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ACCORDINGLY, the decision of the Court of Industrial Relations dated August 17, 1965 is reversed and set aside, and another is entered, ordering the respondents to reinstate the dismissed members of the petitioning Unions to their former or comparatively similar positions, with backwages from June 2, 1958 up to the dates of their actual reinstatements. Costs against the respondents.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Fernando, Teehankee, Barredo, Villamor and *Makasiar, JJ.*, concur.

Zaldivar, JJ., did not take part.

[G.R. No. L-25700. January 30, 1971]

IN THE MATTER OF THE PETITION FOR NATURALIZATION AS CITIZEN OF THE PHILIPPINES. JOSE UY, *petitioner-appellee, vs.* REPUBLIC OF THE PHILIPPINES, *oppositor-appellant.*

SYLLABUS

1. **POLITICAL LAW; NATURALIZATION; FAILURE TO STATE ALL PLACES OF RESIDENCE AND ALIASES USED, FATAL.**— It is patent therefore that the petition suffers from various flaws in violation of the requirements of the law which should be complied with strictly. Thus, he did not mention his six-year residence in Dumaguete City from 1951 to 1956 while studying in Silliman University (Exhs. D, S, & S-1) when he was already of age and the other names he employed, namely Jose T. Uy, Jose Tan Uy, and Jose Uy, Sr. (Exhs. L, N, N-1, P, S, & S-1). He did not even specifically allege that he resided at Isnar St., Iloilo City where he studied for several years from 1946. The notice of hearing did not re-state verbatim the petition, because it omitted the allegations therein concerning his residence in Iloilo City which the notice of hearing mentions as his birthplace only, about his good moral character, and his alleged exemption

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from filing a declaration of intention (pars. 2, 10, & 20 of the petition, Exhs. G & I). Time and time again, this Tribunal ruled that such omissions nullify the petition.

2. **ID.; ID.; LUCRATIVE TRADE; NOT ESTABLISHED IN CASE AT BAR.** — Petitioner-appellee likewise failed to establish lucrative trade or occupation by clear and convincing evidence. He testified that he has been employed as a salesman of Uy Bico and Company which gives him free house, light and water worth approximately P130.00 aside from his salary; his 1962 income tax return (Exh. J) does not state that his employer is Uy Bico & Co. but Huang Hue Tek who paid him P2,100.00 a year, and Pedro Uy who paid him P3,000.00 a year. His testimony is not corroborated by any certification from the Social Security System that he is among the employees of Uy Bico & Co. or by the corresponding income tax returns of Uy Bico & Co. and of Huang Hue Tek.

3. **ID.; ID.; CHARACTER WITNESSES; MUST BE FILIPINOS AND RESIDING WITHIN THE SAME LOCALITY; REASON; CASE AT BAR.**— Sec. 7 of C.A. No. 473 requires that the two character witnesses must state in their affidavits supporting the petition that they are Filipino citizens.. Antonio Ko, the second character witness of petitioner-appellee, has not established satisfactorily that he is a citizen of the Philippines. He has not submitted indubitable documentary evidence to establish his statement that his father was a natural-born Filipino citizen after admitting that his mother is a Chinese citizen. Moreover, he is not a competent witness insofar as the good moral character of the petitioner is concerned; because, he is a resident of Victorias about 60 kilometers from Pulupandan and since 1956 he sees the petitioner-appellee only about twice a week when he allegedly inspects his transportation line in Pulupandan. The witness is the insurer of the character of the applicant and much depends on what he knows of the applicant during his entire period of residence in the country.

APPEARANCES OF COUNSEL

Solicitor General Antonio P. Barredo, Assistant Solicitor General Isidro C. Borromeo and *Solicitor Alicia V. Sempio Diy* for oppositor-appellant.

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DECISION

MAKASIAR, *J.:*

The Solicitor General appealed from the decision dated December 8, 1965 of the Court of First Instance of Negros Occidental granting the petition for naturalization filed by petitioner-appellee Jose Uy, on the grounds that petitioner did not have a lucrative income and that his character witnesses failed to prove that petitioner possesses all the qualifications and none of the disqualifications for Philippine citizenship.

On November 25, 1964, petitioner-appellee filed his petition for naturalization, which does not state his six-year residence from 1951-56 in Dumaguete City where he finished his high school and obtained his college degree from Silliman University (Exhs. D, S & S-1). His petition also does not include his other names Jose T. Uy, Jose Tan Uy and Jose Uy, Sr. which appear in his marriage contract, the birth certificates of his two sons, the baptismal certificate of his eldest son, Jose Uy, Jr., his high school diploma, and his college diploma (Exhs. L, N, N-1, P, S, & S-1).

The notice of hearing (Exh. G) does not re-state verbatim the petition and omitted the allegations concerning his residence in Iloilo City where he was allegedly born on June 27, 1929 and admittedly resided until 1934 (p. 16, t.s.n.) as he was baptized only on January 6, 1934 in Pulupandan, Negros Occidental (Exh. K-1, p. 30, rec. of exhs.), his being of good moral character and his being exempted from filing a declaration of intention (pars. 2, 10, and 20 of petition, Exh. A) It should be stressed that said deficient notice of hearing was published in the Official Gazette issues of December 28, 1964, January 4 and January 11, 1965 (Exh. H) and in the News Clipper issues of November 8, December 5, and December 12, 1964 (Exh. I) as well as posted on the bulletin board of the court (Exh. G-1).

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He has not submitted clearances from NBI, NICA and the City Attorney, provincial fiscal, provincial commander, city chief of police, and clerks of court of Dumaguete City and Negros Oriental.

It is patent therefore that the petition suffers from various flaws in violation of the requirements of the law which should be complied with strictly.

Thus, he did not mention his six-year residence in Dumaguete City from 1951 to 1956 while studying in Silliman University (Exhs. D, S, & S-1) when he was already of age and the other names he employed, namely Jose T. Uy, Jose Tan Uy, and Jose Uy, Sr. (Exhs. L, N, N-1, P, S, & S-1). He did not even specifically allege that he resided at Isnar St., Iloilo City where he studied for several years from 1946. The notice of hearing did not re-state verbatim the petition, because it omitted the allegations therein concerning his residence in Iloilo City which the notice of hearing mentions as his birthplace only, about his good moral character, and his alleged exemption from filing a declaration of intention (pars. 2, 10, & 20 of the petition, Exhs. G & I)

Time and time again, this Tribunal ruled that such omissions nullify the petition. [1]

Petitioner-appellee likewise failed to establish a lucrative trade or occupation by clear and convincing evidence. While he obtained in 1956 his Bachelor of Business Administration from Silliman University, and he testified that he has been employed as a salesman of Uy Bico and Company which gives him free house, light and water worth approximately P130.00 (pp. 32, 33, 46, t.s.n.) aside from his salary; his 1962 income tax return (Exh. J) does not state that his employer is Uy Bico & Co. but Huang Hue Tek who paid him P2,100.00 a year, and Pedro Uy who paid him P3,000.00 a year. His pretension on this score is

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[1] Ye *vs.* Republic, L-22302, Jan. 1971; Tek *vs.* Republic, L-23383, Jan. 1971; Dy *vs.* Republic, L-21958, Sept. 28, 1970; Yu Tiu *vs.* Republic, L-19844, June 30, 1965, 14 SCRA 587, 589-590.

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thus rendered doubtful and made more incredible by the fact that Pedro Uy is his elder brother (pp. 19, 37, t.s.n.) who is the manager of Uy Bico & Co. (p. 50, t.s.n.) and that he never mentioned in the course of his testimony Huang Hue Tek as his employer. Moreover, his testimony is not corroborated by any certification from the Social Security System that he is among the employees of Uy Bico & Co.[2] or by the corresponding income tax returns of Uy Bico & Co. and of Huang Hue Tek. His claim that he owns nine (9) shares in Uy Bico & Co. worth P1,000.00 does not merit belief in the absence of the best evidence, which are the certificates of the stock issued in his name or certified true photostats thereof or even secondary evidence consisting of a certification to that effect by the corporate secretary of the firm accompanied by a certified copy of the articles of incorporation showing its capitalization as well as assets to confirm his statement that it has not as yet declared any dividend. Even his allegation that the house which he and his family occupy would command a rental of P100.00 a month is as self-serving as his claim that his light and water bills would amount to over P30.00 a month, in the absence of a description or a picture of the said house and receipts of payment for light and water bills. In a small town like Pulupandan, a family would not pay over P30.00 for light and water.

Further aggravating his lack of credibility is his 1963 income tax return (Exh. J-1), which shows an income of P6,000.00 without indicating in the corresponding spaces therefor the nature and source of the same. This is all the more compounded because it is confounded, by his 1964 income tax return (Exh. J-2) showing his alleged income of P5,160.00 broken down into P600.00 as salary coming from Uy Bico & Co., P2,400.00 as service fee (no longer salary) from Pedro Uy, lower than his 1962 income of P3,000.00, and P2,160.00 representing service fee (no longer salary as in 1962) from Huang Hue Tek.

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[2] Lim *vs.* Republic, L-19835, May 29, 1970.

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Sec. 7 of C.A. No. 473 requires that the two character witnesses must state in their affidavits supporting the petition that they are Filipino citizens. Antonio Ko, the second character witness of petitioner-appellee, has not established satisfactorily that he is a citizen of the Philippines. He has not submitted indubitable documentary evidence to establish his statement that his father was a natural-born Filipino citizen, after admitting that his mother is a Chinese citizen. Moreover, he is not a competent witness insofar as the good moral character of the petitioner is concerned; because, he is a resident of Victorias about 60 kilometers from Pulupandan and since 1956 he sees the petitioner-appellee only about twice a week when he allegedly inspects his transportation line in Pulupandan. The witness is the insurer of the character of the applicant and much depends on what he knows of the applicant during his entire period of residence in the country.[3]

WHEREFORE, the decision of the trial court dated December 8, 1965 is hereby reversed, and the petition for naturalization of petitioner-appellee is hereby dismissed. With costs against petitioner-appellee.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Barredo and *Villamor, JJ.*, concur.

Ruiz Castro and *Teehankee, JJ.*, in the result.

[G.R. No. L-25894. January 30, 1971]

QUIRINO BOLAÑOS, EDILBERTO ALEJANDRINO and DIOSDADO DE LOS REYES, *petitioners-appellees, vs.* J.M. TUASON & CO., INC. and PEOPLE'S HOMESITE & HOUSING CORPORATION, *respondents-appellants.*

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[3] Dy *vs.* Republic, L-21958, Sept. 28, 1970; Te Poot *vs.* Republic, 27 SCRA 644, 650, March 28, 1969; Yap *vs.* Republic, 17 SCRA 8, 10; Yan *vs.* Republic, L-19832, Aug. 23, 1966, 17 SCRA 956, 960-961.