

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

G. R. No. 11637. October 31, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

The Manila court of first instance denied the petition for naturalization of William Ong notwithstanding its belief that he established the following facts:

"Petitioner William Ong was born in Amkaw, Amoy, China, on June 4, 1920. He came to the Philippines on or about August 3, 1933, on the S.S. "Anking". He has resided continuously in the Philippines for about 22 years. He is a merchant at 864 Raon St., Manila, having an annual income of P12,000.00. He is married to Nazaria Co, a Chinese, born in Manila on July 28, 1922, and with whom he has seven children, namely, Rogelio Ong, born in Manila on April 27, 1945; Carmencita Ong, born in Manila, .October 25, 1946; Mila Ong, born in Manila, January 22, 1948; Susana Ong, born in Manila, September 28, 1949; Victoria Ong, born in Manila, April 21, 1951; Mary Belen Ong, bom in Manila, November 21, 1952; and Leticia Ong, born in Manila, February 26, 1954. He has enrolled three of his children in Our Lady of Loretp, Manila, and one in the Anglo-Chinese School, Manila (Exhibit "M", M-1). Petitioner and his wife and children are provided with Alien Certificate of Registration (Exhibits F, F-1 to F-7). Petitioner has filed income tax returns for 1954 and 1955, and has paid the corresponding tax (Exhibits 1-14, J, J-1 and J-2). He can speak and write English and Tagalog. He is of good moral character and believes in the principles underlying the Philippine Constitution. He has conducted himself in a proper and irreproachable manner in his relation with the constituted authorities and with the community in which he lives. (See Exhibits I, 1-1, to 1-15). He is not opposed to organized government and is not affiliated with any association or group of persons who uphold and advocate the necessity or propriety of violence, personal assault or assassination for the success and predominance of ideas. He is not a polygamist nor a believer in the practice of polygamy. He has not been convicted of any offense, and is not suffering from mental alienation or incurable contagious disease. He has always mingled socially with Filipinos and has shown a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. He is a subject of Nationalist China, with which the Philippines is not at war, and the laws of which grant Filipinos the right to become naturalized citizens thereof."

His Honor withheld favorable action "for the reason that petitioner had not satisfactorily shown that he was lawfully admitted to reside permanently in the Philippines." On this point of residence, the petitioner had presented, among other documents, Exhibit D-3 which was a certificate signed December 11, 1945 by the Secretary of Labor and Acting Commissioner of Immigration, and Exhibit D of January 18, 1950, Immigrant Certificate of Residence.

The first read as follows:

"This is to certify that Mr. William Ong alias Ong Hio Tong, a resident Chinese merchant of Manila, whose photograph and description appear below, first arrived in the Philippines on August 3, 1933, on board the S.S. "Angking" and was lawfully admitted for permanent residence as the son of a resident Chinese merchant. He was issued Landing Certificate of Residence No. 101998-112910. He will be issued a duplicate original of his landing certificate of residence as soon as the necessary forms are available.

Manila, Philippines, December 11, 1945.

(Sgd.) MARCELO ADDURU
Secretary of Labor
Acting Commissioner
of Immigration"

The second certified that William Ong "was admitted as an immigrant at the port of Manila, and is lawfully entitled to remain in the Philippines."

Refusing to credit the first certificate, His Honor explained, first, "there was absolutely no need for the issuance thereof," since the old L. C. R. would have been more effective"; and second, petitioner's witness Ong Kim Ba declared under oath that petitioner's landing certificate of residence had been lost during the Japanese occupation, wherefore Secretary Adduru could not have seen such landing certificate and could not truthfully certify that petitioner had such certificate.

It must be admitted that in view of the circumstances, there was some ground for the trial judge's suspicion of Exhibit D-3. However, it appears that after the hearing, petitioner submitted, in a motion to reconsider, another official statement dated September 14, 1956, wherein the Commissioner of Immigration, Emilio L. Galang, referring to the various records on the matter in his office admitted that William Ong's "original Landing Certificate of Residence was existent at the time of Secretary Adduru's certification, since it precisely specifies the number thereof, and that the details of date, vessel of arrival and status of entry appearing therein must have been obtained from said LCR itself."

And in the face of this last certificate, the Solicitor General did not insist in opposing petitioner's petition for naturalization.

The court, however, refused to reconsider.

It appears that a very strict view of the case was taken by the court below. There may have been some doubtful details concerning the certificate of Secretary Adduru. But there was none connected with the other certificate of the Acting Immigration Commissioner, Exhibit D of January 18, 1950, and the subsequent statement of Commissioner Galang of September 14, 1956. No officer of our Government is in a better position than the Immigration Commissioner to know whether a Chinese is lawfully residing in this country. Of course, as to Exh. D, the court practically insinuated that, based as it was on Secretary Adduru's certificate, it couldn't have better evidentiary value. In this, however, it failed to note that Exh. D was based on Alien Certificate of Registration No. 7913-V now presented as Exhibit G, wherein is found the annotation "LCR 101938—112910", that officially corroborates Secretary Adduru's certificate.

In addition to the foregoing, there are of record other documentary evidence of petitioner's, right to stay in this country. Exhibit E, certificate signed May 8, 1956, by Vicente Espina "For the Commissioner" of Immigration, certifying that William Ong was allowed to land as son of merchant for permanent residence here on August 3, 1933; and Exhibit U—Alien certificate of registration of petitioner for 1941.

Here is a Chinese admittedly landed in 1933, who has been registered in our Alien records since 1941, who has

married here, acquired property, had his seven children baptized and recorded in church and then enrolled those of school age. His right to stay here is now doubted simply because he cannot produce his original landing certificate. Yet for 22 years his residence was never questioned by the immigration authorities. Indeed, they certify that according to their records he is lawfully residing in this country.

In the circumstances, we do not believe his petition for naturalization could be turned down for the reason specified by the Court a quo.^[1] Consequently, reversing its decision, we hold that William Ong's application should be, and is hereby granted.

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

[1]This case is practically on all fours with Tong vs. Republic, L-9728, decided January 21, 1958 wherein we reversed the lower court's denial of naturalization.

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