

**IN THE MATTER OF THE PETITION OF MANUEL SO ALIAS TAN DEIT
TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. MANUEL SO,
ALIAS TAN DEIT, PETITIONER AND APPELLANT, VS. REPUBLIC OF
THE P...**

G.R. No. 11189. April 30, 1959

Ponente: PADILLA, J.

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PADILLA, J.:

From a judgment rendered by the Court of First Instance of Manila denying his petition for naturalization, Manuel So alias Tan Deit appeals to this Court.

On 16 February 1954, the petitioner filed in the Office of the Solicitor General a sworn declaration of his intention to become a citizen of the Philippines. (Exhibit U.) On 10 October 1955, he filed a sworn petition for naturalization in the Court of First Instance of Manila (civil No. 27814) where he avers that he is a citizen of the Republic of China, born on 1 May 1918 in Chuan Chiu, Amoy, China, under the laws of which Filipinos may become citizens by naturalization; that sometime in 1937 he immigrated to the Philippines and arrived in Manila on board the SS Ang Khing; that since then he has resided continuously in the Philippines for a period of seventeen years; that he is married to Remedios B. Santos, who before her marriage to him, was a citizen of the Philippines; that out of their marital union, they have begotten three children namely, Manuel, Jr., Felix and Angelito; that he is a merchant with an average annual income of P5,000; that he can speak and write English and Tagalog; that he believes in the principles underlying the Constitution of the Philippines; that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace their customs, traditions and ideals; and that he has all the qualifications and none of the disqualifications to become a citizen of the Philippines. As character or vouching witnesses, he cites Iluminado G. Roxas, Mariano F. Almeda, Jr., and Jesus Carrasco. After due publication and hearing the Court denied his petition. Hence this appeal.

The denial of his petition is predicated upon the following: (1) that the two character or vouching witnesses presented by the petitioner hardly know him, their knowledge of him being merely casual and not sufficient for a just evaluation of his character and real intention; and that their testimony is vacillating, incomplete, unsatisfactory, and is based on mere conjecture without sufficient grounds on which to base their opinion; (2) that the petitioner knows very little of our Constitution despite the fact that he claims he believes in the principles underlying it, which principles he could not mention; and (3) that "his conduct during the trial and the manner in which he testified show that he studied well the law on the subject, although his testimony lacks the sincerity of a person who talks from his heart and not by mere memory."

Iluminado Roxas testifies that he knew the petitioner for thirteen years before he took the witness stand, having met him in Dart, Paco, Manila, sometimes in 1943 when he and his family moved there and where he opened a small store selling cosmetics; that they were neighbors from 1943 to 1945; that in 1945 the petitioner moved to Quiapo to open a small store near the market; that at present he lives on Evangelista street where he has a store

selling laces, buttons, thread, buckles and other goods; that he knows his wife Remedios B. Santos, who was a Filipino citizen at the time of her marriage to the petitioner; that he and the petitioner are close friends; that they often go together to church, to excursions and parties because their respective families are intimate with each other; and that everyday he is at the petitioner's place of business.

Jesus Carrasco testifies that he knew the petitioner for ten or eleven years before he gave his testimony, having met him sometime in 1945 or 1946 at his (the witness') barbershop in Quiapo where he used to have his haircut; that he knows the petitioner's wife, Remedios B. Santos, who was a Filipino citizen at the time of her marriage to the petitioner; that he often sees the petitioner because they invite each other to their respective parties; and that they sometimes go out together with their families to Antipolo and other places.

The fact that Iluminado Roxas had known the petitioner for thirteen years before he testified, having met him in 1943; that they were neighbors in Paco from 1943 to 1945 and became close friends; and that they often go together to church and to excursions and attend each other's parties, qualified him to vouch for his character and conduct. Likewise, the fact that Jesus Carrasco had known the petitioner for ten or eleven years before giving his testimony in Court; that as they are friends they sometimes go out together with their respective families and attend each other's parties, placed him in a position to vouch for the petitioner's character and conduct. Their friendly association with the petitioner has placed them in close and intimate contact with him and has enabled them to observe him at close range. Thus, according to them, their opinion that he has mingled socially with the Filipinos and that he is a good member of the community is borne out by the fact that he helps the poor by giving them alms and employs Filipinos in his place of business.

The petitioner speaks and writes Tagalog and English, and has satisfied the required degree of proficiency. He testified partly in English and in Tagalog. On cross-examination, he wrote the following sentence dictated to him by the Solicitor: "The sun shines in the east and sets in the west" and translated it into Tagalog as follows: "Ang araw ay sumisikat sa silangan at lumulubug sa kanluran." (Exhibit X.) He has taken for wife a woman who at the time of her marriage to him was a citizen of the Philippines (Exhibit B). All of these taken together evince a sincere desire on his part to become a citizen of the Philippines. The fact that he had all his three children baptized in the Roman Catholic Church and gave them the Filipino names of Manuel, Jr., Felix and Angelito (Exhibits D, D-1 and D-2); and that he himself adopted a Filipino name, strengthens the conclusion that the petitioner has embraced the customs and traditions of the Filipinos.

On direct examination, the petitioner testified that he believes in the principles underlying the Philippine Constitution. Upon cross-examination by the Solicitor, he answered as follows:

Q.

You said that you believe in the principles underlying the Philippine Constitution. Do you know what kind of government is established by the Constitution?

A.

It is a democratic form of government.

Q.

Do you know how many branches has our government?

A.

Three branches.

Q.

What are they?

A.

The legislative branch which makes the laws, the executive branch which executes the laws, and the judicial branch which interprets the laws. (p. 46, t.s.n.)

Q.

Will you mention some of the principles underlying the Philippine Constitution?

A.

The Philippines is a republic.

Q.

What does the Constitution say about the defense of the State?

A.

That the defense of the state is the prime duty of the government and all citizens may be required by law to render personal military or civil service.

Q.

What does the Constitution say also about war?

A.

The Philippine renounces war as an instrument of national policy.

Q.

Under our Constitution can you be imprisoned for debt?

A.

No sir.

* * * * *

Q.

Does the Constitution say something about religion?

A.

Yes, sir.

Q.

What does it say about religion?

A.

The Constitution says about belief in God and the people can choose their own religion, (pp. 48-49, t.s.n.)

Further cross-examined by the same Solicitor, the petitioner was able to correctly name some of our high officials.

Q.

Do you know who is the President of the Philippines?

A.

Magsaysay.

Q.

Do you know who is the speaker of the House of Representatives?

A.

Laurel, Jr.

Q.

Do you know who is the mayor of Manila?

A.

Lacson.

Q.

Do you know who is the Senate President?

A.

Rodriguez (pp. 46-47, t.s.n.) .

In answer to the questions of the same Solicitor, the petitioner was able to mention some of our national) heroes.

Q. Do you know what is meant by a hero?

A. A hero is one who suffered and sacrificed himself for the cause of his country, (p. 47, t.s.n.)

Of our important historical events, he mentioned, also on cross-examination, the following:

Q.

Do you know when the Philippine Republic was inaugurated?

A.

In 1946.

Q.

Do you know what date?

A.

July 4th.

Q.

Do you know the significance of December 30?

A.

Yes, sir, Rizal Day.

Q.

Why do we call it Rizal Day?

A.

Because that is the date of the death of Rizal.

Q.

Do you know when Rizal was born?

A.

June 19.

Q.

Do you know why we celebrate as a special holiday the birth of Jose Rizal?

A.

Because Rizal is a national hero of the Philippines, (p. 52, ts.n.)

The petitioner has demonstrated not only sufficient knowledge of the principles underlying our Constitution, but also of our history and government. His failure to answer the questions of the trial judge on what the Constitution is and the date of its approval, and to correctly answer the questions on the number of articles the Constitution embodies and on the President who approved it (p. 27, ts.n.), is offset by his sufficient knowledge of the principles underlying our Constitution and of our history and government brought out during his cross-examination.

Although the observations of the trial court, as a general rule, carry much weight and must not be brushed aside easily, as to the manner in which the two character or vouching witnesses and the petitioner himself testified, yet when the evidence as a whole clearly shows that the petitioner is possessed of the qualifications to become a citizen of the Philippines, the court cannot deny him what the law grants.

The judgment appealed from is reversed and the decree prayed for granted, without costs.

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

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