

## **SY CHIUCO ALIAS SY CHIU, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.**

*G.R. No. L-7545. October 25, 1955*

Ponente: JUGO, J.

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### **JUGO, J.:**

This is an appeal from a decision of the Court of First Instance of Quezon City, denying the petition for naturalization of Sy Chiuco, alias Sy Chiu.

The appellant makes the following assignment of errors:

"I. The trial court erred in denying appellant's petition for naturalization on the ground that his business (cabaret) does not speak well for an alien applying for citizenship and that appellant should have engaged in a business which is conducive to the economic progress and development of the nation.

"II. The trial court erred in denying appellant's petition for naturalization on the ground that the appellant is deaf.

"III. The trial court erred in denying appellant's petition for naturalization on the ground that the appellant could not speak and write Spanish in a manner as to be understandable.

"IV. The trial court erred in denying appellant's petition for naturalization on the ground that appellant should have filed his petition sooner, considering that he is now already nearing his grave and that he has resided in the Philippines for 56 years prior to the filing of his application.

"V. The trial court erred in denying appellant's petition for naturalization on the ground that because appellant did not file his petition sooner it has therefore sufficient reason to doubt the sincerity of appellant as to his intention to become a Filipino citizen."

Sy Chiuco was seventy years old at the time of the hearing of his petition on September 30, 1953. He is a native of Amoy, China, where he was born on May 26, 1881. He arrived in the Philippines, at the port of Manila, in May, 1894 on board the ship Don Juan and has resided continuously in this country since then. He has been granted by the authorities of the Philippine Government an Immigration Certificate of Registration and an Alien Certificate, of Registration. He is legally married to a Chinese national by the name of Go Pio, with whom he has five children, to wit: Sy Bon Ping, Marciano Sy, Vicente Sy, Felisa Sy and O Siong Sy, the last two being minors who are studying in the Sacred Heart Academy at La Loma, Quezon City, a private school recognized by the Government where Philippine History, and Government and civics are taught as part of the school curriculum. He and his whole family are at present residing at 172 Iba Street, La Loma, Quezon City.

The applicant is a businessman by profession, engaged in the operation of a cabaret for recreative purposes situated at La Loma, Quezon City, a tocua factory for the production of tocua food from soy beans, and other salted food products, located at No. 43 Soler Street, Manila. He is an up-to-date taxpayer owning real property composed of a house and lot at 172 Iba Street, La Loma, Quezon City, worth P18,000. He was formerly the owner

of a paint store on Echague Street, Manila, which was burned during the last war. He speaks Tagalog and has a working knowledge of the Spanish language. He is familiar with Philippine social life and Constitution. He adheres to the principles underlying the democratic form of government and is absolutely against communism. He does not believe in the use of force in achieving a change of government, nor is in favor of revolution. He is not a polygamist nor a believer in the practice of polygamy. He is strong and healthy and suffers no contagious disease, although he is somewhat hard of hearing. During all his life in the Philippines he has been a law abiding resident, and has never been convicted of any crime by any court. He is ready to renounce his allegiance to the Government of China.

Two prominent persons vouchsafed and testified for his good moral character, and as a believer in the principles underlying the Philippine Constitution, having conducted himself in a proper and irreproachable manner during his residence in the Philippines.

With regard to the first assignment of error, the lower court held that the applicant would not be a desirable citizen of the Philippines because he is running a cabaret. The cabaret business is not illegal and is licensed by the government. The private personal opinion of the judge regarding this business cannot control or govern the qualifications of the applicant. Many Filipinos of good standing are operating cabarets, without violating any law.

With regard to the second assignment of error, the lower court stated that the applicant is hard of hearing, but he heard the questions addressed to him and answered them intelligently. A little hardness of hearing is not a disqualification. It is a common defect of old people.

With regard to the third assignment of error, the lower court declared that the applicant does not speak or write Spanish, but the record shows that the applicant testified in Spanish in an intelligent manner. We have examined exhibit "1" which is a sample of his writing in Spanish of the words dictated by the lower court and we found them to be perfectly legible.

With regard to the fourth assignment of error, the lower court held that, having lived in the Philippines for fifty-six years, he should have filed his application for Philippine citizenship sooner for that would have shown his sincerity in desiring to be a Filipino. There is no law requiring the applicant to file his application before a certain age or after a maximum period of residence in the Philippines. The applicant has complied with the law and has the necessary qualifications. On the contrary, the fact that he has resided for so many years in this country is in his favor as he may even be exempted from the requisite of declaring his intention one year before his application. His long residence would show that he is more familiar with Filipino customs and the principles of the Philippine Government than a person of shorter residence.

The fifth assignment of error is only a consequence of the former assignments.

It is true, as contended by the appellee, that the court has certain discretion in granting Filipino citizenship but that discretion must be exercised within the clear limits of the law.

In view of the foregoing, the decision appealed from is reversed and the applicant is allowed to become a Filipino citizen, without pronouncement as to costs. It is so ordered.

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

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