan Sen vs. Republic, L-23181, October 24, 1967. The petition for naturalization was filed in August, 1961.

[7] Choa Ek Yong vs. Republic, L-21738, March 1, 1968; Ty Eng Hua vs. Republic, 196B Phil. 538.

[8] Dy vs. Republic, L-20709, April 29, 1966. The decision in this case did not state applicant's civil status, however, upon verification of the record of the case the petition stated that applicant was "single".

[9] Ong vs. Republic, 103, Phil. 964.

[10] Page 40, t.s.n., Vicaldo.

[11] Pages 6, 18, t.s.n., Vicaldo.

[12] Seng vs. Republic, G. R. No.L-23936, September 13, 1967; To vs. Republic, G. R. No. L-20156, December 29, 1967.

[13] Chua Pun vs. Republic, L-16825, December 22, 1961.

[14] To vs. Republic, *supra*.

[15] Pages 17-18, t.s.n., Baria.

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