

CALVIN K. LO, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. 15919. May 19, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Petitioner seeks Philippine citizenship in a petition filed before the Court of First Instance of Manila. His petition is supported by the affidavits of Julian S. de Guia, who worked once as secretary and accountant of the Keyser Mercantile Co., Inc., and Francisco V. Alfonso, a stock clerk of the same firm.

After hearing, the court denied the petition on the following grounds: (1) petitioner failed to state in his petition his former places of residence; (2) he failed to allege the proximate date of his arrival in the Philippines and the place of his debarkation; and (3) the witnesses he presented were biased and unreliable. His motion for reconsideration having been denied, petitioner interposed the present appeal.

It is argued that the lower court should not have dismissed appellant's petition considering as one of its grounds his failure to allege his former places of residence as well as the proximate date of his arrival and the name of the port of his debarkation for the reason that, while the petition suffers from that omission, he was however able to introduce evidence regarding those matters to the extent that such deficiency, if any, had been cured it appearing that the evidence was submitted without objection on the part of the representative of the government.

This contention has no merit. Section 7 of the Revised Naturalization Law expressly requires that the petitioner should set forth in his petition, besides his name and surname, "his present and former places of residence; * * * the approximate date of his or her arrival in the Philippines, the name of the port of debarkation and, if he remembers, the name of the ship on which he came." The fact that he was able to present evidence proving the abovementioned facts does not necessarily mean that he has not transgressed the above requirements because his ulterior proof cannot have the effect of curing such transgression. The reason behind such requirement is obvious: said facts are required to be stated in the petition in order that, upon its publication, the public as well as the investigating agencies of our government may be given the needed opportunity to be informed thereof and voice their objection, if any, to petitioner's desire to become a Filipino citizen. By omitting said facts from the petition the public and said agencies are deprived of such opportunity thereby defeating the purpose of the law. The fact that petitioner presented several clearances from different agencies of the government does not entirely eliminate the possibility of not having been able to cover certain clues that might lead to petitioner's disqualification precisely because of such omission. Hence the importance of this requirement of the law.

With regard to the claim that the trial court erred in not giving credence to the character witnesses of appellant on the ground of bias, the following is what the court said of them: "Julian S. de Guia of Caloocan, Rizal, once worked as secretary and accountant of the Keyser Mercantile Co., Inc., and therefore was a subordinate of the petitioner who is its assistant manager and who must have a moral influence over him. Francisco V. Alfonso of Cavite City is a stock clerk in the same firm, having been employed there at the recommendation of the same

petitioner, so that over this witness he has until the present not only moral but also economic influence. Besides, taking into consideration that petitioner never lived either in Caloocan or in Cavite City, the association if any that these witnesses have with the petitioner is very limited despite their claim to the contrary."

We find this comment sound and logical for indeed these witnesses who had been and are under the authority and influence of petitioner cannot testify with such independence of mind as is required of character witnesses. Sound policy requires that they not only be trustworthy but should possess such knowledge as would enable them to act as insurers of the moral character of petitioner.[1] Verily, these witnesses are not in a position to act as such.

Wherefore, the decision appealed from is affirmed, with costs against appellant.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

[1] Fong vs. Republic, L-9153, May 17, 1957; Young vs. Republic, L-11278, May 19, 1958; Ong vs. Republic, 103 Phil., 964; Ng Liam Keng vs. Republic, supra, p. 854.

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