

RAMON L. CHENG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. 12791. February 23, 1960

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

The Republic of the Philippines is appealing the decision of the Court of First Instance of Cavite, granting the petition for naturalization of Ramon L. Cheng.

Petitioner Ramon L. Cheng filed his application for naturalization on August 6, 1955, which application was duly published as required by law. Mariano V. Benedicto, Provincial Fiscal and Acting City Attorney, filed a written opposition to the application, alleging that the applicant did not possess all the necessary qualifications required by Commonwealth Act 473, as amended by Act 535; that the applicant had no sincere desire to become a Filipino citizen, his petition being motivated by his desire for economic convenience, and that during his stay in the country, he had not mingled socially with Filipinos or evinced his sincere desire to learn the ideals and embrace the customs and traditions of Filipinos. At the hearing, the applicant presented oral and documentary evidence. The Government also presented evidence in support of its opposition. Thereafter, the trial court rendered a decision dated March 29, 1957, which is now on appeal.

We have examined the record of the case and we are satisfied that the findings of the trial court are amply supported by the evidence. We quote with favor pertinent portions of said decision:

"Attached to the petition is the joint affidavit of witnesses Ex-Governor Ramon Samonte and Mr. Jose Auditor, both of the City of Cavite.

"From the documentary and oral evidence presented by the petitioner, it has been established that he was born in Cavite City on September 14, 1934 of Chinese parentage; that he is single and more than 21 years of age at the time of the hearing of this petition; that by reason of his birth he was issued a native born certificate of residence, and has registered himself as an alien with the Bureau of Immigration; that he received his primary and secondary education in private schools recognized by the Government and not limited to any race or nationality. Thus, petitioner is exempted from the requirement of the law to make a declaration of intention, it was also established that he has never left the Philippines.

"Also, from the oral and documentary evidence adduced, it was satisfactorily shown that petitioner is an assistant, manager in the Central Grocery receiving a monthly salary of P250.00, which satisfies the legal requirement that petitioner must have a lucrative trade, profession or lawful occupation.

"Regarding the moral character of the petitioner, we have before us his uncontroverted testimony and that of the two witnesses presented by him, namely, ex-Governor Ramon Samonte and Mr. Jose Auditor.

"Mr. Ramon Samonte, testified that he stood as the sponsor at the baptism of the petitioner and has known him since then; that he knows the petitioner to be a person of good repute and morally irreproachable, attached the principles underlying the Philippine Constitution and well disposed to good order and happiness in the

Philippines; that in his opinion, petitioner has all the qualifications necessary to become a citizen of the Philippines; that he ratifies the contents of the Affidavit of Witnesses.

"Jose Auditor, Ex-Councilor of Cavite City, testified that he knows petitioner since birth; that because they were neighbors he knows petitioner to be continuously residing at Cavite City; that petitioner is a person, of good repute and morally irreproachable a believer in the principles underlying the Philippine Constitution, and in his opinion, petitioner is fit to become a Filipino citizen.

"From the evidence adduced by the petitioner, it was also established un rebutted that the petitioner has conducted himself in a proper and irreproachable manner in his relation with the constituted government as well as with the community in which he lives.

"This Court is satisfactorily convinced of petitioner's ability to speak and write English and Tagalog languages, he having received elementary and secondary education in the XIII Martires College and in the St. Joseph's College. It further appears that he is well informed of the Philippine social life; has mingled socially with the Filipinos; that he has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos. In fact, petitioner testified that he does not know Chinese customs because he was born here, grew up here and has come to imbibe the Filipino way of life.

"Petitioner testified that he is not opposed to organized government nor is he affiliated with any association or group of persons who uphold and teach doctrines antagonistic to organized government; that he does not believe in the necessity of violence for the predominance of one's ideas. Petitioner is single and does not believe in the practice of polygamy. He has not been convicted of any crime involving moral turpitude. He is not suffering from mental alienation or incurable contagious diseases. Petitioner testified that he is a follower of Nationalist China, which is not at war with the Philippines. This Court takes judicial notice that the laws of Nationalist China permit Filipinos to be naturalized in that country (*Yee Ho Mann vs. Republic of the Philippines* 83 Phil., 749; 46 Off. Gaz. [11] 201)."

The Government in its appeal raises several points which in our opinion, are either of minor importance or are not supported by the evidence. For instance, it claims that there is a discrepancy in the surname of petitioner, for the reason that his application bore, the name of "Ramon L. Ching" whereas when testifying at the hearing, applicant gave his name as "Ramon L. Cheng". It was explained, however, that the discrepancy was an error committed in good faith because the applicant had been indiscriminately called Ching and Cheng by his friends, and for this reason, during the hearing, he moved for the correction of the spelling of his surname, which was granted by the trial court in an order directing that the name be corrected from Ching to Cheng. This was done without any opposition on the part of the Government.

The Government also doubts that the applicant was earning P250.00 a month at the Central Grocery and that he was the manager or assistant manager of said grocery. It is a fact, however, that the very witness for the Government, Atty. Amable Ibañez, labor attorney in the Bureau of Labor, assigned to Cavite City, who had occasion to investigate the applicant and his business and verify his report on the employees of the Central Grocery and their wages, found that the applicant was really the assistant manager of said grocery, sometimes acting as manager in the absence of the real manager, and that he was earning a salary of P250.00 a month.

Then the Government claims that in one or two of applicant's residence certificates, he made it appear that he was a Filipino, which was not true. This point was adequately discussed and passed upon by the trial court, as shown by the portion of its decision which we reproduce below:

"The City Fiscal likewise maintains that petitioner caused it to appear in his 1955 residence certificate, Exhibit '4', that he is a 'Filipino' when in fact he is a Chinese national. He argues that by this act of the petitioner, the Filipino people would be misled as to his true citizenship. According to the petitioner, he gave his 1954 Residence Certificate to the issuing clerk who just merely copied its contents in the certificate in question. He

further explained that because he was in a hurry he was not able to read the entries therein and consequently, did not notice the word 'Filipino' written in said certificate. The Court does not view with sympathetic regard the argument of the City Fiscal that with this act of the petitioner, the Filipino people would be misled thereby. That fear or apprehension of the Fiscal is merely in the realm of surmise or conjecture because he did not adduce any evidence which would show or attempt to show that any Filipino was misled, or that some damage was caused due to this alleged act of petitioner. On the contrary, to show that it was error on the part of the issuing clerk and could not have been done by him, petitioner called the attention of the former that his citizenship is Chinese and not Filipino as stated in Exhibit '4' when he got his 1956 and 1957 residence certificates, Exhibit 'Y'. In fact, it appears in his 1953 residence certificate, Exhibit 'X', that he is a Chinese and as testified to by him, the same is true with his 1954 residence certificates."

We deem it unnecessary to discuss the other points raised in the Government's appeal. We are satisfied and agree with the trial court that the applicant has more than satisfied the requirements of the law for naturalization, and that he is entitled to become a Filipino citizen. Said the trial court in the latter part of its decision:

"The Court had occasion to observe, petitioner in the courtroom and from his aspect and demeanor in the witness stand, the way he spoke and dressed, coupled with the manner he behaved, among the crowd or spectators inside the courtroom before and after the hearings, this Court is fully persuaded that he has evinced a sincere desire not only to learn and like Filipino customs, habits, traditions and way of life but he has also already embraced them and acts as if he is already a Filipino."

In view of the foregoing, the appealed decision is hereby affirmed.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

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