

IN THE MATTER OF THE PETITION FOR ADMISSION AS CITIZEN OF THE PHILIPPINES. PABLO UY YAO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. 14184. August 31, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

This is an appeal by the Government from a decision of the Court of First Instance of Manila granting Pablo Uy Yao's petition for naturalization.

Petitioner's evidence shows that he was born on October 10, 1925, of Chinese parents, at Rosales, Pangasinan, and that he never left the Philippines. He is married to Chua Lay, also a Chinese subject, their marriage having been solemnized at the United Church of Manila on May 27, 1956 and from said marriage he has one child named Victoria Chua Yao, born on August 21, 1957.

Petitioner speaks, reads and writes English and Tagalog and has some knowledge of other Philippine dialects such as Ilocano, Pampango and Pangasinan. He took his elementary schooling at the public school at Rosales, Pangasinan, and finished his high school at the Cosmopolitan College in Manila. He also studied at the Far Eastern University and on November 2, 1952 he graduated therefrom with the degree of Bachelor of Science in Civil Engineering. Immediately after his graduation, he found employment at the Atkins, Kroll & Co., Inc. at a monthly salary of P350.00 plus commission and bonus. Later, he transferred to the La Perla Cigar and Cigarette Factory as promotional salesman with a salary of P400.00 a month. He believes in the principles underlying the Philippine Constitution and has conducted himself in a proper and irreproachable manner during the period of his residence in this country in his relations with the constituted government as well as with the community in which he is living. He has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace their customs, traditions and ideals.

Born in the Philippines and having received his elementary, secondary and collegiate education in schools duly recognized by the Government and not limited to any race or nationality, he did not have to file a declaration of intention to become a citizen of the Philippines.

After going over the record, we find that the evidence justifies the conclusion of the trial court that petitioner possesses all the qualifications for Philippine citizenship and is not among those disqualified under section 10 of the Revised Naturalization Law.

The Solicitor-General, however, claims that the petition for naturalization should not have been entertained, the same being void in that the affidavits of the two character witnesses attached to the petition were deficient because they failed to state that the affiants know the petitioner to be a resident of the Philippines for the period of time required by law.

Section 7 of the Revised Naturalization Law requires that the petition 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 and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of the Act." It is true that the supporting affidavits of petitioner's character witnesses do not contain the statement that they know the petitioner to be a resident of the Philippines for the required period of time. Said witnesses, however, had testified at the hearing that they are both townmates of the petitioner and that they personally know him to be a resident of the Philippines for more than the number of years required of him for residence, which, in this case, is only five years, the petitioner having been born in this country (Sec. 3, Com. Act No. 473, as amended). Thus, the first witness, Mario Gonzales, testified, in effect, that he had known the petitioner for the past eighteen years to be a resident in this country; and the second, Amando Dominguez, declared that he had known him to be such a resident for the past thirty years. Aside from their testimony on this regard, these witnesses also executed amended affidavits rectifying the omission in their original affidavits attached to the petition.

We do not agree with the Solicitor-General that the amendment of the affidavits calls for a republication of the notice of the petition for naturalization, for what is contained in the amendment did not in any way alter the form or substance of the notice which had all already been published. The law only requires that such notice must set forth "the name, birthplace and residence of the petitioner, the date and place of his arrival in the Philippines, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the hearing of the petition." (See sec. 9, Com. Act No. 473, as amended.) Note that the contents of the affidavits of petitioner's character witnesses are not required to be included in the notice. Anyway, the purpose of the law in requiring publication of the notice is to inform those officers and the public in general of the filing of such petition in order that the public officers and private citizens supposed to be acquainted with the petitioner may furnish the Solicitor-General or the provincial fiscal with such necessary information and evidence as there may be against the petitioner (*Anti-Chinese League of the Philippines vs. Alfonso Felix*, Judge of the CFI of Manila and Teodoro Lim, 77 Phil., 1012; 44 Off. Gaz. [5] 1480). Certainly, that purpose is not defeated by the non-inclusion of the contents of the affidavits in the publication. In the circumstances, we hold that the requirements of the law have been sufficiently complied with.

As to the contention of the Solicitor-General that the affidavits should also contain statements to the effect that the affiants know the petitioner to be a person who adheres to or believes in the principles underlying the Philippine Constitution, that he is disposed to the good order and happiness of the country, that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace their ideals and traditions, suffice it to say that the law (sec. 7) as above-quoted does not require such details in the affidavits.

In view of the foregoing, the judgment of the lower court granting Philippine citizenship to Pedro Uy Yao is hereby affirmed. With costs de oficio.

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

Concepcion, J., reserves his vote.

Padilla, J., took no part.

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