

IN THE MATTER OF THE PETITION OF YU KAY GUAN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. YU KAY GUAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND AP...

G.R. No. 12628. July 26, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

Appeal taken by the Government from the decision of the Court of First Instance of Cebu granting Yu Kay Guan's petition for naturalization.

Petitioner's evidence shows that he was born on February 25, 1913 of Chinese parents in Amoy, China; that in July, 1922, he came to the Philippines and resided in Manila until 1930; that in January, 1931, he went to reside in the City of Cebu; that before the outbreak of the last world war, the petitioner went on short visits to China—in 1932 he went for vacation to Amoy where he stayed for about two months; in 1934 he went to Haiching and stayed there for three months; and in 1936 he went to Hongkong for a month's vacation—returning after every trip to the City of Cebu, his legal residence.

Petitioner claims that in August, 1934, he married Siao So Lan, also a Chinese subject, with whom he has five children, namely, Yu Siu Tin, born in Haiching, China on February 4, 1936; John Siao Yu, born in Cebu City on June 25, 1938; Libby Siao Yu, born in Cebu City on July 16, 1939; Anthony Siao Yu, born in Cebu City on July 14, 1952; and Joseph Siao Yu, born in Cebu City on May 20, 1946. All of these children are presently enrolled in institutions of learning in Cebu City, duly recognized by the Government and not limited to any particular race or nationality, where Philippine history, civics, and government are taught as part of the curriculum.

The Solicitor-General does not contest the findings of the lower court to the effect that petitioner has complied with the residence, occupation, language, education, good conduct and moral character requirements prescribed by the naturalization law. The only ground for the appeal is that, according to the Solicitor-General, the petitioner has failed to establish satisfactorily his marital relationship and the filiation of his alleged first three children, Yu Siu Tin, John Siao Yu and Libby Siao Yu.

As to petitioner's alleged marriage, during the hearing, the petitioner testified under oath that he married Siao So Lan, in Haiching, China, in August, 1934. Thus, petitioner's Alien Certificate of Registration states that he is married to Siao So Lan, and, likewise, the latter's Alien Certificate of Registration shows that she is married to Yu Kay Guan, the petitioner. These are official documents which were issued in due course by the immigration authorities and unless their genuineness is assailed we have to give them probative value (*Victoriano Yap Subieng vs. Republic of the Philippines*, 102 Phi., 892; 56 Off. Gaz., [14] 2940.) Aside from the fact that petitioner's declaration regarding his marriage was corroborated, no evidence to rebut it was adduced in the court below, and, therefore, it has to be taken as it is.

With respect to petitioner's alleged first child Yu Siu Tin, the doubt as to his true filiation stems principally from the fact that while petitioner declared that the said child was born in Haiching, China, on February 4, 1936, he also testified that he left the Philippines for China only on three occasions: (1) in 1932 when he went to Amoy for two months stay; (2) in 1934 when he stayed in Haiching for three months; and (3) in 1936 when he went to Hongkong for a month's vacation. Under these circumstances, it seems impossible for Yu Siu Tin, born February 4, 1936 to have been begotten by the petitioner. The doubt as to the reality of the alleged relation becomes all the more strengthened by the fact that in the petitioner's income tax return for the year 1956, Yu Siu Tin was not included in the list of minor children entitled to exemption, although at that time he was only twenty years old, still a minor.

As to John Siao Yu and Libby Siao Yu, their alleged filiation is made doubtful in that while these children were declared to have been born in Cebu City on June 25, 1938 and July 16, 1939, respectively, it appears in the Immigration Certificate of petitioner's wife that she was issued by our immigration authorities a Landing Certificate of Residence only on August 31, 1939, which means that she landed in the country on or shortly before that date. Adding to this the fact that the birth certificates of the said children were not introduced in evidence and that no explanation whatsoever was given regarding Such failure, their filiation cannot just be taken for granted.

On the whole, it appears that the petitioner, failed to satisfactorily prove the filiation of the three children Yu Sin Tin, John Siao Yu and Libby Siao Yu. Since section 15 of the Revised Naturalization Law grants citizenship to the wife and minor children of an applicant for naturalization who is found qualified under the law, it is of paramount importance that before the petitioner is granted Philippine citizenship the filiation of all his alleged children be first indubitably established.

Wherefore, the decision of the lower court granting Philippine citizenship to petitioner is hereby reversed, without prejudice.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Reyes, J.B.L., Endencia, and Barrera, JJ., concur. Concepcion, J., concurs in the result.

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