

BENJAMIN CO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.*G.R. No. 12150. May 25, 1960*

Ponente: BAUTISTA ANGELO, J.

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This is a petition for naturalization which, after hearing was granted, the court ordering that after the lapse of two years from the date the decision becomes final and all the requisites provided for in Republic Act No. 503 have been complied with a certificate of naturalization be issued to petitioner.

Petitioner was born on March 13, 1931 in Bangued, Abra. He is the son of Go Cham and Yu Suan, both Chinese. He owes his allegiance to the Nationalist Government of China. He is married to Leonor Go, the marriage having been celebrated in the Catholic church of Bangued, Abra. He speaks and writes English as well as the Ilocano and Tagalog dialects. He graduated from the Abra Valley College, and finished his primary studies in the "Colegio" in Bangued, Abra, both schools being recognized by the government. He has a child two months old. He has never been accused of any crime involving moral turpitude. He is not opposed to organized government, nor is he a member of any subversive organization. He does not believe in, nor practice, polygamy. Since his birth, he has never gone abroad. He mingles with the Filipinos. He prefers a democratic form of government and stated that if his petition is granted he would serve the government either in the military or civil department.

He is a merchant dealing in the buy and sell of tobacco. He also is part owner of a store known as "Go Tian Store" in Bangued, Abra. In his tobacco business, he has a working capital of P10,000.00 which he claims to have been accumulated thru savings. He contributes to civic and charitable organizations like the Jaycees, Rotary, Red Cross and to town fiestas. He likes the customs of the Filipinos because he has resided in the Philippines for a long time. During the year 1956, he claims to have earned P1,000.00 in his tobacco business. He expects to make P2,000.00 more from the same business without however specifying to what years said income would correspond. With respect to the store of which he claims to be a part owner, he stated that his father gave him a sum of less than P3,000.00 representing one-fourth of the sales. Aside from being a co-owner of said store, he receives a monthly salary of P120.00 as a salesman therein.

He took a course in radio mechanics and completed the same in 1955. He has no vice of any kind. He claims that he has never been delinquent in the payment of taxes. But he admitted that he did not file his income tax return when he allegedly received an amount of not less than P3,000 from his father which he claims to have invested in his tobacco business. On cross-examination, when the fiscal asked him if he believed in the principle underlying the Philippine constitution, he answered that "He believes in the laws of the Philippines." However, he did not state what principles of the Constitution he knew, although when asked what laws of the Philippines he believes in, he answered "democracy". Asked why he did not file his income tax return, he stated that his father had already filed his income tax return. He merely promised, that he would file his. He presented his alien certificate of registration, but did not present the alien certificates of registration of his wife and child.

The government is now appealing the decision of the trial court on the ground that it erred in finding that petitioner has all the qualifications for naturalization and none of the disqualifications mentioned in the law.

The government contends that from the evidence itself introduced by petitioner it would appear that he failed to comply with some of the requirements prescribed by law in order to qualify him to become a Filipino citizen. Thus, it is claimed, he has not stated that he believes in the principles underlying the constitution and that it was only on cross-examination, when the fiscal asked him whether he believed in the principles underlying the constitution, that he answered that "He believes in the laws of the Philippines", and that when he was asked what those laws he believes in, he gave an answer which conveys the meaning that he believes in democracy or in a democratic form of government. It is contended that such belief is not sufficient to comply with the requirement of the law that one must believe in the principles underlying our constitution. There is merit in this claim; Indeed, the scope of the word law in ordinary legal parlance does not necessarily include the constitution which is the fundamental law of the land, nor does it cover all the principles underlying our constitution. Thus, our constitution expressly declares as one of its fundamental policies that the Philippines renounces war as an instrument of national policy, that the defense of the State is the prime duty of the government, that the duty and right of the parents to rear their children for civic efficiency shall receive the support of the State, and that the promotion of social justice shall be its main concern. In so stating that he believes merely in our laws, he did not necessarily refer to those principles embodied in our constitution which are referred to in the law.

Our law also requires that petitioner must have 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 with the community in which he is living. It is contended that petitioner has also failed to comply with this legal requirement for he failed to show that he has complied with his obligation to register his wife and child with the Bureau of Immigration as required by the Alien Registration Act. He has, therefore, failed to conduct himself in a proper and irreproachable manner in his relation with our government.

It furthermore appears that he failed to file his income tax return despite the fact that he has a fixed salary of P1,440.00 a year and made a profit of P1,000.00 in his tobacco business, and received an amount less than P3,000 from his father as one-fourth of the proceeds of the sale of the store, the total of which is more than what is required by law for one to file an income-tax return, a fact which indicates that he has not also conducted himself properly in his relation with our government. His reasoning that he made that earning during the year in which this case was being heard is not convincing.

Considering that "naturalization laws should be rigidly enforced and strictly construed in favor of the government and against the applicant" (*Co Quing Reyes vs. Republic*, 104 Phil., 889), we are constrained to hold that the trial court erred in granting the petition for naturalization.

Wherefore, the decision appealed from is reversed, without pronouncement as to costs.

Paras, C. J., Bengzon, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.
Padilla and Montemayor, JJ., took no part.

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