

**SY ANG HOC ALIAS MANUEL TE ANG, PETITIONER AND APPELLEE,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.***G.R. No. 12400. March 29, 1961*

Ponente: PAREDES, J.

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This is a petition for Philippine Citizenship, filed by Sy Ang Hoc alias Manuel Te Ang. The Provincial Fiscal of Davao, verbally opposed the petition on general grounds.

Petitioner Sy Ang Hoc produced evidence tending to show the following facts.

Petitioner was born in Amoy, China, on May 28, 1933, of Ong Kim Bee and Te Chiok Lan, both Chinese citizens. He arrived in the Philippines with his parents on November 5, 1937, on board the vessel SS "ANKING", never left the country since then, and is duly registered as an alien with the Bureau of Immigration (Exhs. H & I). Upon his arrival in the Philippines, he stayed for a month in Manila, moved to barrio Tibagon, Pantukan, Davao, and then settled in Davao City where he has his permanent residence at No. 19 Monteverde Avenue, Davao City. He first enrolled at the Pantukan Elementary school and then transferred to the Davao Chinese School where he finished his High School. He is single, a Roman Catholic and at present (time he testified), a fourth year medical student at the University of Sto. Tomas, and speaks and writes the English and the Tagalog languages and Visayan dialect. An owner of a house valued P5,500.00, located at Uyanguran St., Davao City, petitioner was also employed as a purchasing agent of his parents in their sawali business, with a monthly salary of P150.00 and has filed his income tax returns for the years 1954 and 1955 (Exhibits K, K-1, L, M, M-1 & M-2). Petitioner believes in the underlying principles of the Constitution; has conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines, as, well as in his relationship with the Philippine Government and the community in which he lives and mingled socially with Filipinos. He is a member of the Board of Directors of the Club Davaweno, a social organization of Davao students in the City of Manila, also of the "Taumo", a medical fraternity in the University of Sto. Tomas, and the Cebu "Gyome", an organization of medical students. He is not opposed to organized government nor affiliated with any association or group which teaches or upholds the doctrine opposing organized government; does not believe in the necessity of propriety of violence, personal assault or association for the success of one's ideas; does not believe in polygamy, and has never been convicted of any crime involving moral turpitude. Petitioner has obtained clearances from the Police Department, the Municipal Court and the Court of First Instance of Davao City. He is not suffering, from any incurable disease. Intending to reside permanently and continuously in the Philippines, he is disposed to renounce absolutely and forever all allegiance and fidelity to the Republic of China. Petitioner has previously filed an application for Philippine citizenship.

Mamerto Cabarroguis, the Provincial Auditor of Davao and Gerardo Miñosa, a logging concessionaire, were presented as character witnesses. Cabarroguis testified that he had resided in Mabini street, Davao City, since July 4, 1953. He has known petitioner since 1940, when he met him for the first time in Kingking, a place about 90 kilometers from Davao City. Petitioner was 10 years old then. During the occupation, Cabarroguis did not have

any occasion to see petitioner as he (Cabarroguis) had evacuated to the forest. The witness came to see petitioner again after liberation when petitioner returned to Davao City. In 1947, witness was assigned as Provincial Auditor of Jolo and then to Oriental Misamis. He was reassigned to Davao in January, 1953. Miñosa declared that he had been a resident of Davao City since 1930. He came to know petitioner continuously since 1942, when he met said petitioner in Tibangan, Kingking, where he (witness) used to go by banca to hunt for food. Although he was living in Tibungco, Davao, some 70 kilometers away from Tibangan, Miñosa used to pass and eat at the store of petitioner every week. In 1945, he (Miñosa) transferred to Quezon Boulevard, Santa. Ana district, Davao City and petitioner also followed suit and transferred to the same district about 1 kilometer away.

The CFI of Davao held:

In consideration of all the foregoing, the Court hereby declares and admits the petitioner Manuel Ang as Filipino Citizen by naturalization upon the fulfillment of all the other requisites provided for by Republic Act 530".

Against this decision the Republic appealed, urging the reversal of the same on the sole ground that the trial court erred in holding that the two character witnesses of the petitioner are qualified witnesses.

We are of the belief that petitioner Sy Ang Hoc alias Manuel Te Ang, has not established his right to become a Filipino citizen.

Section 7 of Commonwealth Act 473 requires that there should be an averment in the petition for naturalization that the petitioner has complied with the requirements of section 5 of said act, which refers to the filing of a declaration of intention to become a Filipino citizen, one (1) year prior to the filing of the petition for naturalization, in this particular case, June 16, 1954. Petitioner has not averred in his petition that "he has complied with the requirements of section five of this Act". It is true that on May 22, 1953, within the reglementary period, the petition filed with the office of the Solicitor General a declaration of intention (Exh. D). But the law provides specifically that the filing of the declaration of intention must be averred in the petition. And not only that, the last part of said section 7 states "The certificate of arrival and the declaration of intention must, be made part of the petition". The declaration of intention is so essential in cases of naturalization that its incorporation in the petition itself has become jurisdictional.

The petitioner alleged in his petition and asserted in court that he was born in "Amoy, China, on May 28, 1933". Yet, according to his certificate of baptism Exh. J, petitioner (Manuel Te Ang) was born on March 19, 1933 in Tibagon, Pantukan, Davao. Petitioner explaining the discrepancy as to dates and places of birth, said that "the date here (Exhibit J) has an error because when we were baptized we were three brothers, so my birthday was jumbled up with my brothers, and I procured one of the copies which I gave to Atty. Lim." (t.s.n. p. 96). This uncorroborated explanation does not inspire confidence.

Petitioner declared that he was an employee of the Ang Kim Bee Trading, owned by his father, with a salary of P150.00 a month, increased to P180.00 a month. This can hardly be considered as a lucrative calling or trade, having in mind the fact that he was a student, paying P80.00 for board and lodging monthly, and P15.00 for laundry, and had to buy books and pay tuition fees and defray other personal expenses as a medical student. In fact, he had to receive financial help from his parents and relatives. From all appearances, the so-called salary of P150.00 from his father's company were mere allowances given to him, to pursue his studies, and not as earning in a lucrative trade.

** * * When the employment of a petitioner for naturalization is by his father and in the business of the latter, such evidence of employment is not very convincing, as it is possible that father and son, in the interest of the petition, testify to the alleged employment even though the son may only be living under the protection and at

the expense of his father (*Velasco vs. Republic*, 108 Phil., 234). (*Charm Chan vs. Republic*, 108 Phil., 882).

Petitioner testified that he owned a house located at 145 Uyanguren Street, Davao, assessed at P5,500, declared for taxation purposes (Exh. N). It is hard to believe that he could have saved enough money, as a student earning P150 a month, and bought a house worth more than P5,000 which is the value required by law in order to be qualified as a real property owner. He allegedly bought the house from a dose friend Ang Ko Beng for P4,500 on September 18, 1956, after the filing of the petition on June 16, 1954, partly from his savings, plus P2,000 he borrowed from Vicente Angliongto, a near relative. Aside from the bare statement of petitioner, no other proofs were offered to this effect. And considering the fact that the lot on which this house was erected, belonged to Mrs. Garcia, to whom he was paying a monthly rental of P30.00, it stands to reason that petitioner was not a real property owner, but that he acquired the house to suit his convenience in connection with his application for citizenship.

The qualification of Miñosa as character witness is seriously doubted. The law requires that the testimony of a character witness must not only be credible but also the witness himself. There is no evidence that Miñosa has a good standing in his community or that he is honest and upright or reputed to be trustworthy and reliable (*Ong vs. Republic*, 103 Phil., 964; (See also *Dy Shui Sheng vs. Republic*, 107 Phil., 718; 58 Off. Gaz.; [14] 2904.)

Taking into account the fact that naturalization laws should be rigidly enforced in favor of the Government and against the applicant (*Co Ching vs. Republic*, 104 Phil., 889); this Court, in view of the foregoing, does not see its way clear to grant the petitioner, Filipino citizenship.

Decision appealed from is reversed and petition denied. Costs against the petitioner.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Dizon, JJ., concur.

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