

JOSE G. SYSON, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. 21199. May 29, 1967

Ponente: ZALDIVAR. J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-21199/>

ZALDIVAR. J.:

On March 31, 1959, Jose G. Syson filed a petition for naturalization in the Court of First Instance of Manila alleging, among others, that his former name was Chi chian, but by decision of the Juvenile and Domestic Relations Court on October 1, 1958 in Special Proceedings No. 01092 his name was changed to Jose G. Syson; thai-he was born on August 2, 1917 in Ching kang, China' that he came to the Philippines in 1933, from Amoy, China' on board the "SS Anking"; that he is married to Ang Eng with whom he has three children, namely: Chi Chiong born in Hongkong on May 16, 1954; Maria A. Syson' born in Manila on November 16, 1956; and Chi Ka, born in Hongkong on October 12, 1957; that he has not enrolled in school his children because they are not yet of school age; that he is residing at 1563 Dart, Paco, Manila, although his former residence was 653-D of the same street; that he is able to speak and write Spanish and Tagalog; that he is the assistant manager of Sy Juen & Co. with a monthly salary of P250.00, plus bonus; and that from 1956 to 1958 he had an average income of P7,599.93.

On July 26, 1960, the trial court, presided by Judge Bonifacio Ysip, rendered a decision finding petitioner possessed of all the qualifications, and none of the disqualifications, to be a Filipino citizen, thereby granting the petition for naturalization subject, however, to petitioner's compliance with the conditions provided for in Republic Act 530 before he could be allowed to take the oath of allegiance.

The record shows that on August 24, 1960', the Solicitor general filed a notice of appeal, and on August 25, 1960, he filed a record on appeal; that on September 15, 1960, the petitioner filed a motion for rehearing for the reception of alleged additional and vital evidence which he inadvertently omitted to present during the trial; that on September 16, 1960, the lower court granted the motion for rehearing; that at the rehearing petitioner presented additional evidence consisting of the testimony of his wife, Ang Eng, who stated that their two children, Chi Guiap and Chi Chiu, died in Ching kang, China in 1942 and 1949, respectively; that on September 19, 1960, the trial court issued an order admitting the additional evidence of petitioner and giving the Solicitor General a period of ten days within which to decide whether to withdraw or maintain the appeal of the Government; that on September 20, 1960, a motion, signed by First Assistant Solicitor Guillermo Torres, was filed, withdrawing the appeal; and that on that same day, September 20, 1960, Judge Ysip granted the motion withdrawing the appeal. It should be noted that Assistant Solicitor Frine C. Zaballero, who was handling the case before the Court of First Instance of Manila, did not sign the motion to withdraw the appeal.

On September 17, 1962, or after the lapse of two s from July 26, 1960 when the lower court rendered Its decision declaring petitioner eligible for Philippine citizenship, the petitioner filed with the court a petition to take his oath of allegiance pursuant to the provisions Republic Act 530. On October 30, 1962, Assistant Solicitor Frine C. Zaballero, in behalf of the Government, filed an opposition to the petition to set a case for oath taking contending

that the decision of July 26, 1960 had not yet become final. Because an appeal from that decision was duly made and that the withdrawal of the appeal was improper and did not produce the effect of making the decision final; and, moreover, the petitioner had shown that he had complied with the requirements of the Naturalization Law to become a Filipino citizen. The Solicitor, in opposing the taking of the oath by the petitioner, reiterated the grounds of the original opposition to the petition for naturalization.

The record shows that as of the time the petition to set the case for oath-taking was filed, Judge Ysip who had decided the case had died, and First Assistant Solicitor General Guillermo Torres, who signed the motion withdrawing the appeal, had since been appointed judge of the court of first instance. On December 21, 1962, after hearing and submission by the parties of their memoranda, the court *a quo*, presided by Judge Francisco Geronimo, issued an order declaring that petitioner had complied with the provisions of Republic Act 530 and was, therefore, entitled to be issued the corresponding naturalization certificate after taking the requisite oath. On that same day, December 21, 1962, the petitioner took his oath of allegiance, and a certificate of naturalization was forthwith issued in his favor.

The Solicitor General timely filed a notice of appeal and a record on appeal from the aforementioned order of December 21, 1962. However, before the approval of the record on appeal, or on January 23, 1963, petitioner filed a petition to include as additional evidence photostatic copies of his income tax returns for the years 1951 to 1961, which petition was granted by the trial court over the objection of the Government. After approval of the record on appeal, the same was forwarded to Court on April 22, 1963.

The appeal, from the order of the lower court allowing the petitioner to take his oath of allegiance and authorizing the issuance to him of a certificate of naturalization, having been properly taken, this case is now before this Court for review of its entire proceedings, from the beginning.^[1] Brushing aside certain technical objections raised by the parties, We shall proceed to decide this case on the merits, based on the evidence of record.

The Solicitor General, in this appeal, has assigned several errors committed by the lower court, but all those errors boil down to the simple proposition that the lower court erred in granting the petition for naturalization, in allowing the petitioner to take the oath of allegiance, and in ordering the issuance of the certificate of naturalization in favor of the petitioner.

After a careful study of the record of this case, We find the stand taken by the Solicitor General meritorious.

In his petition for naturalization, filed on March 31, 1959, petitioner alleged that he had only three children, namely: Chi Chiong, Maria A. Syson, and Chi Ka. We find, however, that on March 13, 1958, about one year before he filed his petition, in the sworn statement that he executed before the Bureau of Immigration for the issuance of his certificate of arrival, petitioner stated that he had five children, namely: Chi Guiap, male, born in Chingkan on March 3, 1940; Chi Chiu, female, born in Chingkan, February 10, 1949; Chi Chiong, male, born in Hongkong on May 16, 1954; Maria Ang Chi, female, born in Manila on November 16, 1956; Chi Ka, male, born in Hongkong on October 12, 1957; and petitioner further stated that "all these children are residing in Hongkong, except Maria Ang Chi who is now with me here in Manila, -cause she is native-born."^[2] A certified copy of this statement was presented by the Solicitor General during the trial as evidence for the opposition—precisely to disprove the claim of petitioner that he had only three children. This evidence of the Government was rebutted by the petitioner during the original hearing. But on September 15, 1960, after the decision of the lower court had been rendered, the petitioner filed a motion praying for a rehearing for the purpose of presenting what he claimed to be a vital evidence very material to the case which "was inadvertently omitted and which ordinary prudence could not have against."^[3] The lower court granted the motion for rehearing. That "vital" and "very material" evidence that was "inadvertently omitted" turned out to be the testimony of Ang Eng,

the wife of petitioner, to the effect that their other two children— Chi Guiap and Chi Chiu—had died in Ching kang, China, in 1942 and 1949, respectively. But this testimony of petitioner's wife cannot be given credence because in the certificate of live birth of Maria Ang Chi,[4] their fourth child, signed by petitioner's wife and filed with the civil registrar of Manila on January 22, 1957, it appears that said child was born on November 16, 1956, and to the question: "How many other children are now living?", the answer is "3", and to the question: "How many other children are now dead?", the space for the answer is left blank, thereby indicating that as of January 22, 1957, they had four living children, and they had no dead child. Those four living children could be no other than Ch Guiap, Chi Chiu, Chi Chiong and Maria Ang Chi. Again, in the certificate of live birth of his sixth child, Anita Syson,[5] signed by the petitioner himself and presented to the civil registrar of Manila on July 6, 1961, it appears that said Anita Syson was born on June 7, 1961 and and that to the question "How many children are now living?" the answer is "6"; and to the question "How many other children were born alive but are now dead?", the space for the answer is left blank, thereby indicating that as of July 6, 1961, the petitioner had six living children, and they had no dead child. Those six children could be no other than Chi Guiap, Chi Chiu, Chi Chiong, Maria Ang Chi, Chi Ka and Anita Syson. It follows that as of March 31, 1959 when the petition for naturalization was filed the petitioner had five children—not three as alleged by him—namely, Chi Guiap, Chi Chiu, Chi Chiong, Maria Ang Chi and Chi Ka. It is presumed that the answers contained in the certificates of live birth herein adverted to were given by the informants who signed said certificates. If it is true that said two children, Chi Guiap and Chi Chiu, had died in 1942 and 1949, respectively, why did petitioner's wife say on January 22, 1957 that she had three other living children besides Maria Ang Chi (the second child named in the petition) ? Why did petitioner say on July 6, 1961 that he had six living children, if on that date he had only three other children besides his recently-born daughter, Anita? Why did the petitioner or his wife, when he/she signed the certificate of live birth of Maria or Anita, as the case may be, not give the information that two of their children had died before? The only conclusion that can be made is that the petitioner did not state the truth about the number of his living children in his petition for naturalization. Such conduct of petitioner, certainly, is not in keeping with the requirement of the law that the applicant for citizenship must make a full disclosure of his personal circumstances, and the apparently untruthful statement of petitioner regarding e number of his living children at the time he filed his petition for naturalization indicates that he is not possessed of the irreproachable character required of him by law to become naturalized Filipino citizen.[6]

There is cogent reason to believe that this failure of petitioner to mention two of his children when he filed his petition for naturalization is not devoid of design on his part. Presumably aware that the Naturalization Law requires him to enroll has minor children in a school recognized by the Government, which petitioner admittedly failed to do, he chose not to mention in his petition for naturalization his two other minor children—Chi Guiap and Chi Chiu—who were precisely already of school age. In the case of *Tan Chu Keng vs. Republic*, L-13139, May 24, 1961, where it was shown that the applicant for citizenship did not make mention of two of his children in his petition for naturalization allegedly because they were already of age at the time of the filing of the petition, this Court, in denying the application, held:

"The law requires the petitioner, if he is the father of children, to state the name, age, birthplace and residence of each of the children, without making a distinction whether the petitioner's children are minors or of age.

"* * * To such requirements shall be added that which establishes that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality. * * * Awareness of this requisite has undoubtedly motivated the petitioner to exclude the names of Espiritu and Alfonso in the petition contrariwise, he would have been compelled to show that he had given said children primary and secondary education in the proper schools, which he had admittedly failed to do."

In the face of the evidence which patently contradicts the allegation of the petitioner that he had only three living children at the time he filed his petition for naturalization, a serious doubt is engendered in Our mind regarding the good moral character of the petitioner. We have to resolve this doubt in favor of the Government, and We declare that petitioner is a person not qualified to be a Filipino citizen by naturalization.[7]

The Solicitor General contends that the petitioner is not possessed by the ability to speak and write Spanish as required by the Naturalization Law. We find this contention correct. The record shows that while petitioner could answer in Spanish simple questions directed to him by his counsel, he could not answer correctly in Spanish those propounded by the court. The following excerpts from the transcript of the testimony of the petitioner is revealing:[8]

"COURT—

Q. ¿Es lo que entiende del gobierno democrático? ¿Hablado en Español que entiende de la misma.

A. (No answer)

SOL. ZABALLERO—

May I make of record that the petitioner cannot speak in the language he claims he can speak and write.

COURT—

He cannot speak in Spanish what he meant by democratic government. I will ask him in English.

Q. Where does the supreme authority of the government of the Philippines come from?

A. (No answer)

Q. Will you state the composition of the government of the Philippines?

A. (No answer) x x x Your Honor, I would like to speak in Tagalog.

* * * * *

Q. ¿Cuánto tiempo estuvo usted en China en 1940?

A. Tres veces en China, dos veces en Hongkong.

SOL. ZABALLERO—

May I manifest that the answer is not responsive to the question.

COURT—

Q- Escriba usted lo siguiente: No estoy opuesto al gobierno organizado, ni estoy afiliado a ninguna asociación o grupo de personas que sostiene y predica doctrinas que oponen a todo gobierno organizado.

A. (Witness wrote down: No estoy opuesto Gobierno organizado ni esto afiliado asociación o grupo de personas como suscribire las doctrinas que se oponen todo gobierno organizado).

Q. Si puede usted traducir en Tagalog, ponga usted en Tagalog?

A. (Witness started translating by writing down 'Hene ako' * * * No sir, I cannot translate it into Tagalog).

And after answering some questions asked by his counsel, Atty. Angeles, Solicitor Zaballero remarked:

"Your Honor, I will oppose further questions of counsel in Spanish in view of the test already given, by the Court. The questions prepared by counsel are being answered by petitioner merely for the preparation for

today's hearing. * * * So that the only purpose of these questions and answers is to insert into the record questions and answers in Spanish when, as a matter of fact, as already shown by the testimony of the petitioner, he could not even answer in responsive answers to the questions in ordinary Spanish propounded by the Court.

COURT—

I think really you are not yet prepared. The petitioner cannot answer simple questions.

MR. ANGELES—

May we be given time for the petitioner to learn further. Your Honor?

COURT—

When do you continue?

MR. ANGELES—

May we continue next June, Your Honor?

COURT—

You cannot acquire proficiency in Spanish within three months. * * * For example, the dictation I gave him "" very simple. I did not get it from any book. I only a short paragraph from his petition. To give a to the witness, I will give more simple questions, him to answer in complete sentence and not yes (To the witness).

Q. Sabe usted, Seiior Syson, que paso de la Eepublica de China ante de ser ocupada por los comunista?

A. (No answer)

Q. Conteste ahora esa pregunta en su propio modo de hablar Castellano?

A. No entiende.

Q. Usted ha leído la Constitucion de Filipinas?

A. La Constitucion es la ley * * *.

Q. Usted ha leído Bill cf Rights de la Constitucion? Diga en Castellano los derechos garantizados por la Constitucion? * * *

A. Deber del gobierno a defender el estado. Deseo de los. padres de educar sus hijos.

COURT-

NO es eso mi pregunta. Mi pregunta es osbre el Bill of Eights.

MR. ANGELES—

In view of the showing of the petitioner, I would ask that We be given at least three months to prepare him, Your Honor."

We agree with the Solicitor General's contention that the petitioner has failed to meet the language qualification required by the Naturalization Law (Section 7, Commonwealth Act No. 473).[9]

In his petition for naturalization, petitoner averred that his only former residence was at 653-D, Dart, Paco, Manila. However, during the hearing for the oath-taking, the Solicitor General presented the report of investigation of the NBI regarding the petitioner, and attached to that report is a sworn statement made by

petitioner before NBI Supervising Agent Diosdado J. lagman at the Office of the Anti-Fraud Staff, National Bureau of Investigation of September 27, 1962. [10]

It appears in that sworn statement that in answer to the question. "Since the time you arrived in the Philippines up to the present, please state the places where you have resided and the period of your stay in each?" the petitioner replied:

"1933-1934 at Dagupan, Pangasinan, 1934-1942 at 548 Dart Paco, Manila, 1942-1945 at 2144 Herran, Paco, Manila; 1945 to the present at 1563 (old number 653) Dart, Paco, Manila'

This piece of evidence was not rebutted by the petitioner. We have ruled time and again, in numerous cases, that failure of the petitioner to allege in his petition for naturalization all his former places of residence "in violation of the mandatory provision of Section 7 of the Revised Naturalization Law is a fatal defect that not only warrants dismissal of the petition but, also, affects the jurisdiction of the court to hear and decide the case" [11]

Finally, We find that the petitioner at the time when he filed his petition for naturalization did not have an income that would qualify him for admission to Philippine citizenship. In his petition, it is alleged that petitioner was receiving a monthly salary of P250.00, plus bonus, from the Sy Juen & Co. and that his average annual income from 1956 to 1958 was P7,599.93. The petition was filed on March 31, 1959. In the income tax return of petitioner for 1959,[12] it appears that his net Income for that year is P8,114.57. Considering that when he filed his petition, the petitioner had to support a wife and five children, as shown by the evidence, his 1 annual income of P8,114.57 is not sufficient in order tin he can be considered a person having a lucrative trade or profession, as required by the Naturalization Law.[13]

In view of the foregoing, the order of the lower cot of December 21, 1962, appealed from, which allowed petitioner Jose G. Syson to take his oath of allegiance, and which also authorized the issuance to him of a certificate of naturalization, is set aside, and petitioner is hereby declared not qualified to become a Filipino citizen. The decision of the lower court of July 26, 1960 granting the petition for naturalization is reversed, and the petition is considered dismissed. The oath of allegiance taken by petitioner is declared without force and effect, and the certificate of naturalization issued to him is ordered cancelled. The petitioner-appellee should pay the costs of this case. It is so ordered.

Concepcion, C.J., Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P., Sanchez, and Ruiz Castro, JJ., concur.

Order set aside.

[1] Go Im Ty vs. Republic, L-17919, July 30, 1966; Go Kam Lim vs Republic, L-20227, May 31, 1965; Tio Tek Chai vs. Republic L-19112, October 30, 1964; Kwan Kwock How vs. Republic, L-18521, January 30, 1964.

[2] Exhibit 3.

[3] As quoted from the motion.

[4] Exhibit H-2, and Annex B to appellant's brief.

[5] Annex 1-3 of Exhibit 6 presented by the Solicitor General During the hearing for oath-taking on December 11, 1962.

[6] Justo Tan vs. Republic, L- 16013, March 20, 1963; Kang vs. Public, L-17013, May 30, 1963, citing Yu Seco vs. Republic, L-13441, June 30, 1960; Lao Lian Su vs. Republic, L-15543, September 29, 1961.

[7] Tan Chu Keng vs. Republic, L-13139, May 24, 1961; See Segundo Sy Cezar vs. Republic, L-14009, May 31, 1961.

[8] See Annex C of appellant's brief, pp. 52-63.

[9] Ken vs. Republic, L-18898, December 24, 1963.

[10] Exhibit 6, Annex B.

[11] Go vs. Republic, L-20558, March 31, 1965. (See also c
cited therein)

[12] Exhibit F-12 (Original hearing) and Exhibit "C-oath"

[13] Ken Ciok vs. Republic, L-13347, August 31, 1961; Tan vs Republic, L-16013, March 30, 1963.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.