

## **TWELFTH DIVISION**

**[ CA-G.R. CV No. 100425, March 23, 2015 ]**

**IN RE: PETITION FOR ADMISSION AS CITIZEN OF THE REPUBLIC  
OF THE PHILIPPINES**

**JIAN CHEN XIE, A.K.A. JOSE SIA, PETITIONER-APPELLEE, VS.  
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### **D E C I S I O N**

**MACALINO, J:**

On appeal is the Decision dated December 17, 2012<sup>[1]</sup> (assailed Decision) of the Regional Trial Court of Quezon City, Branch 222 (RTC), which granted petitioner-appellee's Petition for Naturalization in Civil Case No. Q-09-64853. The dispositive portion of the assailed Decision states:

"WHEREFORE, premises considered, the instant petition is GRANTED and petitioner Jian Chen X[i]e a.k.a[.] Jose Sia is hereby admitted as citizen of the Republic of the Philippines. Subject to the conditions indicated below:

Pursuant to Republic Act No. 530, otherwise known as the Revised Naturalization Act, this judgment shall become final and executory after two years from promulgation and this Court, after hearing with notice, shall have been satisfied that during the intervening period, petitioner herein: (1) has not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies. Thereafter, this judgment granting Philippine citizenship to petitioner shall be revived and corresponding oath of allegiance shall be taken by said petitioner whereupon and not before will he be entitled to all privileges of a Filipino citizen and the Certificate of Naturalization be forthwith issued in his favor by the Clerk of Court.

SO ORDERED."<sup>[2]</sup>

#### The Facts

On May 19, 2009, Jian Chen Xie, a.k.a. Jose Sia (petitioner-appellee) filed a petition for naturalization before the RTC, docketed as Nat. Case No. Q-09-64853.

Petitioner-appellee made the following allegations in his petition: that he was born on March 16, 1963 in Fukien, China; that his present address is at Unit 906 King

Center Building, 57 Sgt. E Rivera St., Manresa, Quezon City where he has resided since 2001; that he previously resided at the following addresses: (a) 563 Quintin Paredes St., Manila from 1983 to 1990; and, (b) No. 201, 6<sup>th</sup> Ave., cor. 8<sup>th</sup> St., Caloocan City from 1991 to 2000; that he has continuously resided in the Philippines since 1983, or for more than ten (10) years, at the time of filing of the petition.

Petitioner-appellee averred that he is married to Sha Ru Lu, a Chinese citizen, with whom he has two (2) children, namely: Shiela and Julie Anne, who were born on July 2, 1998 and July 27, 2001, respectively; that Shiela and Julie Anne, both minors, are enrolled at PACE Academy in Quezon City, an educational institution duly recognized by the Department of Education, where Philippine History, Government and Civics are taught and prescribed as part of the curriculum and, that enrollment is not limited to any race or nationality.

Petitioner-appellee further alleged that he is engaged in a business under the name "Antar Trading Co.," a corporation duly registered with the Securities and Exchange Commission, which reports an average income of PhP3,400,000.00; that he speaks and writes English, Chinese and Tagalog; he finished his basic schooling in China before migrating to the Philippines; he has filed with the OSG, at least one year prior to the filing of the petition, a declaration under oath that it is his *bona fide* intention to become a citizen of the Philippines; that he is a person of good moral character and believes in the principles underlying in the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, in his relations with the government and the community where he has been living; he has mingled socially with Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos; 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 does not defend or teach the necessity or propriety of violence; he is not a polygamist or a believer in the practice of polygamy; he has never been convicted of any crime involving moral turpitude; he is not suffering from mental alienation or incurable contagious diseases and the nation of which he is a citizen is not at war with the Philippines; that 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 China; and that he undertakes to continuously reside in the Philippines from the time of the filing of the petition up to the time of his admission as citizen of the Philippines.

In support of his petition, petitioner-appellee attached the following documents: I-Card in lieu of Birth Certificate;<sup>[3]</sup> Marriage Certificate;<sup>[4]</sup> Certificate of Live Birth of his children;<sup>[5]</sup> Certification dated January 26, 2009 from PACE Academy;<sup>[6]</sup> Alien Certificate of Registration;<sup>[7]</sup> Immigration Certificate of Residence;<sup>[8]</sup> Annual Income Tax Return for the years 2006-2008;<sup>[9]</sup> SEC Registration of Business;<sup>[10]</sup> Medical Certificate;<sup>[11]</sup> NBI Clearance;<sup>[12]</sup> Quezon City Police Clearance;<sup>[13]</sup> Quezon City Office of the City Prosecutor's Clearance;<sup>[14]</sup> Quezon City Metropolitan Trial Court Clearance;<sup>[15]</sup> Quezon City Regional Trial Court Clearance;<sup>[16]</sup> and Affidavit of Character Witnesses.<sup>[17]</sup>

In an Order dated May 25, 2009,<sup>[18]</sup> the RTC set the hearing for the petition on February 19, 2010 at 8:30 o'clock in the morning. In compliance with jurisdictional

requirements, petitioner-appellee caused the publication of the petition and its annexes, including the RTC Order dated May 25, 2009, once a week for three (3) consecutive weeks in the Official Gazette on July 13, 20, and 27<sup>[19]</sup> and in the Daily Tribune Newspaper, a newspaper of general circulation on July 15, 22 and 29, 2009.<sup>[20]</sup> A copy of the Order was posted in the Bulletin Boards of the Quezon City Hall and near the RTC.<sup>[21]</sup>

In the course of the trial, petitioner-appellee presented himself and two of his employees, Daisy J. Antonio and Eddie D. Ferolino, as his witnesses. Thereafter, he filed his formal offer of evidence.

After hearing, the RTC granted petitioner-appellee's petition for naturalization in its assailed Decision dated December 17, 2012.

### Issues

Hence, oppositor-appellant Republic of the Philippines, through the Office of the Solicitor General (OSG), filed this appeal raising the following assignment of errors:

#### **"I.**

**The court *a quo* did not acquire jurisdiction for naturalization vis-a-vis the requirements under Section 9 of Commonwealth Act (C.A.) No. 473, as amended.**

#### **II.**

**The court *a quo* erred in granting the petition for naturalization as petitioner failed to establish by satisfactory and competent evidence that he has complied with the requirements set forth under C.A. No. 473, as amended."**<sup>[22]</sup>

#### **This Court's Ruling**

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>[23]</sup> Under current and existing laws, one of the ways by which an alien may become a citizen is through judicial naturalization pursuant to C.A. No. 473, which provide that after hearing the petition for citizenship and receipt of evidence showing that the petitioner has all the qualifications and none of the disqualifications required by law, the competent court may order the issuance of the proper naturalization certificate and the registration thereof in the proper civil registry.<sup>[24]</sup>

It is the contention of the OSG that the burden of proof in naturalization cases is upon the applicant to show full and complete compliance with the requirements of the law. The OSG argues that petitioner-appellee failed to mention in his petition the date and place of his entry in the Philippines and attach a Certificate of Arrival as required in Section 7<sup>[25]</sup> of C.A. No. 473, as amended. The OSG finds support in the pronouncement of the Supreme Court in the case of *Republic v. Uy Piek Tuy*,<sup>[26]</sup> as follows:

"Lastly, section 7 of Commonwealth Act No. 473 explicitly provides that 'the certificate of arrival ... must be made part of the petition' for naturalization. As far back as 1960, we have held that "this provision is mandatory."<sup>[27]</sup> We reiterated this view in 1964<sup>[28]</sup> — Stating that **'it is mandatory for the applicant to attach to his application a copy of his certificate of arrival, for without it or other proof of lawful admission,** his residence is presumptively unlawful' — as well as in 1965.<sup>[29]</sup> In *Tang Kong Kiat v. Republic*,<sup>[30]</sup> we even declared that 'the failure ... to comply with this requirement of the law ... is fatal.' (*Emphasis supplied*)

It is clear from the above pronouncement that other proof of lawful admission may be attached to the petition. In lieu of a Certificate of Arrival, petitioner-appellee attached to his petition his Alien Certificate of Registration and Immigration Certificate of Residence. He explained that he lawfully entered the Philippines through the port of Manila with status as temporary visitor on July 27, 1983 per his Alien Certificate of Registration No. 050036 issued by the Bureau of Immigration. His first date of arrival was recorded only on January 1, 1993 as returning resident. His status was later adjusted to Lawful Permanent Residence under Executive Order No. 32431 dated April 13, 1988 as reflected in the Immigration Certificate of Residence No. 262963. He stayed in the Philippines for more than ten (10) years prior to filing his petition for naturalization on May 19, 2009.

Petitioner-appellee also complied with the jurisdictional requirement of posting the Order and the Petition for Naturalization and publishing the same in a newspaper of general circulation once a week for three consecutive weeks. The Order dated May 25, 2009 stated all the details required under Section 9, C.A. No. 473, as amended, *viz*:

"SECTION 9. Notification and Appearance. — Immediately upon the filing of a petition, it shall be the duty of the clerk of the court to publish the same at petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides, and to have copies of said petition and a general notice of the hearing posted in a public and conspicuous place in his office or in the building where said office is located, setting forth in such notice the name, birthplace and residence of the petitioner, the date and place of his arrival in the Philippines, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the hearing of the petition, which hearing shall not be held within ninety days from the date of the last publication of the notice. The clerk shall, as soon as possible, forward copies of the petition, the sentence, the naturalization certificate, and other pertinent data to the Department of the Interior, the Bureau of Justice, the Provincial Inspector of the Philippine Constabulary of the Province and the justice of the peace of the municipality wherein the petitioner resides."

The OSG maintains that petitioner-appellee has really never had any lucrative employment and uses an alias name without judicial authority, in violation of Commonwealth Act No. 142 (C.A. No. 142).<sup>[32]</sup>

On the contrary, petitioner-appellee sufficiently established that he has a lucrative trade or lawful occupation. He is a co-owner with a certain Michael Ty Tee, a Filipino, of Antar Trading Co., a company duly registered with the Securities and Exchange Commission which is engaged in business trading such as hardware, construction and electrical supplies. Petitioner-appellee holds a forty percent (40%) share of Antar Trading Co. which has a gross income of Php3,400,000.00 from its operation yearly. He is also a partner at Liyimen Restaurant in Banawe, Quezon City which was, however, operating at cost just to employ Filipino chefs, cooks and waiters.

As to the petitioner-appellee's use of alias without judicial authority, we find the same not contrary to law. The enactment of C.A. No. 142 as amended was made primarily to curb the common practice among the Chinese of adopting scores of different names and aliases which created tremendous confusion in the field of trade.<sup>[33]</sup> An alias is a name or names used by a person or intended to be used by him publicly and habitually, usually in business transactions, in addition to the real name by which he was registered at birth or baptized the first time, or to the substitute name authorized by a competent authority; a man's name is simply the sound or sounds by which he is commonly designated by his fellows and by which they distinguish him, but sometimes a man is known by several different names and these are known as aliases.<sup>[34]</sup> Here, petitioner-appellee only uses one alias, by which he is known in the business community. What is significant is that such name is not fictitious within the purview of the Anti-Alias Law xxx. Considering that petitioner-appellee was not also shown to have used the name for unscrupulous purposes, or to deceive or confuse the public, the use of the same is justified in fact and in law.<sup>[35]</sup>

Finally, petitioner-appellee sufficiently proved his good moral character and conducted himself in a proper and irreproachable manner during his stay in the Philippines. He presented as evidence a a) National Bureau of Investigation clearance; (b) Quezon City Police clearance; (c) Quezon City Office of the City Prosecutor's Clearance; (d) Quezon City Metropolitan Trial Court Clearance; and, (e) Quezon City Regional Trial Court Clearance showing that he has not committed any violation of Philippine laws, rules or regulations. The testimonies of his witnesses, Eddie D. Ferolino and Daisy J. Antonio convinced this Court that they personally know petitioner-appellee well and are therefore in a position to vouch for his qualifications.

In *Lim Ching Tian v. Republic*,<sup>[36]</sup> the Supreme Court explained that the "law requires that a vouching witness should have actually known an applicant for whom he testified for the requisite period prescribed therein to give him the necessary competence to act as such. The reason behind this requirement is that a vouching witness is in a way an insurer of the character of petitioner because on his testimony the court is of necessity compelled to rely in deciding the merits of his petition."<sup>[37]</sup> The law, in effect, requires that the character witnesses be not mere ordinary acquaintances of the applicant, but possessed of such intimate knowledge of the latter as to be competent to testify of their personal knowledge; and that they have each one of the requisite qualifications and none of the statutory disqualifications.<sup>[38]</sup>

The pertinent portions of the character witnesses' respective testimonies read: