

LUIS F. ARRIOLA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.*G.R. No. 10286. May 23, 1958*

Ponente: FELIX, J.

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The petition alleges and the evidence shows that Luis F. Arriola was born in the City of Manila on August 19, 1926, of Chinese parents. Since then he resided in this country and in the City of Manila for a period of not less than 10 years immediately preceding the date of the petition, interrupted only by 2 vacations in Amoy, China, first, when he was 2 years old and the second when he was 9 years of age. He is the manager of his father's Cafeteria from which he derives an average annual income of P1,800.00 with free board and lodging. He has a savings account with the China Banking Corporation with a deposit of P4,029.07 as of August 12, 1955 (Exh. R.). He is single and can speak, read and write English and Tagalog, as shown by his testimony given in English and a sample of his handwriting in Tagalog which is marked as Exhibit X-court). He finished his primary and intermediate courses in Aliaga, Nueva Ecija, and the high school course in Cuyapo, Nueva Ecija. He is a holder of the degree of Bachelor of Science in Commerce (cum laude) from the Far Eastern University, which was awarded to him on April 12, 1953. While a student in the Far Eastern University, he was a member of the Kappa Gamma Phi membership, which was based only on highly scholastic and moral considerations. He believes in the principles underlying the Philippine Constitution and 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 the community in which he is living. He is not opposed to organized government nor affiliated with any association or group of persons who uphold and teach doctrines opposing all forms of organized government. He does not defend nor teach the necessity or propriety of violence, personal assault or assassination for the success and predominance of man's ideas. Neither is he polygamist nor a believer in the practice of polygamy. He has never been convicted of any crime involving moral turpitude, nor is he suffering from mental alienation or any incurable contagious disease. He has mingled socially with the Filipinos and has learned and embraced the customs, traditions and ideals of the Filipinos. That part of China of which he is a citizen is not at war with the Philippines, which part grants rights to Filipinos to become naturalized citizens or subjects thereof. He has paid all his obligations to the government, as shown by his income tax receipts, based on income tax returns filed by him.

Two Filipinos of good standing in the country are his witnesses, namely, Andres Palma, Professor in the Far Eastern University and Technical Adviser on Economic matters at the National Development Company, and Angel Roman, Jr., also a Professor in the Far Eastern University, both of whom speak very highly of the petitioner and warrant that he is a person of good moral character and a law-abiding citizen, and, therefore, recommend the approval of the petition (Rec. on Appeal Petition—p. 1-6 and Decision—p. 7-9).

Having been born in this country Luis F. Arriola was dispensed with the notice of declaration of intention and his petition was published as required.

The hearing of the case was going through nicely until petitioner took the witness stand, when in the course of his

cross-examination the representative of the Solicitor asked him as to whether he had paid his residence tax, and answering in the affirmative, he produced his residence certificate No. A-0224451 for the year 1955, which the government requested to be marked as Exhibit 1 (p. 31 of the Record of Exhibits). It was noticed then that despite of all other exhibits produced by petitioner wherein he appeared as "Chinese", in said residence certificate he was stated to be a "Filipino citizen", which was not true, and asked to explain this discrepancy, he replied that he did not know it because he acquired the same through an agent and that it was only at that time that he noticed that his said certificate mentioned him as Filipino. Petitioner then asked for the continuation of the hearing, which was granted by the Court setting the continuation thereof for August 18, 1955. On that date petitioner, instead of presenting the persons who secured that certificate for him, who most likely had committed the alleged mistake, produced the same residence certificate with the word "Filipino" instead of the word "Chinese" appearing 'before as the citizenship of the petitioner. On the reverse side of that certificate, however, there was the following explanation: "Duplicate hereof changed as to Chinese citizenship per ACR No. 22803, dtd. 7/17/50, Manila" followed by the initials "R.C. 8/17/55". The initials R.C. correspond to the name Rufino Cervantes, Chief, Residence Certificate Section, City Treasurer's Office, Manila, who, at the hearing, testified for the petitioner acknowledging to have made that change.

The representative of the Solicitor General makes too much ado about this incident, and says that:

One of the cardinal qualifications for naturalization provided by law is that the applicant must be of good moral character and must have conducted himself in a proper and irreproachable manner during the period of his residence in the Philippines, in his relations with the constituted government as well as with the community in which he is living (Sec. 2, paragraph 3, Revised, Naturalization Law). In general, what constitutes "good moral character" is such character that measures to the standard of the average citizen where the applicant resides. The word "character" though, is not synonymous with "reputation". It simply means what a person really is, not what he is supposed to be. In other words, the inquiry of proof in naturalization proceedings is not so much as to the good reputation of the applicant, but as to his good behavior as an index of actual good moral character, so that specific acts of bad behavior are material and competent. Needless to state, this requirement of good moral character applies to the period up to the date of the hearing (2 Am. Jur. 569; *In re Boomer* [D. C. Mont. 1922] 79 F. 789, cited in *USCA*, Title 8, footnote No. 21, p. 436-37). The Court, therefore can and should consider any act of misconduct which militates against the applicant in relation to his petition for naturalization".

just to come to the conclusion that applicant Luis F. Arriola has not proved to be a person of honesty, fairness and morality, indispensable requisites for moral character to entitle him to a grant of Philippine citizenship. The lower Court, however, did not yield to consider the petitioner as one not being of good moral character and of irreproachable behavior, and granted the petition. Hence, this appeal by the Government wherein appellant contends that the lower Court erred:

- In finding that petitioner is of good moral character and that he has conducted himself in a proper and irreproachable manner with the constituted Government; and
- In granting the instant petition for naturalization.

After weighing carefully the arguments adduced by the Solicitor General, We cannot find anything wrong in the behavior of the petitioner or that he is not of good moral character by reason of the alleged correction of his aforementioned certificate of residence. There is ample proof on record that the petitioner presented himself as a Chinese national and when his attention was called to the fact that in his residence certificate for 1955, which was procured through an agent, he appeared as a Filipino, which is a false statement of his nationality, he took the necessary steps to rectify that mistake, and instead of doing it by himself he went to the person whom he believed to be vested with authority to accomplish the proper charge desired, namely, the Chief of the Residence

Certificate Section, City Treasurer's Office, Manila, Mr. Rufino Cervantes. Perhaps, the Solicitor General is right in saying that there is no law expressly authorizing the petitioner or said Chief of Section to make the correction aforementioned, although We are inclined to believe that the latter official could have done it after receiving evidence of the mistake appearing in a record under his custody. In the case of *U. S. vs. Alejandro R. Mateo*, 25 Phil., 324, this Court stated the following:

"M being required in October, 1911, for the purpose of an affidavit to present his cedula for the year 1911 to a Justice of the Peace, produced also his cedula for 1910; on reading the cedula for the year 1910, something which he had not done before, M discovered that his age was stated incorrectly therein and he, fearing the result of presenting to a public official a cedula which contains an incorrect statement regarding his own age, changed the age, making it 25 instead of 23; the change having been discovered by the Justice of the Peace on the presentation of the cedula, M, without hesitation, detailed the part he had taken in the change and the reasons therefore; it is admitted that the age in the cedula was incorrect and that the change made the cedula give his true age: M was charged with falsification of a cedula and was convicted. Held: Error,

In order that the crime of falsification of a cedula be committed it is necessary that the cedula, after the alteration, be capable, of effecting a fraud or deception against the Government, or of obtaining for the person who altered it some privilege or immunity which he would not have been able to obtain, if the alteration had not been made.

In order that the crime of falsification of a cedula be committed it is necessary that the alteration be a material one, that is, one capable of injuring the Government or benefiting the accused. A change which cannot possibly produce any such result, either injurious or beneficial, is not sufficient to constitute a violation of Act 1189.

"Any alteration which makes a cedula speak the truth cannot be made the foundation of a criminal action. It is a falsification, and not a correction, which the law punishes". (See also the case of *People vs. Moreno*, CA-38, Off. Gaz., 109).

We, therefore, conclude that the act of petitioner in causing the correction of an erroneous information appearing in his cedula which had passed to him unnoticed, correction that he caused to be made by the authority or person having custody of the original of the same, cannot reflect unfavorably on petitioner's moral character and irreproachable conduct.

Wherefore, the decision appealed from is hereby affirmed, without pronouncement as to costs. It is so ordered.

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

CONCURRING

REYES, J. B. L., J.,

I concur in the result, but do not think that the rule of *U. S. vs. Mateo* is apposite. After all, a conduct may not be irreproachable even if it is not criminal.

I agree, however, that under the circumstances, the documentary correction procured by the applicant, altho ill-advised, is not reproachable conduct within the purview of the Naturalization law.

Concepcion, J., concurs.

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