

IN THE MATTER OF THE PETITION OF MARCIANO DEETUANKA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. MARCIANO DEETUANKA, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, R...

G.R. No. 12981. January 29, 1960

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal, taken by Marciano Deetuanka, from a decision of the Court of First Instance of Davao, holding that he does not possess the requisite qualifications to become a naturalized citizen of the Philippines, and, accordingly, denying his petition for naturalization as such. Upon a review of the record, we find no merit in the appeal.

To begin with, it appears that on July 25, 1955, date of the filing of said petition, appellant was, and, for several years prior thereto, he had been, living maritally with Marcelina Chuacho, alias Cecilia Chua, alias, Cecilia Chua Dee, without the benefit of marriage. As held in *Tian Li vs. Republic of the Philippines*, 94 Phil., 836 and *Sy Kiam vs. Republic of the Philippines*, 102 Phil., 575, 54 Off. Gaz., (12) 3802, he is not a person of good moral character, and, hence, not qualified to be naturalized. Their subsequent marriage does not detract from the fact that he lacked a necessary qualification at the time of the filing of his petition (*Sy Kiam vs. Republic*, supra, *Lo Kio vs. Republic*, supra, p. 224. Indeed, the surrounding circumstances suggest strongly that the wedding was prompted by a desire to eliminate an obstacle of the favorable consideration of his petition for naturalization, thus supplying an additional indication of his weak moral fiber.

Secondly, in his income tax returns for 1951, 1953, 1954 and 1955, appellant made it appear that Cecilia Chua was his wife, despite the fact that they were not married until June 23, 1956. He was thus guilty, not only of perjury, but, also, of fraud, his evident purpose being to avail himself of the P3,000.00 deduction allowed by our Income Tax Law for married men, to which he was not entitled.

Again, in his income tax returns for 1953, 1954 and 1955, petitioner reported that he then had an income of P3,673.78, P2,090.01 and P1,493.28, whereas his corresponding financial statements show that his net income for the same years was P5,946.14, P3,570.66 and P2,474.28, respectively. Thus, as claimed by the Government, petitioner has not "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."

Thirdly, petitioner's witnesses do not appear to have known him sufficiently to vouch for his qualifications. For instance, Constancio Maglana met petitioner in Manila around the year 1939 or 1940, and then lost tract of him until after 1950, when they met again in Davao. Similarly, Miguel Aquino, a resident of Davao, happened to see petitioner in Manila in 1940, as the former came three or four times to visit his sister therein. Their acquaintance was not resumed until they met again in 1951, this time in Davao. Again, Desiderio Dalisay, another resident of Davao, allegedly came to know petitioner, then a boy 16 years of age, in 1939, when Dalisay came once or twice

a month to deal with Dee Kian, petitioner's uncle, who owned and operated a lumber yard in Paco, Manila. With the outbreak of war, they lost contact with each other, until sometime between 1948 and 1950, when Dalisay made a trip to Manila. Although witnesses in naturalization cases need not be in direct contact with the petitioner continuously for the period of time required by law, which in the case at bar in ten (10) years, the nature of their association with him must be such as to permit said witnesses to be reasonably posted on his qualifications, particularly, his moral character and behaviour during the period aforementioned. Considering that petitioner stayed in Manila up to 1950, and that his witnesses were all residents of Davao, it was not possible for them to know, and they do not claim to have had even an inkling of his situs, much less his conduct, from 1940 to 1950, except, insofar as his where about is concerned, as regards Desiderio Dalisay, who would have us believe that he saw petitioner in Manila between 1948 and 1950. As held in *Ong vs. Republic of the Philippines*, 55 Off. Gaz., 3290:

"* * * petitioner must prove by the testimony of, at least, two (2) credible persons, whose affidavits are attached to the petitions:

- That they are citizens of the Philippines;
- That they are 'credible persons';
- That they personally know the petitioner;
- That they personally know him to be a resident of the Philippines for the period of time required by law;
- That they personally know him to be a person of good repute;
- That they personally know him to be morally irreproachable;
- That he has, in their opinion, all the qualifications necessary to become a citizen of the Philippines; and
- That he 'is not in any way disqualified under the provisions' of the Naturalization Law."

Petitioner herein has not fully satisfied the foregoing requirements.

Wherefore the decision appealed from is hereby affirmed, with costs against the petitioner. It is so ordered.

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

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