

LIM BUN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. 12822. April 26, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioner seeks Philippine citizenship before the Court of First Instance of Cebu. Notwithstanding the opposition of the provincial fiscal, the court granted the petition ordering that he be given a certificate of naturalization. The government has appealed.

In its appeal, the government raises two questions: (1) petitioner does not have a sufficient working knowledge of either English or Spanish language as he claims; and (2) petitioner's conduct is not irreproachable in character. Consequently, it is claimed, the trial court erred in finding that he possesses all the qualifications and none of the disqualifications prescribed by law to become a Filipino citizen.

While there is no question that petitioner has shown more than sufficient knowledge of the Cebu dialect, he has, however evinced some deficiency in his knowledge of the English language and almost a complete ignorance of the Spanish. This can be seen from a cursory examination of the document Exhibit 1 wherein it appears written what his counsel has dictated to him in open court. Thus, when asked to write the words, "Good morning sir, how are you?", he wrote the following: "Good morning sir, who ras you?", which shows that With' the writing of such simple words as thus dictated petitioner has committed two mistakes, aside from the fact that the word "sir" appears to be illegible. The experiment has demonstrated that petitioner cannot write the English language in a sufficient and intelligent manner which would warrant the conclusion that he possesses a working knowledge thereof.

It is true that his counsel made him answer in the English language a series of questions that he propounded to him in open court and apparently he came out satisfactorily by giving correct answers, but judging from the nature of the questions and the answers he has given, one is led to make the surmise that he was rehearsed and prepared for that examination for he was even able to answer that if President Garcia should die the one to succeed him is Senate President Eulogio Rodriguez Sr. in the absence of a vice president. An average person, especially if he is a foreigner, is not necessarily in a position to know such question which affects the presidential succession in our government.

There is also merit in the claim that petitioner has not conducted himself in an irreproachable manner in his dealing with our government as shown by the fact that he sports two names, one Benjamin Lim Bun and the other Go Se Tam. While the first name was explained by petitioner that it was the christian name given him when he was baptized, the other name is undoubtedly an alias which he used in registering himself in the alien certificate of registration. Thus, the document Exhibit G which was presented by petitioner to show his compliance with Republic Act No. 562 relative to registration of aliens shows that aside from using therein his christian name of Benjamin Lim Bun, he also stated his alias name of Go Se Tam. Note that said document was issued by the

Bureau of Immigration on January 8, 1951 when Commonwealth Act 142, which prohibits the use of aliases, was already in force. This Act was approved on November 7, 1936, and there being no showing that he had the necessary authority to use an alias name as required by said Act the implication is that he used it in disregard of its prohibition. This act indicates that he has not conducted himself properly and since it affects his character it disqualifies him to acquire Philippine citizenship.

Wherefore, the decision appealed from is reversed, with costs against appellee.

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

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