

**IN THE MATTER OF THE PETITION OF ALFREDO ONG TO BE
ADMITTED AS A CITIZEN OF THE PHILIPPINES. ALFREDO ONG,
PETITIONER AND APPELLEE, VS. THE REPUBLIC OF THE
PHILIPPINES, OPPOSITOR...**

G.R. No. 10642. May 30, 1958

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal, taken by the Office of the Solicitor-General from a decision of the Court of First Instance of Cebu, granting the petition for naturalization of appellee Alfredo Ong.

The only questions raised in this appeal are: (a) the sufficiency of the affidavits attached to appellee's petition; and (b) whether the alleged deficiencies therein have been cured by the evidence introduced in the lower court.

Said affidavits were signed by Primo Alvez and Miguel Relampagos. The former said:

"1. That I am a citizen of the Philippines;

"2. That I had been a member of the Police Force of the City of Cebu before the war and at present, an attorney at law;

"3. That I have known Alfredo Ong since he first came to live in this province; and during the entire period that I have known him, I always know him to be a hardworking, law-abiding and highly respected person, who can be considered a credit of the community in which he lives."

Relampagos stated:

"1. That I am a citizen of the Philippines, residing in the above mentioned address.

"2. That I am an Accountant by profession.

"3. That I personally know Alfredo Ong for many years. He is a man of good moral character, honest, and law-abiding person."

Section 7, of Commonwealth Act No. 473 provides that every petition for naturalization: (a) "must be * * * supported by the affidavit of at least two (2) credible persons", (b) "stating that they are citizens of the Philippines" and (c) "personally know the petitioner to be a resident of the Philippines for the period of time required by this Act" and (d) "a person of good repute" and (e) "morally irreproachable", and (f) "that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines" and (g) "is not in any way disqualified under the provisions of this Act."

A perusal of the above-quoted affidavits readily reveals that the same fail to live up to the requirements of said section 7, in that the affidavits do not state: (1) that the affiants personally know the petitioner to be, a resident of the Philippines for the period of time required by the Naturalization Law; (2) that petitioner and appellee is

morally irreproachable; (3) that he has all the qualifications necessary to become a citizen of the Philippines; (4) that he is not in any way disqualified under the provisions of our Naturalization Law; and (5) that Relampagos personally knows petitioner to be a person of good repute.

Petitioner alleges that said section 7 has been substantially complied with, because Relampagos stated in his affidavit that he had known petitioner for "many years," and Alvez asserted in his sworn statement that he had known petitioner since "he first came to live in this province" of Cebu; because the statement of Alvez to the effect that he had always known petitioner "to be a hardworking, law abiding and highly respected person, who can be considered a credit to the community in which he lives", and the averment of Relampagos to the effect that petitioner "is a man of good moral character, honest and law abiding" imply that he possesses all the qualifications and none of the disqualifications to become a citizen of the Philippines; because said affidavits do not show that petitioner is disqualified; because, "at any rate * * * it is the court that determines whether or not an applicant for Filipino citizenship is duly qualified"; and because the affidavits "contain sufficient facts to show thlat petitioner is a person of good moral character."

There is no merit in this pretense. Knowing a person for "many years" or "since he first came to live in this province" is not the same as knowing him to be a resident of the Philippines" for the requisite period of time. So too, while the assertion of Alvez that petitioner is a "highly respected person", might amount to saying that he is "a person of good repute", the affidavit of Relampagos is absolutely silent on the opinion of the community about petitioner. Similarly, the affiants must attest that petitioner is "morally irreproachable," not merely good. Moreover, the affidavits must show affirmatively that petitioner has all the requisite qualifications and is "not in anyway disqualified" to become a naturalized citizen. Failure to disclose the existence of any disqualification is not enough. If it were, then the affidavits could be totally dispensed with. Our Naturalization Law demands, not only a showing, in the petition, that the applicant has all the necessary qualifications .and none of the aforesaid disqualifications, but, also, that the petition and its aforementioned allegations be backed up by two (2) "credible" citizens of the Philippines, who affirmatively indorse said petition and warrant the truth of its allegations, as well as the worthiness of the applicant to be an. integral part of our body politic. Such indorsement and warranty are a condition precedent to the consideration of the petition. They are entirely distinct and different, and, in a way, independent, from the question whether, after due notice and hearing, the court should render judgment granting- the petition, in the light of the evidence of record. Said condition refers to the pleadings or procedure. The judgment deals with the merits of the case, and affects the substantive rights of the petitioner.

It is urged, however, that the deficiencies in the affidavits of Primo B.Alvez and Miguel Relampagos have been "cured" by the evidence on record. Without passing upon the question whether said deficiencies affect the petition to the extent of invalidating the same or, at least, of rendering the petition unworthy of consideration, it is proper to reflect upon the purpose of the law in requiring that the affidavits of at least two (2) "credible persons" be attached to the petition.

As already adverted to, the petitioner must be sponsored by "credible" citizens, who are willing to warrant, his fitness. Indeed, one who can not find two (2) such persons to back him up, must be "unwelcome" to our citizenry, and should not be admitted as a regular or full member of our democratic society, governed as it is by the majority rule.

Then, also, it is necessary that the names of those who will testify for the petitioner be known. Why? So that the Government could, before the hearing, investigate them or find out what they know about the petitioner, and, also, in order that those who are acquainted with said witnesses could tip the Government about matters relevant to them and/or the petitioner. Hence, a petition for naturalization cannot be heard until after six (6) months from the last publication of the notice of said hearing, which notice shall state among other things, "the names of the

witnesses whom petitioner proposes to introduce in support of his petition." (Commonwealth Act No. 473, section 9, as amended by R. A. No. 530.)

Needless to say, the legal provision requiring that the sworn statements of at least two (2) credible persons be attached to the petition, necessarily implies that those two (2) persons must, also, confirm, on the witness stand, the contents of their aforementioned affidavits. Accordingly, in the absence of good reasons therefor—such as death or unexpected absence of the affiants—we have held that they must testify for the petitioner, and cannot be substituted by other witnesses (*Cu vs. Republic*, 89 Phil., 473; *Yu Chiong Tian vs. Republic*, 94 Phil., 742; *Awad vs. Republic*, 97 Phil., 569; *Karam Singh vs. Republic*, [1] 51 Off. Gaz., 5172; *Cabrales Cu vs. Republic*, [2] 51 Off. Gaz., 6525; *Raymundo Pe, et al. vs. Republic*, 52 Off. Gaz., 5855, [3] *Lui vs. Republic*, 53 Off. Gaz., 379[4]; *Chan Pong vs. Republic*, G. R. No. L-9153, May 17, 1957; and *Dy Suat Hong vs. Republic*, 101 Phil., 635.)

Similarly, when the law ordains that certain specified statements be made in said affidavits, it follows, as an inevitable corollary, that those statements 'must be established, on the witness stand, by the testimony of the affiants themselves. In other words, petitioner must prove by the testimony of, at least, two (2) credible persons, whose affidavits are attached to the petition:

- That they are citizens of the Philippines;
- That they are "credible persons";
- That they personally know the petitioner;
- That they personally know him to be a resident of the Philippines for the period of time required by law;
- That they personally know him to be a person of good repute;
- That they personally know him to be morally irreproachable;
- That he has, in their opinion, all the qualifications necessary to become a citizen of the Philippines; and
- That he "is not in any way disqualified under the provisions" of the Naturalization Law.

In effect, therefore, the latter establishes a two-witness-rule, analogous to that obtaining in treason cases, with the particularity that, in naturalization cases, the two (2) witnesses must be those whose affidavits are attached to the petition, and do not include the petitioner. As a consequence, with respect to the question whether the deficiencies in the affidavits of Primo B. Alvez and Miguel Relampagos have been cured, our task is to ascertain whether the eight (8) points referred to in the preceding paragraph have been established by their testimony.

It is not disputed that Alvez and Relampagos are Filipinos. However, we are not prepared to say—without the slightest intent to cast any aspersion upon them—that they have been proven to be "credible persons". Within the purview of the Naturalization Law, a "credible person is, to our mind, not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose "affidavit" or testimony is not incredible. What must be "credible" is not the declaration made, but the person making it. This implies that such person must have 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. Thus, in *Cu vs. Republic*, 89 Phil., 473 (decided on July 18, 1951), we declared that said affiants "are in a way insurers of the character of the candidate concerned." Indeed, by their affidavits, they do not merely make the statements therein contained. They also vouch for the applicant, attest to the merits of his petition and sort of underwrite the same.

Assuming, without granting that, as a former member of the , police force of Cebu and a present member of the

Bar, Alvez may be regarded as a "credible" person, we are not satisfied that Relampagos belongs to such class, according to the evidence of record. Besides, being a P40-a-month employee of petitioner, Relampagos is his subordinate and was not free, either economically or morally, to act as he pleased in relation to the case at bar. This accounts, at least, partly, for the hard time he had trying to explain why his testimony on the length of time he had allegedly known petitioner herein does not tally with a previous declaration, on the same subject, made by him to the local police.

Independently, of the foregoing, none of them has testified, expressly or by implication, that petitioner is "morally irreproachable." They did not go beyond stating, in reply to leading questions, that he is a person of "good" moral character—which is not enough. The law requires a moral character of the highest order—an excellent character. Under similarly leading questions, they testified, also, that he has some of the qualifications to become a citizen of the Philippines—such as evincing a sincere desire to become a Filipino, mingling with Filipinos, and adopting our customs and traditions—and that he does not have some of the disqualifications provided in the naturalization law—such as the practice of polygamy, mental alienation and incurable contagious disease. As above pointed out, the character witnesses are required to attest that "petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified," under the law. Alvez expressed the belief that petitioner "has none of the disqualifications of becoming a Filipino citizen", but he did not give the facts upon which this conclusion was predicated. He did not know where petitioner was born or how many children he had. He (Alvez) was not sure whether they are enrolled in public schools. Neither was he sure about the name of his (petitioner's) wife. In short, it would seem that he is not sufficiently acquainted with the petitioner to be in a position to vouch for him and be his "insurer".

Wherefore, the decision appealed from is hereby reversed, and another one shall be entered dismissing the petition, with costs against the petitioner. It is so ordered.

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

[1]97 Phil., 622

[2]97 Phil., 746

[3]99 Phil., 586

[4]100 Phil., 258

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