

## THIRD DIVISION

[ G.R. NO. 170603, January 29, 2007 ]

**EDISON SO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES,  
RESPONDENT.**

### DECISION

**CALLEJO, SR., J.:**

Assailed in this Petition for Review on *Certiorari* is the Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 80437 which reversed the Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Manila, Branch 8, in Naturalization Case No. 02-102984. Likewise assailed is the appellate court's Resolution denying the Motion for Reconsideration of its Decision.

#### Antecedents

On February 28, 2002, petitioner Edison So filed before the RTC a Petition for Naturalization<sup>[3]</sup> under Commonwealth Act (C.A.) No. 473, otherwise known as the Revised Naturalization Law, as amended. He alleged the following in his petition:

He was born on February 17, 1982, in Manila; he is a Chinese citizen who has lived in No. 528 Lavezares St., Binondo, Manila, since birth; as an employee, he derives an average annual income of around P100,000.00 with free board and lodging and other benefits; he is single, able to speak and write English, Chinese and Tagalog; he is exempt from the filing of Declaration of Intention to become a citizen of the Philippines pursuant to Section 6 of Commonwealth Act (C.A.) No. 473, as amended, because he was born in the Philippines, and studied in a school recognized by the Government where Philippine history, government and culture are taught; he is a person of good moral character; he believes in the principles underlying the Philippine constitution; he has 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; he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people; he has all the qualifications provided under Section 2 and none of the disqualifications under Section 4 of C.A. No. 473, as amended; he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments; he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success or predominance of men's ideas; he is not a polygamist or a believer in the practice of polygamy; he has not been convicted of any crime involving moral turpitude; he is not suffering from any incurable contagious diseases or from mental alienation; the nation of which he is a citizen is not at war with the Philippines; it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate,

state or sovereignty, and particularly to China; and he will reside continuously in the Philippines from the time of the filing of the petition up to the time of his admission as citizen of the Philippines. The petition was docketed as Naturalization Case No. 02-102984.

Attached to the petition were the Joint Affidavit<sup>[4]</sup> of Atty. Artemio Adasa, Jr. and Mark B. Salcedo; and petitioner's Certificate of Live Birth,<sup>[5]</sup> Alien Certificate of Registration,<sup>[6]</sup> and Immigrant Certificate of Residence.<sup>[7]</sup>

On March 22, 2002, the RTC issued an Order<sup>[8]</sup> setting the petition for hearing at 8:30 a.m. of December 12 and 17, 2002 during which all persons concerned were enjoined to show cause, if any, why the petition should not be granted. The entire petition and its annexes, including the order, were ordered published once a week for three consecutive weeks in the Official Gazette and also in a newspaper of general circulation in the City of Manila. The RTC likewise ordered that copies of the petition and notice be posted in public and conspicuous places in the Manila City Hall Building.<sup>[9]</sup>

Petitioner thus caused the publication of the above order, as well as the entire petition and its annexes, in the Official Gazette on May 20, 2002<sup>[10]</sup> and May 27, 2002,<sup>[11]</sup> and in *Today*, a newspaper of general circulation in the City of Manila, on May 25, 2002 and June 1, 2002.

No one opposed the petition. During the hearing, petitioner presented Atty. Adasa, Jr. who testified that he came to know petitioner in 1991 as the legal consultant and adviser of the So family's business. He would usually attend parties and other social functions hosted by petitioner's family. He knew petitioner to be obedient, hardworking, and possessed of good moral character, including all the qualifications mandated by law. Atty. Adasa, Jr. further testified that petitioner was gainfully employed and presently resides at No. 528 Lavezares Street, Binondo, Manila; petitioner had been practicing Philippine tradition and those embodied in the Constitution; petitioner had been socially active, mingled with some of his neighbors and had conducted himself in a proper and irreproachable manner during his entire stay in the Philippines; and petitioner and his family observed Christmas and New Year and some occasions such as fiestas. According to the witness, petitioner was not disqualified under C.A. No. 473 to become a Filipino citizen: he is not opposed to organized government or believes in the use of force; he is not a polygamist and has not been convicted of a crime involving moral turpitude; neither is he suffering from any mental alienation or any incurable disease.<sup>[12]</sup>

Another witness for petitioner, Mark Salcedo, testified that he has known petitioner for ten (10) years; they first met at a birthday party in 1991. He and petitioner were classmates at the University of Santo Tomas (UST) where they took up Pharmacy. Petitioner was a member of some school organizations and mingled well with friends.<sup>[13]</sup> Salcedo further testified that he saw petitioner twice a week, and during fiestas and special occasions when he would go to petitioner's house. He has known petitioner to have resided in Manila since birth. Petitioner is intelligent, a person of good moral character, and believes in the principles of the Philippine Constitution. Petitioner has a gainful occupation, has conducted himself in a proper and irreproachable manner and has all the qualifications to become a Filipino citizen.

Petitioner also testified and attempted to prove that he has all the qualifications and none of the disqualifications to become a citizen of the Philippines.

At the conclusion of his testimonial evidence, petitioner offered in evidence the following documents: (1) Certificate of Live Birth;<sup>[14]</sup> (2) Alien Certificate of Registration;<sup>[15]</sup> (3) Immigrant Certificate of Residence;<sup>[16]</sup> (4) Elementary Pupils'  $\frac{1}{2}$ s<sup>[17]</sup> and High School Students'  $\frac{1}{2}$ s<sup>[18]</sup> Permanent Record issued by Chang Kai Shek College; (5) Transcript of Record issued by the University of Santo Tomas;<sup>[19]</sup> (6) Certification of Part-Time Employment dated November 20, 2002;<sup>[20]</sup> (7) Income Tax Returns and Certificate of Withholding Tax for the year 2001;<sup>[21]</sup> (8) Certification from Metrobank that petitioner is a depositor;<sup>[22]</sup> (9) Clearances that he has not been charged or convicted of any crime involving moral turpitude;<sup>[23]</sup> and (10) Medical Certificates and Psychiatric Evaluation issued by the Philippine General Hospital.<sup>[24]</sup> The RTC admitted all these in evidence.

The RTC granted the petition on June 4, 2003.<sup>[25]</sup> The *fallo* of the decision reads:

WHEREFORE, judgment is hereby rendered GRANTING the petition and declaring that petitioner EDISON SO has all the qualifications and none of the disqualifications to become a Filipino citizen and he is hereby admitted as citizen of the Philippines, after taking the necessary oath of allegiance, as soon as this decision becomes final, subject to payment of cost of P30,000.00.

SO ORDERED.<sup>[26]</sup>

The trial court ruled that the witnesses for petitioner had known him for the period required by law, and they had affirmed that petitioner had all the qualifications and none of the disqualifications to become a Filipino citizen. Thus, the court concluded that petitioner had satisfactorily supported his petition with evidence.

Respondent Republic of the Philippines, through the Office of the Solicitor General (OSG), appealed the decision to the CA on the following grounds:

I.

THE LOWER COURT ERRED IN GRANTING THE PETITION FOR NATURALIZATION DESPITE THE FACT THAT THE TWO (2) CHARACTER WITNESSES, NAMELY: ARTEMIO ADASA, JR. AND MARK SALCEDO WERE NOT QUALIFIED CHARACTER WITNESSES.

II.

PETITIONER IS NOT QUALIFIED TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES.<sup>[27]</sup>

Respondent contended that based on the evidence on record, appellee failed to prove that he possesses all the qualifications under Section 2 and none of the disqualifications under Section 4 of C.A. No. 473. It insisted that his two (2) character witnesses did not know him well enough to vouch for his fitness to become a Filipino citizen; they merely made general statements without giving

specific details about his character and moral conduct.<sup>[28]</sup> The witnesses did not even reside in the same place as petitioner.<sup>[29]</sup> Respondent likewise argued that petitioner himself failed to prove that he is qualified to become a Filipino citizen because he did not give any explanation or specific answers to the questions propounded by his lawyer. He merely answered "yes" or "no" or gave general statements in answer to his counsel's questions. Thus, petitioner was unable to prove that he had all the qualifications and none of the disqualifications required by law to be a naturalized Filipino citizen.<sup>[30]</sup>

On the other hand, petitioner averred that he graduated cum laude from the UST with the degree of Bachelor of Science in Pharmacy. He is now on his second year as a medical student at the UST Medicine and Surgery. He avers that the requirements for naturalization under C.A. No. 473, as amended by LOI 270, in relation to Presidential Decree Nos. 836 and 1379, had been relaxed after the Philippine government entered into diplomatic relations with the People's Republic of China; the requirements were further relaxed when Republic Act (R.A.) No. 9139 was signed into law.<sup>[31]</sup> Petitioner pointed out that the petition, with all its annexes, was published in the official gazette and a newspaper of general circulation; notices were likewise sent to the National Bureau of Investigation, Department of Justice, Department of Foreign Affairs, and the OSG. But none from these offices came forward to oppose the petition before the lower court.<sup>[32]</sup> Petitioner insisted that he has all the qualifications and none of the disqualifications to become Filipino. This was clearly established by his witnesses.

In its Reply Brief, respondent alleged that R.A. No. 9139 applies to administrative naturalization filed with the Special Committee on Naturalization. It insisted that even in the absence of any opposition, a petition for naturalization may be dismissed.

In its Decision<sup>[33]</sup> dated August 4, 2005, the CA set aside the ruling of the RTC and dismissed the petition for naturalization without prejudice.<sup>[34]</sup> According to the CA, petitioner's two (2) witnesses were not credible because they failed to mention specific details of petitioner's life or character to show how well they knew him; they merely "parroted" the provisions of the Naturalization Act without clearly explaining their applicability to petitioner's case.<sup>[35]</sup> The appellate court likewise ruled that petitioner failed to comply with the requirement of the law that the applicant must not be less than 21 years of age on the day of the hearing of the petition; during the first hearing on December 12, 2002, petitioner was only twenty (20) years, nine (9) months, and twenty five (25) days old, falling short of the requirement.<sup>[36]</sup> The CA stated, however, that it was not its intention to forever close the door to any future application for naturalization which petitioner would file, and that it believes that he would make a good Filipino citizen in due time, a decided asset to this country.<sup>[37]</sup>

Petitioner's motion for reconsideration<sup>[38]</sup> was denied in a Resolution<sup>[39]</sup> dated November 24, 2005; hence, the present petition grounded on the sole issue:

WHETHER OR NOT THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR WHEN IT REVERSED THE DECISION OF THE REGIONAL TRIAL COURT OF MANILA.<sup>[40]</sup>

In support of his petition, petitioner reiterates the arguments he set forth in the Brief filed before the CA.

In its Comment<sup>[41]</sup> on the petition, respondent countered that R.A. No. 9139 (which took effect on August 8, 2001 and where the applicant's age requirement was lowered to eighteen (18) years old), refers only to administrative naturalization filed with the Special Committee on Naturalization; it does not apply to judicial naturalization before the court, as in the present case.<sup>[42]</sup> Respondent, through the OSG, avers that its failure to oppose the petition before the court *a quo* does not preclude it from appealing the decision of the RTC to the CA; it is even authorized to question an already final decision by filing a petition for cancellation of citizenship.<sup>[43]</sup> Lastly, respondent reiterates its argument that petitioner's character witnesses are not qualified to prove the former's qualifications.

In determining whether or not an applicant for naturalization is entitled to become a Filipino citizen, it is necessary to resolve the following issues: (1) whether or not R.A. No. 9139 applies to petitions for naturalization by judicial act; and (2) whether or not the witnesses presented by petitioner are "credible" in accordance with the jurisprudence and the definition and guidelines set forth in C.A. No. 473.

The petition is denied for lack of merit.

Naturalization signifies the act of formally adopting a foreigner into the political body of a nation by clothing him or her with the privileges of a citizen.<sup>[44]</sup> Under current and existing laws, there are three ways by which an alien may become a citizen by naturalization: (a) administrative naturalization pursuant to R.A. No. 9139; (b) judicial naturalization pursuant to C.A. No. 473, as amended; and (c) legislative naturalization in the form of a law enacted by Congress bestowing Philippine citizenship to an alien.<sup>[45]</sup>

Petitioner's contention that the qualifications an applicant for naturalization should possess are those provided for in R.A. No. 9139 and not those set forth in C.A. No. 473 is barren of merit. The qualifications and disqualifications of an applicant for naturalization by *judicial act* are set forth in Sections 2<sup>[46]</sup> and 4<sup>[47]</sup> of C.A. No. 473. On the other hand, Sections 3<sup>[48]</sup> and 4<sup>[49]</sup> of R.A. No. 9139 provide for the qualifications and disqualifications of an applicant for naturalization by *administrative act*.

Indeed, R.A. No. 9139 was enacted as a remedial measure intended to make the process of acquiring Philippine citizenship less tedious, less technical and more encouraging.<sup>[50]</sup> It likewise addresses the concerns of degree holders who, by reason of lack of citizenship requirement, cannot practice their profession, thus promoting "brain gain" for the Philippines.<sup>[51]</sup> These however, do not justify petitioner's contention that the qualifications set forth in said law apply even to applications for naturalization by judicial act.

First. C.A. No. 473 and R.A. No. 9139 are separate and distinct laws and the former covers all aliens regardless of class while the latter covers native-born aliens who lived here in the Philippines all their lives, who never saw any other country and all along thought that they were Filipinos; who have demonstrated love and loyalty to