

MANUEL DE LARA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-18203. May 29, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioner seeks to become a Filipino citizen.

Petitioner is a citizen of the Chinese Nationalist Republic and was born on December 23, 1928 in Labo, Camarines Norte. He has resided continuously in Labo since his birth up to the present time. He finished his elementary education at the Labo Elementary School, and his secondary education at the Camarines Norte Institute. He is a graduate of the College of Architecture of the Mapua Institute of Technology. He speaks and writes well English and speaks and writes fairly well Tagalog, as evidenced by the writings he made in open court. He is still single and is at present employed with the Hi-Q Commercial, a firm dealing in chemicals, established at Jose Abad Santos St., Manila, from which he derives an average annual income of P4,800.00, excluding bonus.

Petitioner believes in the principles underlying our Constitution and has conducted himself in a proper and irreproachable manner during his residence in Labo in his relation with our government, as well as with the community in which he lives. He has mingled socially with the Filipinos and has evinced a desire to learn and embrace the customs, traditions and idiosyncracies of the Filipino people. He is not opposed to organized government, nor is he affiliated with any association which upholds and teaches doctrines opposed to organized government.

He is not a polygamist, nor a believer in polygamy. He has not been convicted of any crime involving moral turpitude. He is not suffering from any incurable or contagious disease. He has none of the disqualifications provided for by law.

After hearing, the court a quo granted his petition for naturalization. It was declared that, two years after the decision shall have become final, petitioner shall appear before the court for further proceedings in accordance with law,

The government appealed from the decision on the ground that petitioner has failed to establish sufficiently his claim that he was born in Labo, Camarines Norte, and that his two character witnesses lack the qualifications necessary to establish some of the important averments of his petition.

It was claimed that petitioner was born in Labo, Camarines Norte, on December 25, 1923, and that he has received his primary and secondary education at the Labo Elementary School and Camarines Norte Institute, for which reason he has not filed the declaration of intension to become a Filipino citizen, as required by law. But the evidence presented to support such claim is far from convincing, for it only finds support in the testimony of petitioner. While it may be conceded that petitioner's birth certificate could not be obtained due to the destruction

of the records of the local civil registrar of Labo during the last world war, the claim of petitioner could have been corroborated by his mother or father who apparently are still living, as there is nothing in the record to show that they are dead. The claim could have also been corroborated by his baptismal certificate where-in generally the place and date of birth of the neophyte are recorded. But no such thing was done despite his claim that he was baptized in the Roman Catholic church of Labo.

It is true that petitioner submitted as part of his evidence his alien certificate of registration and his immigrant certificate of residence, but such documents do not furnish proof of his date of birth because they merely serve to prove that he is an alien duly registered in the Bureau of Immigration. Moreover, their contents are generally not admissible because the public officer or employee who wrote the data therein contained has merely received them and he has no personal knowledge of them. The government's objection on this point is well-taken.

A circumstance that cannot be overlooked is that while petitioner has been a resident of Labo, Camarines Norte since his birth on December 25, 1928, he has not however continuously resided therein but a good portion of his time was spent in Manila where he studied at the Mapua Institute of Technology and graduated with the Degree of Bachelor of Science in Architecture, yet his two character witnesses Manuel Raneses and Antonio Luzarraga only claim to be both residents of Labo, Camarines Norte and as such cannot qualify to attest to his good conduct and irreproachable character during the time of his residence in the Philippines. Our law requires that petitioner should conduct himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, which must be established by qualified witnesses, and, as we already said, the aforesaid witnesses do not have the requisite qualification.

Finally, the petition fails to mention the different places of residence of petitioner in Manila where he studied for sometime, and this is another flaw which seriously affects his claim of citizenship.

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Bengzon, C.J., Concepcion, Reyes, J.B.L., Barrera, Paredes, Regala, and Makalintal, JJ., concur.

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