

BENITO CO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.*G.R. No. 11152. May 23, 1958*

Ponente: FELIX, J.

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On August 23, 1955, petitioner filed his application for naturalization as a Filipino citizen which was accompanied by the joint affidavit of Messrs. Augusto N. Aguilar, Dominador Cruz and Dionisio F. Coronel as sponsors and character witnesses, which affidavit (Exh. A) was made to form an integral part of the petition. The notice of hearing was published in the "Voz de Manila", a newspaper of general circulation in the City of Manila (Exh. BB), and also in the Official Gazette (Exh. CC), pursuant to law. After due publication the case was called for hearing wherem the petitioner Benito Co and his sponsors Augusto N. Aguilar and Dionisio Coronel, appeared and testified in support of the petition, and in the course of which the following Exhibits were presented: A, B, B-1, B-2, C, D, E, E-1, F, F-1, G, H, H-1, I, I-1, 1-2, J, J-1, J-2, K, K-1, K-2, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB and CC. The nature of these exhibits is explained on pages 69 to 75 of the transcript of the stenographic notes taken at the hearing.

The petition alleges and, according to the trial Judge, the evidence on record shows:

"That petitioner was born in Amoy, China, in December, 1915; that he arrived in the Philippines on board the vessel 'SS Ang King' in 1926; that upon arrival in the Philippines he has resided continuously in this country and in the City of Manila for at least one year immediately preceding the filing of the petition; that he is married to Rosario Tan (Exh. C) with whom he has four children, namely, Betty Co, Juanito Co, Rosa Co and Ropindo (Rufino) Co (Exhs. H, H-1, 1-1, 1-2, J-1, J-2, K-1 and K-2); that he is at present engaged as a building contractor from which he derives an average annual income of P3,000.00; that he has been paying his taxes to the Government (Exhs. B, B-1 and B-2); that he can read, speak and write English and Tagalog; and that he has registered as an alien with the Bureau of Immigration (Exhs. E and E-1) together with his wife and children (Exhs. F, F-1, G, I, J, and K), in accordance with the provisions of Republic Act No. 562.

The petitioner declared that 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 relation with the duly constituted authorities, as well as with the community in which he is living; that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; that he is not opposed to organized government nor is affiliated himself with any association or group of persons who upholds and teaches doctrines opposing all organized governments; that he is not defending or teaching the necessity on propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy; that he has never been convicted of any crime involving moral turpitude; that he is not suffering from any incurable disease; that the nation of which he is a citizen or subject is not at war with the Philippines; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to China of which at this time he is a citizen or subject.

In support further of this petition, the petitioner presented two witnesses, namely, Messrs. Augusto N. Aguilar and Dionisio Coronel. Both witnesses testified that they knew the petitioner personally and that to their personal knowledge the said petitioner is a person of good repute and morally irreproachable. They further declared that the petitioner has all the qualifications and none of the disqualifications to become a citizen of the Philippines under the provisions of Commonwealth Act No. 473; and that in their opinion the petitioner will be an asset to the community rather than a liability."

Notwithstanding this evidence and despite the fact that the Government was at the hearing duly represented by the Solicitor General's Office and that it did not present any evidence, nor was there interposed any written or verbal opposition by the State either before, during or after the hearing of the case, the Court denied the petition on grounds which, according to counsel for petitioner, are not supported by any evidence at all, nor by law. In other words, said counsel contends that the decision is indeed contrary to law and to the evidence in the records of the case; hence the present appeal wherein he begs this Court for justice which-he says-the lower Court has failed to render to petitioner herein. In this instance counsel for petitioner and appellant maintains that the lower Court greatly erred:

- In concluding that the testimony of the two character witnesses is vacillating, incomplete and is based on mere conjectures without sufficient grounds to base their opinions;
- In denying admission of petitioner as a citizen of the Philip pines by adopting a different policy not contemplated by Commonwealth Act No. 473 as amended; and
- In not finding that the evidence adduced during the hearing remaining uncontradicted, is more than sufficient to establish that petitioner has all the qualifications under Section 2 and none of the disqualifications under Section 4 of the Revised Naturalization Act No. 473 as amended; and finally erred in not declaring petitioner, Benito Co, eligible for admission as a citizen of the Philippines.

Reasoning out his Decision, His Honor, the trial Judge, says the following:

"The testimony of these two character witnesses is vacillating, incomplete and unsatisfactory, and is based on mere conjectures without sufficient grounds to base their opinions. Their knowledge of the petitioner is casual and not sufficient for a just evaluation of the petitioner's character and real intention. Most of their statements are hearsay, being based on what the petitioner told them."

We have no means to ascertain by a mere perusal of the cold transcription of the testimony of the two sponsoring witnesses Aguilar and Coronel, both architects by profession and apparently well known in the province of Rizal, if they were "vacillating" while testifying in this case. But judging from what the record shows, We agree with petitioner's counsel that the averments of said witnesses made in Exhibit A (attached to the petition and made an integral part of the same), and while testifying in Court certainly show that they personally knew the petitioner for the period of time required by law and that the information they furnished about him fully establish the requirements of Section 7 of Common' wealth Act No. 473, for as said counsel points out, when said witnesses could tell the name of petitioner's wife, the names of his 4 children, his place of residence and many other details of his life, including his association with them, both in business and social affairs-covering the whole span of time required by law-such information cannot be said to be or labeled as hearsay, vacillating, incomplete or unsatisfactory; for they are based on actual contact with petitioner and his family during the period of their friendship since 1941 up to the present time.

The lower Court further developed its reasons for denying the petition, as follows:

"Since the approval of the law granting certain facilities and greater privileges to Filipino citizens and since the nationwide movement for the gradual nationalization of our commerce and industry, there has been a great

demand or mad hysteria on the part of foreigners to become Filipino citizens. The case at bar is one of them.

* * * Filipino citizenship is one of our most sacred heritages given by God to distinguish us from other peoples of other climes. It was nurtured by our forefathers thru centuries of sacrifices, defended by our heroes at the expense of their lives, and preserved for the future so that our children may enjoy under its benign influence the abundance which God in His goodness has given unto this nation. Such rare privileges cannot be acquired by mere recital of certain provisions of law coming from an interested party, as the prayers of a beggar we often see at the church doors muttering prayers thru the lips and not through the heart in order that passers-by may give them alms. It is not conferred to those whose intentions are tainted by self-interest to improve their economic condition and whose intentions are wavering, whose knowledge of the country, its people's customs and traditions are merely elemental acquired by a few days of study and not by years of association.

Knowledge of Filipino customs and the desire to become a Filipino citizen cannot be attested to and proven by mere verbal expression after committing the same to memory or thru instructions by counsel. The knowledge and acquisition of Filipino customs and the desire to become a Filipino citizen must be demonstrated by a profound knowledge of our customs and traditions and by a sincere desire to become one of us, to live with us thru life, and fight and struggle with us. And when such desire is motivated by other selfish interests, such as to acquire better and more advantageous business opportunities, the petition should not be granted for the good and security of the State. And when our infant industries are being menaced by foreign enterprises, when our virgin lands are being acquired by others thru the grant of naturalization, it is the duty of this court to interpret the law in its strictest sense in order to prevent selfish motives from acquiring those privileges which lawfully belong to the Filipino people. All the valiant and patriotic efforts of the government to preserve for our people what Divine Providence has bestowed upon us will be thwarted if a mere recital of the law by memory and insincere protestations of love for our country and our people's customs and traditions should be admitted as sufficient ground for the granting of Filipino citizenship."

To this long tirade of the trial Judge counsel for the petitioner retorts that "he has no quarrel with the above patriotic and nationalistic sentiments of the lower Court, as embodied in the above quoted portions of the decision, although the same finds no supporting facts in the evidence adduced during the hearing." Said counsel expresses, however, his belief "that the philosophy behind the enactment of said law and all naturalization laws of all countries is the promotion and development of national unity among all the inhabitants residing within the territory of any nation. National unity is very essential and is the foundation of peace and security. Without peace there can be no progress. With national unity, peace reigns supreme; progress and prosperity, possible; and in this manner alone, we of this generation and the generations to follow could maintain and preserve our liberties and freedom under the Constitution of the Republic of the Philippines." Counsel further says:

"It is a fact and of common knowledge that always in any country or nation there are foreigners or aliens, whether transients or permanent residents, consisting of traders, businessmen, educators, scientists, etc. and they live and reside here, raise and educate their children and finally establish not only business enterprises but also homes in our midst. This is a fact and as long as our nation maintains international relations with other countries of the world, either cultural, political, commercial or other friendly and mutual relationships, there is bound always to be in our midst aliens in our country as it is true also in other countries of the world.

It is true indeed that our patrimony should be preserved for Filipinos and it is the duty of every patriotic Filipino, whether he be in the Judiciary or in any branch of the Government service, or whether he be a mere simple citizen, to protect our country and people as well as their liberties and freedom, but it is also equally patriotic and more noble that we should strive for national unity of all inhabitants in our country, * * *. But what the law grants, the court cannot deny. (Jose Go and Joseph Gontanuy vs. Anti-Chinese League of the Philippines and F. Fernandez, 84 Phil., 468; 47 Off. Gaz., 716; Vicente Pan Kok Hua vs. Republic of the Philippines, 91 Phil., 254)."

After scanning the transcript of the stenographic notes taken at the hearing We find that in so far as petitioner and appellant is concerned, the outbursts of His Honor has no support in the record. The test to which the petitioner was subjected to determine his working knowledge of English and Tagalog was rather rigorous and yet he came out of it with flying colors; and examination to determine petitioner's knowledge of Philippine history and of the provisions of our political laws and the Philippine Constitution was also marked with success, and it is no wonder that the trial Judge himself had to admit that when His Honor said: "Under ordinary circumstances and under the ordinary rules of evidence this kind of proof (referring to the evidence on record) may be considered as sufficient for the granting of the petition".

It may be true that the petitioner, aside from his sincere desire to become a Filipino citizen could have been moved by the expectation of benefits that he might derive from his naturalization as a Filipino citizen; but the same thing can be said of all the aliens who have applied and been granted Filipino citizenship. It would be indeed quite unnatural to believe that any alien would apply for Philippine citizenship if it would not redound to his interest, benefit or satisfaction; and as the record stands We are of the opinion, and thus hold, that petitioner and appellant Benito Co has proved to be eligible for admission as a citizen of the Philippines, for he has all the qualifications and none of the disqualifications prescribed for that grant by the Revised Naturalization Law.

Wherefore, the decision appealed from is reversed and petitioner and appellant Benito Co is hereby declared eligible for naturalization as a citizen of the Philippines. Consequently, his petition filed in this case to attain such citizenship must be, as it is hereby allowed. This decision, however, shall not become executory until the lapse of 2 years from the date of the promulgation thereof. Without costs.

It is so ordered.

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

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