

IN THE MATTER OF THE PETITION OF CHAN CHEN ALIAS ANTONIO CHAN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. CHAN CHEN ALIAS ANTONIO CHAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF...

G.R. No. 13370. October 31, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

This is an appeal from a decision of the Court of First Instance of Cebu granting Chan Chen's application for naturalization.

It appears that applicant Chan Chen alias Antonio Chan, a Chinese citizen, who alleges to be a resident of Cebu City, applied for citizenship on February 18, 1956 in the Court below. Attached to the petition were the affidavits of applicant's two character witnesses, namely, Ramiro P. Atilo, who claims to have known applicant continuously since 1947 and Cesar Las Pinas, who claims having known said applicant since 1940.

After the petition was heard with the applicant and his witnesses taking the stand, one Damaso del Rosario, a resident of Cebu City, filed a written opposition to the aforesaid petition on the ground that applicant has been made respondent in several labor cases for collection of separation and overtime pay, as well as under-payment before the Department of Labor, and also for estafa and violation of the Blue Sunday Law, which cases were pending before the fiscars office of Cebu City.

On June 1, 1957, the lower court finding that the applicant has all the qualifications necessary for naturalization and none of the disqualifications provided for by law, rendered a decision granting the application. Alleging that the evidence submitted during the hearing was "insufficient to support the finding of the trial court that petitioner possesses all the qualifications and none of the disqualifications to become a naturalized citizen," the Provincial Fiscal of Cebu filed a motion for new trial or reopening of the case. The motion was granted, but after the reception of evidence, the lower court promulgated its order dated November 4, 1957, reiterating its decision of June 1, 1957, granting the application for naturalization. Hence, this appeal taken by the Government.

Appellant's contentions, as stated in the Solicitor General's brief are (1) that one of the two character witnesses introduced by appellee has not satisfied the statutory requirement as to the period of time he has known the petitioner as a resident; (2) that the petitioner has not conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines; and (3) that he lacks sincerity in his desire to become a naturalized Filipino citizen.

We find merit in the above contentions of the Solicitor General.

As required by section 7 of Commonwealth Act No. 473, as amended, a petition for naturalization must be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by the Act.

Accordingly, where the affidavit of the witness attached to the application for naturalization states that the affiant had known the applicant for less than the period* required prior to the filing thereof, the petition has been declared fatally defective.

As required by section 7 of Commonwealth Act No. 473, (Cu vs. Republic, 89 Phil., 473; Awad vs. Republic, 97 Phil., 569; Sy Chut vs. Republic, 102 Phil., 839; see also Yu Chong Tian vs. Republic, 94 Phil., 742; Karam Singh vs. Republic, 97 Phil., 622; 51 Off. Gaz., 5172; Dy Tian Siong vs. Republic, 103 Phil., 363; 55 Off. Gaz., 420; Go Kiam Lam vs. Republic, G.R. No. L-13571, January 31, 1959.) From the affidavit of witness Ramiro P. Atilo, as affirmed by him in his direct testimony, it appears that he came to know the petitioner only in 1947, or barely 9 years prior to February 18, 1956 when the latter's application for naturalization was filed. Such failure to know petitioner for the statutory period of residence required by law, which is 10 years in this case, renders the petition defective from the very beginning and, therefore, the lower court should not have entertained it at all.

We also note that the other character witness, Cesar Las Pifias, while declaring that he had known the petitioner since 1940 in Cebu City, admitted that he is a certified public accountant and that petitioner is his retainer client. Considering that the question of a witness' qualification in a naturalization proceeding is a matter of more than usual importance since "they are in a way insurers of the character of the candidate concerned," we are not prepared to say that this witness possesses the qualifications necessary to satisfy the requirements of the law.

It is also on record, as stated by the Solicitor General, that petitioner has been found guilty of violating labor laws regarding the payment of wages to his employees, and sentenced to pay the corresponding money claim against him. The decision in the case was rendered ex parte but this appears to be due to petitioner's own fault, since he did not even care to appear at the hearing despite summons served upon him. While the present case was pending trial below, petitioner, it would seem, voluntarily settled the money claim against him although for less than the amount adjudicated. This conduct of petitioner, as observed by the Solicitor General, does not speak well of him, as it is not improbable that his belated payment of the claim, resulting in the complaint's withdrawal of his written opposition to the application for naturalization was but an 11th hour compliance with the decision, to facilitate the grant of said application.

Finally, petitioner's sincerity in becoming a Filipino citizen has been put in serious doubt. In the course of his testimony, he positively declared that he was not willing to embrace Philippine citizenship if he would not be allowed to acquire real estate property; that his interest was to acquire real property; and that being in business his main purpose is to stand on equal footing with Filipinos who are also engaged in business. Petitioner having, by his own admission, mercenary motives in applying for naturalization, and considering that "naturalization laws should be rigidly enforced and strictly construed in favor of the government and against the applicant" (Co Quing y Reyes vs. Republic, 104 Phil., 889; Co vs. Republic, 108 Phil., 265; 58 Off. Gaz. [9] 1718), the trial court erred in granting the petition.

Wherefore, the decision appealed from is reversed and the petition for naturalization denied, with costs against petitioner-appellee.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, and Paredes, JJ., concur.

Judgment reversed.

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