

IN THE MATTER OF THE PETITION OF DANIEL NG TENG LIN (DANIEL HUANG) TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. DANIEL NG TENG LIN (DANIEL HUANG), PETITIONER AND APPELLANT, VS. ...

G. R. No. 10214. April 28, 1958

Ponente: FELIX, J.

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FELIX, J.:

Daniel Ng Teng Lin, alias Daniel Huang, appeals from a decision of the Court of First Instance of Manila denying his petition for Filipino citizenship and from said Court's order of December 15, 1955, reiterating its previous decision in this case.

From the evidence the lower Court found that petitioner Daniel Ng Teng Lin was born on May 6, 1927, in the City of Manila, of Chinese parents; that he was married to Leoncia Lim, also a Chinese resident, on February 26, 1955, that is, three months after the filing of the present case; that he and his wife are duly registered aliens; that he has been a resident of Manila throughout his life, although he went to China for a vacation lasting only one month; that he studied in the Anglo Chinese School Elementary, then at La Salle, and finished his high school at the Ateneo; that he is a merchant by occupation; that he speaks and writes English and Tagalog; that, according to his witnesses, he is a man of good character and has mingled socially with the Filipinos; that he is not opposed to organized government, nor is he affiliated with any association or group of persons who uphold and teach doctrines opposed to organized government; 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; that he is not sick of any contagious or incurable disease and it is his intention in good faith to become a citizen of the Philippines; and that he is exempted from the filing of a declaration of intention because he was born in the Philippines.

The Court denied the petition because, according to it, petitioner failed to satisfy the "proper and irreproachable conduct" requirement of the Naturalization Law. The trial judge reasons out this finding by saying that the evidence shows that petitioner was charged on March 12, 1951, with serious physical injuries in the Court of First Instance of Manila (Cr. C. No. 15083 of said Court), although this case was provisionally dismissed on April 20, 1951 (Exhibit G-7); that petitioner was also charged with speeding on January 30, 1950, in the Municipal Court of Manila (Cr. C. No. 38894), but the case was likewise dismissed with cost (?) (Exhibits G-5 and I-2); that in the course of his testimony petitioner admitted that he once paid a fine for speeding; and that he also declared that he uses two different names; namely, Ng and Huang because Ng is in the Fookien dialect while Huang is in the Mandarin and they have the same meaning, though he has not applied for the use of different names but that this was permitted by the Bureau of Immigration.

With regard to the case of serious physical injuries the Court expressed the opinion that as said charge against petitioner was only provisionally dismissed, there is the possibility that it might be revived, as crimes penalized with correctional penalties prescribed in 10 years, and the crime of which petitioner has been accused has not yet prescribed. The Court further stated that as petitioner admits that he has paid a fine for a certain ease of speeding,

petitioner has failed to comply with Section 2, paragraph 3, of the Naturalization Law regarding proper and irreproachable conduct. Having failed to obtain reconsideration of the decision denying his petition, which was reiterated by order of December 15, 1955, petitioner took the present appeal.

The only issue raised in this instance is whether petitioner-appellant has conducted himself in a proper and irreproachable 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 is living.

Petitioner-appellant contends that the dismissed criminal cases should not be counted against his conduct in relation to the community in which he lives. He argues that inasmuch as the law (as interpreted and appreciated by the courts having jurisdiction over the two criminal cases against him) does not declare petitioner-appellant guilty of said offenses in virtue of the dismissal of said cases, he should be still considered of good behavior or of "conduct authorized by law" (U.S. vs. Hraskey, 130 Am. St. Rep., p. 288, 291), which is tantamount to the irreproachable conduct required by the Naturalization Law.

On the other hand, the Solicitor General contends that it is not essential that a petitioner be first convicted before he could be declared as lacking the "proper and irreproachable conduct" requirement. In the first place, conviction of a crime is not required by Section 2, paragraph 3, of the Naturalization Law. While Section 4 of said law, pertaining to disqualification of persons for naturalization, requires a conviction of a crime involving moral turpitude, such requisite does not obtain in the aforesaid Section 2 thereof. In the second place, what the law contemplates insofar as the proper and irreproachable conduct requirement is concerned, is that petitioner must be able to show conduct that is proper and irreproachable (Yu Lo vs. Republic, 92 Phil., 105; 48 Off. Gaz., [10], 4334).

Among the qualifications that the Revised Naturalization Law requires from each, applicant to Filipino citizenship is that "he must be of good moral character and believes in the principles underlying the Philippine Constitution and must have conducted himself in a proper and irreproachable 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 is living." (Section 2, paragraph 3, Commonwealth Act No. 473.) This condition which may be presumed unless the contrary is shown, has been established by applicant not only by the averments of his sworn application and the affidavits of his supporting witnesses Rodolfo E. Lichauco and Antonio V. Carlos, but also by the testimony of these witnesses that appear on record. The trial court, however, entertained some doubts as to the compliance with the "proper and irreproachable conduct" requirement of the Naturalization Law in view of his alleged prosecutions for serious physical injuries and speeding aforementioned, as well as his admission of having already paid a fine for a certain case of speeding. We are of the opinion, however, that said two criminal cases can have no adverse effect on appellant's application, because under the Constitution and the Rules of Court

"(17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved. * *

* " (Article III, Section 1-(17) of the Philippine Constitution. See also Section 69-(a), Rule 123 of the Rules of Court).

and We certainly can not understand why in the alleged case of speeding (Criminal Case No. 38894 of the Municipal Court of Manila) appellant had to pay the costs when the case was dismissed, for no costs can be taxed against a defendant in a criminal case if he is not convicted. (Section 3, Act No. 1764).

As to the effect of appellant's admission of having paid a fine in a case of speeding, which presupposes his conviction for said offense, We have already stated in a recent case penned by Mr. Justice Cesar Bengzon (In the matter of the Petition of Pisingan Chiong to be admitted a citizen of the Philippines, G. R. No. L-10976, promulgated April 16, 1958) that

"a minor transgression which, involving no moral turpitude or wilful criminality should not be deemed by itself to have marred Pisingan Chiong's satisfactory behavior in the community as attested by his vouching witnesses, one of them Senator Roseller Lim who swore 'that among the Chinese in Zamboanga petitioner is the one who has never failed to contribute to any social and civic funds', etc."

Also In the Matter of the application for naturalization of Tang Song Sin, alias Antonio Bueno, 101 Phil., 465 promulgated May 18, 1957, and in connection with the contention of the Solicitor General that the trial Judge erred in maintaining that the conviction of the petitioner for a violation of a municipal ordinance is not a ground for denying his petition for naturalization, We held the following:

"Con respecto al primer señalamiento de error, casi nada tenemos que decir, pues opinamos con el Tribunal a quo que la condena a pagar la insignificante suma de P5.00 de multa, mas las costas del juicio, por infraccion. de la Ordenanza No. 9, serie del 1930, del municipio de Tuao, Cagayan, que prohíbe a toda persona tener en su poder, tienda o establecimiento mas de dos mas de petroleo, dista muy lejos de ser impedimento legal para la adquisicion de la ciudadanía filipina, y encontramos que el fundamento de la apelacion carece de importancia, especialmente si se tiene en cuenta que el Artículo 4, parrafo (d) de la Ley de la Mancomunidad No. 473, segun se enmendo por la Ley No. 535, que es la Ley Revisada de Naturalizacion expresamente apunta como descualificacion la condena por delitos que envuelvan lorpeza moral, y a nuestro motto de ver su condena es por un acto de tal naturaleza que no le hace al solicitante desmerecer en el concepto publico, ni es obice a que su conducta se considere todavia irreproachable."

Inasmuch as the facts related in the appealed decision show that petitioner possesses all the qualifications and none of the disqualifications prescribed by law, the admission to Philippine citizenship of appellant Daniel Ng Teng, alias Daniel Huang, must be decreed. Wherefore, We hereby declare petitioner-appellant Daniel Ng Teng, alias Daniel Huang, eligible for naturalization as a citizen of the Philippines. Consequently, the decision and order appealed from is hereby reversed. This decision, however, shall not become executory until after the lapse of two years from the date of the promulgation of this decision. Without costs. It is so ordered.

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

Concepcion, J., concurs in the result.

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