

IN THE MATTER OF THE PETITION OF ONG BON KOK ALIAS UY SAE TIN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES: ONG BON KOK ALIAS UY SAE TIN, PETITIONER AND APPELLEE, VS. REPUBLIC OF...

G.R. No. 19583. September 30, 1964

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

The Solicitor General seeks the reversal of a decision of the Court of First Instance of Negros Oriental granting the application for naturalization as citizen of the Philippines of petitioner-appellee, Ong Bon Kok. The grounds invoked by appellant are: (1) that petitioner's moral character is not good; (2) that this witnesses are not credible persons; and (3) that he has illegally used an alias.

In support of the first ground, it is urged that, according to petitioner's testimony, his gross income for the year 1960 was about P9,000.00; that his net income was "P6,300 plus", after deducting "operation expenses, the salary * * * paid to the employees, the taxes * * * paid to the government and expenses * * * for my cargo truck"; that his sustenance was deducted only from his "personal withdrawals"; and that by "personal withdrawals" he meant that every month he withdrew "a certain amount" for his "personal use from the business". Asked by the city attorney: "You deduct that from the gross income?" Petitioner answered: "Yes, sir". When the court sought a clarification, by inquiring whether his yearly net income of about P6,000 did not include anymore his sustenance and that of his family, petitioner replied: "The sustenance I have already withdrawn from the gross income".

Appellant infers from the foregoing that the sum of P9,000 declared by petitioner in his income tax return for 1960 as his gross income therefor was in fact the balance of such gross income after deducting the sustenance of his family. Hence, appellant concludes that petitioner had violated the National Internal Revenue Code, pursuant to the provisions of which personal expenses are not deductible for income tax purposes, and that petitioner had, accordingly, not acted in good faith in declaring that his gross income for 1960 was P9,391.30.

This conclusion is erroneous. What petitioner had repeatedly said was that, for his sustenance and that of his family, he "withdrew" certain amounts monthly from the gross income. In other words, he took said amounts from the gross income. He did not say that the sum of P9,391.30, reported in said return as the gross income for 1960, excluded already the cost of the aforementioned sustenance.

As regards the second ground it appears that petitioner's witnesses were Ramon Ponce do Leon and Orlando Consing. The former was petitioner's family physician, who, aa such, had been in close contact with the petitioner and the member of his family. Dr. Ponce de Leon had, also, been President of the Dumaguete Rotary Club, as well as Rotary Club Governor. Upon the other hand, Consing had been a member of the police force of Dumaguete City from 1949 to July 25, 1960, when he became the Chief of Police. Moreover, petitioner had been his neighbor from 1916 to 1959. Both Dr. Ponce de Leon and Orlando Consing are likewise lawyers and, such, they declared that petitioner has all the requisite qualifications and none of the disqualifications provided by law.

Then, also, petitioner was a teacher in the Dumaguete Chunghua School, in addition to being engaged in the whole sale of dried fish, with a warehouse therefor. Thus, he was well known in the community. Under these circumstances, we are not prepared to say that said character witnesses are not credible persons or that they are incompetent to attest to petitioners' qualifications to be a citizen of the Philippines.

With respect to the alleged illegal use of an alias, the record shows that petitioner is referred to as "Ong Bon Kok, alias Uy Sae Tin" in his application for naturalization, in the affidavit attached thereto of his character witnesses, in his declaration of intention, in his marriage contract, in the registry of birth of his children and in his record in Silliman University. The records of the Bureau of Private Education refer to him as Uy Sae Tin. However, as teacher of the Dumaguete Chunghua School and as merchant, he is known exclusively as Ong Bon Kok. His income tax returns, his income tax receipts, his profit and loss statements, his residence certificates, his record in the Chinese Embassy in Manila, his alien certificate of registration and the clearances issued in his favor designate him by the same name (Ong Bon Kok).

Thus, it would appear that he was originally known as Uy Sae Tin, and this explains why such is the name under which he is registered in the Bureau of Private Education. Somehow, he was later known, also, by the name of Ong Bon Kok, and so the records as regards his legal status and that of the members of his family designate him as "Ong Bon Kok" alias Uy Sae Tin. This does not mean that he, likewise, used this alias. It merely indicates that Ong Bon Kok is the same person formerly known as Uy Sae Tin. This alias appears in his declaration of intention and petition for naturalization, as well as in the affidavit supporting the same, because the law requires it, and because failure to comply with such requirement would have been a ground for the denial of said petition. In other words, the record before us does not show that either in the discharge of his duties as a teacher, or in the performance of his functions as a merchant or in his other activities, he had used any alias.

WHEREFORE, the decision appealed from should be, as it is hereby affirmed, without costs.

IT IS SO ORDERED.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

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