

[WITH RESOLUTION OF 30 AUGUST, 1962]*G. R. No. 15858. July 31, 1962*

Ponente: PADILLA, J.

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This is an appeal from a decree entered on 22 June 1959 by the Court of First Instance of Manila dismissing the appellant's petition to become a citizen of the Philippines on the sole ground that he has failed to prove that he had conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he is living, as required by section 2 paragraph 3, of the Revised Naturalization Law. A motion for reconsideration filed on 7 July 1959 was denied.

A restatement of the evidence presented by the appellant is unnecessary because the only ground relied upon by the trial court is the one adverted to above. Suffice it to say that the appellant has shown by his evidence that he has the qualifications and none of the disqualifications, as required and provided by law, to become a naturalized Filipino citizen, except the ground relied upon by the trial court already mentioned above.

It is true that section 7 of the Revised Naturalization Law requires only that the vouching or credible witnesses attest and testify that they know the applicant for naturalization to be a resident of the Philippines and a person of good repute and morally irreproachable for the period of time required by the Revised Naturalization Law (Commonwealth Act No. 473, as amended by Republic Act No. 530). They are not required to attest and testify that the applicant had 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 as well as with the community in which he is living, as required by section 2, paragraph 3, of the Revised Naturalization Law, as amended, unless they had known him for a period longer than the one stated in section 7 referred to above. Besides, if the applicant is a native child of aliens or brought to this country when he was an infant, the period of infancy or childhood is not included in the phrase "during the entire period of his residence in the Philippines," because no one could attest and testify that the applicant had conducted himself in a proper and irreproachable manner or otherwise during that period. Such period refers to that when a person becomes conscious and responsible for his acts and conduct in the community where he lives. Such conduct may be proved by other competent evidence not necessarily by the two vouching witnesses. Evidence that no derogatory police and court record exists against him would corroborate the testimony of the applicant as regards his proper and irreproachable conduct. Having failed to prove the requisite provided for in section 2, paragraph 3, of the Revised Naturalization Law, as reversal of the decree entered by the trial court denying the appellant's petition could not be justified.

The decree appealed from denying the appellant's petition for naturalization is affirmed, with costs against him.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, RegaLa, and Macalintal, JJ., concur.

RESOLUTION

30 August, 1962

PADILLA, J.:

A motion for reconsideration has been filed by the appellant praying that the judgment rendered in this case on appeal be set aside and another be entered granting his petition to become a Filipino citizen by naturalization, on the ground that the finding of the trial court that he failed to prove that he had "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 as well as with the community in which he is living" is erroneous, because aside from his testimony on the point he presented certificates by the Manila Police Department to the effect that he did not have record in that department (Exhibit M); by the Office of the City Fiscal of Manila, that no case had been filed against him (Exhibit M-1); by the Clerk of Court of First Instance of Manila, that there is no criminal or civil case against him (Exhibit M-2); by the Deportation Board, that neither had he been the subject of deportation proceedings, nor had a pending case, before it (Exhibit M-3); by the Bureau of Immigration, that no derogatory information exists against him (Exhibit M-4); by the Land Registration Commission, that no real property appears to be originally registered in his name (Exhibit M-5); and by the National Bureau of Investigation, that he has no derogatory record in that Bureau (Exhibit M-6), which, according to him, are sufficient evidence to establish the requirement of section 2, paragraph 3, of the Revised Naturalization Law, as amended.

The review on appeal of the case was confined to the ground relied upon by the trial court and to the errors claimed to have been committed by said court. In passing upon the motion for reconsideration a review of the whole record has been made and it appears that the appellant is a salesman of the Acme Utensil Factory and has an average annual income of P3,000 (pp. 33, 60-61, 77-80, t.s.n.; Exhibits P, P-1 and P-2); that he is married to Perpetua Quieng, a native of San Juan, Batangas (pp. 36-37, t.s.n.) but a Chinese citizen (p. 38, t.s.n.); that she bore him four children, namely, Susan, Robert, Thomas and Rosie, all born in Manila (pp. 39-42, t.s.n.).

Granting that the trial court erred in construing section 2, paragraph 3, of the Revised Naturalization Law, as amended, as requiring the two attesting or vouching witnesses to testify to his good, and proper conduct and behavior during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living, for the reason that such fact may be proved by other competent and admissible evidence, still the appellant cannot become a naturalized Filipino citizen, because his annual income or salary as salesman is not lucrative within the meaning of section 2, paragraph 4, of Commonwealth Act No. 473, as amended by Republic Act No. 530, otherwise known as the Revised Naturalization Law.[1]

Upon this last ground the petition for naturalization by the appellant is denied. The motion for reconsideration is also denied.

Bengzon C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Koa Gui vs. Republic of the Philippines, Supra p..... and Keng Giok vs. Republic of the Philippines, 112 Phil., 986.

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