

**IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP.
CHARM CHAN ALIAS ALAM, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. No. 14460. June 30, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal brought by the Republic of the Philippines against the decision of the Court of First Instance of Romblon, dated August 8, 1958, granting the petition of Charm Chan alias Alam to be a citizen of the Philippines.

On September 2, 1957, Charm Chan alias Alam filed a petition with the Court of First Instance of Romblon for naturalization as a citizen of the Philippines. Attached to the petition are (1) signed copies of his declaration of intention to become a citizen of the Philippines filed with the Office of the Solicitor General on July 11, 1956, (2) affidavit of two witnesses, attesting to the moral character of the petitioner, and (3) three photos duly autographed and signed. The court set the day for the hearing of the petition on June 9, 1958, and the notice of said hearing was published once a week for three consecutive weeks in the Official Gazette and in the "Nueva Era," a newspaper of general circulation in the province of Romblon where petitioner resides, and posted at conspicuous places in said province.

The testimonial evidence shows that petitioner is a citizen of the Republic of China, born of Chinese parents in Canton, China, on October 11, 1933; that in 1937 his father, Elias Rafol Chan, brought him to the Philippines on board the vessel "SS Empress of Canada," the vessel having landed at the Port of Manila; that he has resided continuously for a period of 20 years in the Philippines preceding the date of the filing of the petition, in the municipality of San Fernando, Romblon; that he has never left the country since his arrival here; that he speaks English, Tagalog and Visayan dialects; that he received his elementary education at the San Fernando Elementary School in San Fernando, Romblon, finished his high school at the Philippine Harvardian College, Manila, and was a fourth year law student at the Manuel L. Quezon School of Law at the time he filed his petition.

Petitioner claims to be a cash collector and business agent of his father Elias R. Chan, since July 13, 1954, performing his work as such during the day time, earning P200 a month; that he is of good moral character and believes in the principles underlying the Philippine Constitution, and has conducted himself in a manner beyond reproach, being friendly and sociable with the people of the community, and cooperative with the local authorities, evincing a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos; that he is not opposed to organized government or affiliated with any association or group of persons upholding and teaching doctrines opposing all organized governments; that he does not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of his ideas; that he has never been convicted of any crime involving moral turpitude; that he is not suffering from mental alienation or incurable contagious diseases; that he is not a polygamist or a believer in the practice of polygamy; that he sincerely desires to become a citizen of the Philippines, renouncing absolutely and forever without reserve any and all allegiance

and fidelity to any foreign prince, potentate, state or sovereignty and particularly to the Republic of China, of which he is a citizen or subject. Elias Barranda, mayor of San Fernando, Romblon, and Victor C. Mindo, councilor in the same town, testified to having known petitioner since the latter was a small boy; that petitioner has always resided in San Fernando, Romblon, except when he went to Manila to study; that he mixes with Filipinos, is peaceful and enjoys a good reputation in the locality.

On the basis of the above evidence, the lower court declared that petitioner has all the qualifications to become a citizen of the Philippines, and none of the disqualifications, and so granted the petition for naturalization. The provincial fiscal of Romblon, who represented the Government at the hearing, believing that petitioner has failed to prove compliance with all the requirements of the law, appealed the decision to this Court on September 5, 1958.

The Solicitor General, in representation of the oppositor-appellant, assigns two errors as having been committed by the trial court, namely:

I

THE TRIAL COURT ERRED IN HOLDING THAT PETITIONER POSSESSES ALL THE QUALIFICATIONS TO BECOME A FILIPINO CITIZEN.

II

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR NATURALIZATION OF CHARM CHAN ALIAS ALAM.

As a whole the Solicitor General does not dispute the findings made by the trial court, which are supported by the evidence set forth above. He denies, however, that petitioner has proven satisfactorily that he (petitioner) has a lucrative occupation, as the only proof submitted by him to that effect is the certificate of his father as well as petitioner's own testimony.

We have held in a recent case that when the employment of a petitioner for naturalization is by his father and in the business of the latter, such evidence of employment is not very convincing, as it is possible that father and son, in the interest of the petition, testify to the alleged employment even (though the son may only be living under the protection and at the expense of his father. (*Velasco vs. Republic of the Philippines*, supra, p. 234). Petitioner's father is engaged in buying copra and his annual sales amount to some P53,000.00 (in round numbers) only. His place of business is Romblon, not Manila. If petitioner is actually employed by his father as a collector (for sales made by his father in Manila, where petitioner is only a student), the work of collection would represent work in getting the price of copra consigned to Manila to his father's buyers. But no collector would be necessary because the remittances of copra could be paid by the buyers in Manila by checks, money orders or telegraphic transfers. If we add to the above circumstances the fact that the profit for 1957 made by petitioner's father (P2,266.40) does not even amount to the petitioner's salary of P2,400, we are convinced that the supposed employment of petitioner is not real or actual but fictitious, conceived by petitioner and his father to satisfy the requirements of the law on naturalization. We are, indeed, persuaded by the circumstances that petitioner, a graduate of law, does not have a lucrative business or employment of his own within the meaning of the Naturalization Law. At most it may be said to be merely an arrangement planned by petitioner and his father to show a token compliance with the requirements of the Naturalization Law. (See *Velasco vs. Republic of the Philippines*, supra.)

As to the second question raised by the Solicitor General, our attention is invited to Section 5 of the Revised

Naturalization Law which, in part, provides as follows:

"No declaration shall be valid until lawful entry for permanent residence has been established and a certificate showing the date, place, and manner of his arrival has been issued."

Section 7 of the same law also provides that the certificate of arrival and the declaration of intention must be made part of the petition. Petitioner's declaration of intention contains the following statement:

"5. I emigrated to the Philippines from Amoy, China on the vessel SS. Empress Canada. My last foreign residence was Canton, China. I arrived at the port of Manila on, or about the year 1937. Certificate of arrival or landing certificate of residence were lost on account of the last war."

As admitted in the above paragraph, the petitioner was not able to produce the certificate showing the date, place, and manner of his arrival, and no such certificate is attached to his petition. His declaration above quoted is supported by his testimony that the certificate has been lost. Were it true that a landing certificate had been issued in his favor, it should not have been difficult for the petitioner to have secured a certified copy of the same from the Collector of Customs, as records of immigrants are complete and we have no knowledge that such records have been destroyed during the last war, no certificate of such loss having been presented. Again in the above quoted Section 7 of the law, the certificate of arrival must be made a part of the petition. This provision is mandatory and it has been enacted for the purpose of preventing aliens, who have surreptitiously come into the islands without the proper document or certificate of entry, from acquiring citizenship by naturalization, unless the said provision is complied with. This Court cannot grant the petition as the said grant would be a clear violation of the express mandate of the Jaw.

For the foregoing considerations, the decision appealed from should be, as it hereby is, reversed, and the petition denied, with costs in both instances against the petitioner.

So ordered.

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

Padilla and Endencia, JJ., took no part.

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