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From the foregoing it is clear that the respondent, in his letter, to "Mr. and Mrs. Jao Guan Suy," deliberately misrepresented to them that he had been working on their case in the Bureau of Immigration; that he made a false statement when he said that there was too much red tape in said office and that the people there were demanding money from him; and that the said statement was an excuse for him to be able to get the sum of P1,000.00, or even P800.00 in the meantime. The respondent's acts constitute professional misconduct, for which he deserves to be disciplined.

Considering, however, the respondent's voluntary admission of the charges against him and his plea for leniency and promise to reform, this Court hereby imposes upon him the relatively light penalty of suspension from the practice of law for a period of three months from notice of this decision.

Let copies hereof be furnished to the Offices of the Secretary of Justice and of the Executive Secretary for their information.

Reyes, J.B.L., Acting C.J., Dizon, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor and *Makasiar, JJ.*, concur.

[G.R. No. L-21958. September 28, 1970]

IN THE MATTER OF THE PETITION OF FELIPE DE JESUS DY TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, FELIPE DE JESUS DY, *petitioner-appellee,* *vs.* REPUBLIC OF THE PHILIPPINES, *oppositor-appellant.*

SYLLABUS

1. POLITICAL LAW; NATURALIZATION; PUBLICATION AND POSTING OF ENTIRE PETITION IS JURISDICTIONAL REQUIREMENT.— Where only the notice of the petition for Philippine citizenship, not the petition itself,

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was posted in the Bulletin Board of the Court of First Instance concerned and published in a newspaper of general circulation in the province involved, and in the Official Gazette once a week for three consecutive weeks, the jurisdictional requirement of Sec. 9 of Com. Act No. 473 that copies of the petition shall be published and posted, was not complied with. Such an omission militates against the approval of the petition for Philippine citizenship.

2. **ID.; ID.; ID.; FAILURE TO INCLUDE ALIAS, FATAL.**— Petitioner's alias which appears in the records of the Chinese embassy, in his immigrant certificate of residence and in his permit to engage in the retail business does not appear in his petition for naturalization nor in the notice of petition as posted and published, and therefore vitiates the same.

3. **ID.; ID.; USE OF ALIAS WITHOUT JUDICIAL AUTHORITY; EFFECT ON QUALIFICATION.**— Utilizing an alias without judicial authority demonstrates that petitioner has not conducted himself in a proper and irreproachable manner during the entire period of his residence in the country in his relationship with the duly constituted government as well as with the community in which he lives.

4. **ID.; ID.; PETITION; INCLUSION OF ALL NAMES USED BY PETITIONER AND BY WHICH HE IS KNOWN; FAILURE THEREOF NEGATES PETITION.**— The failure of petitioner to include in his petition all the names that he used and by which he is known negates the granting of the same.

5. **ID.; ID.; ID.; INCLUSION OF ALL RESIDENCES; FAILURE THEREOF, FATAL.**— The omission of the petitioner to state all his previous residences, whether permanent or temporary, in his petition as filed and in the notice thereof as posted and published, is fatal and nullifies the petition.

6. **ID.; ID.; QUALIFICATIONS; FAILURE TO TAKE ENTIRE ELEMENTARY AND HIGH SCHOOL COURSES IN REQUIRED SCHOOL; EFFECT-** Petitioner's taking four years of his six-year elementary course and the entire four-year high school course in Chinese schools, most of whose students were Chinese, negates petitioner's protestations that he has a sincere desire to imbibe Filipino customs, traditions and ideals.

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7. **ID.; ID.; ID.; LUCRATIVE INCOME; NOT PROVED AND NOT SUFFICIENT IN INSTANT CASE.**— Where petitioner's pretension that he was in the retail and cattle business has not been sufficiently proved and his income in the year 1962 from his medical practice even if true was P2,400.00, petitioner cannot be considered as having a lucrative trade or sufficient income, although he is a bachelor.

8. **ID.; ID.; PETITION; FAILURE TO ALLEGE THAT PETITIONER IS OF GOOD MORAL CHARACTER.**— Where the petition does not allege that petitioner is of good moral character as required by Sec. 7 in relation to par. 3 of Sec. 2 of Com. Act No. 473, the petition is defective and should be denied.

9. **ID.; ID.; QUALIFICATIONS; GOOD MORAL CHARACTER; NOT SATISFACTORILY ESTABLISHED IN INSTANT CASE.**— Where petitioner's three witnesses could not possibly affirm that petitioner had conducted himself properly while he was studying for eight years in Cebu City and for five years in Manila, despite their pretension that they visited him two or four times a year during that period of thirteen years, and one witness did not see petitioner while the latter was studying at the University of Santo Tomas from 1955 to 1961, petitioner's good moral character has not been satisfactorily established.

APPEARANCES OF COUNSEL

Luciano C. Maximo for petitioner-appellee.

Solicitor General Arturo A. Alafriz and *Solicitor Emerito M. Salva* for oppositor-appellant.

DECISION

MAKASIAR, *J.:*

The Republic of the Philippines, thru the Solicitor General, appealed from the decision of the Court of First Instance of Negros Oriental granting the petition for naturalization of Felipe de Jesus Dy.

On April 30, 1962, petitioner Felipe de Jesus Dy filed his petition for naturalization together with the requisite

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affidavits of his witnesses Ireneo G. Tubio and Maximo R. Enardecido in the Court of First Instance of Negros Oriental (Exhs. A, A-1, A-2, A-3 and B).

Only the notice of the petition for Philippine citizenship, not the petition itself, was posted on the Bulletin Board of the Court of First Instance of Negros Oriental (Exh. D) and published in the Vanguard, a newspaper of general circulation in the province of Negros Oriental, and in the Official Gazette once a week for three consecutive weeks as required by law (Exhs. C, E, F, F-1, F-2 and F-3). Although the notice of the petition for Philippine citizenship, as posted and published as aforestated, contained most of the allegations of the petition, it omitted especially the important averment in paragraph 12 of the petition concerning his belief in the principles underlying the Philippine Constitution, his having 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 lives, his having mingled socially with Filipinos, and his having evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos (see Exh. A, p. 2, rec. of Exh.).

It should be noted also that his petition does not allege that he is of good moral character as required by law.

During the trial, he submitted his certificate of registration as a private merchant issued on April 19, 1955 (Exh. G-3 and G-4); his permit to engage in the retail business dated January 15, 1962 issued by the municipal treasurer of Ayungon, Negros Oriental (Exh. G-5); official receipts of payment of his privilege tax dated January 20, 1962 and of the license fee to engage in retail business (Exh. G, G-1, and G-2); his birth certificate (Exh. H); a certification that he is registered in the Chinese Embassy and holds ACR No. C-006813 (Exh. I); his immigrant certificate of residence and receipts of payment of the corresponding fee therefor dated January 22, 1962 and January 3, 1963 (Exhs. J, J-1, K, K-1, L and L-1); an official translation of the Chinese Law allowing Chinese nationals to be naturalized in other countries with the permission of the Chinese Minister of

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Interior (Exhs. M, M-2 to M-8); affidavits of Tranquilina T. Ferrolino and Olivia Diluvio attesting to his having attended Grade II and Grade III in Ayungon Elementary School during the schoolyears 1945 to 1946 (Exhs. N and N-1); the affidavits of Coo Ak and Frank T. Liao that he finished his first, fourth and fifth grades in the Dumaguete Chinese School during the schoolyears 1939 to 1941, 1946 to 1948 (Exh. N-2); certifications that he completed his elementary and secondary courses at the then Cebu Chinese School, now Cebu Eastern College, from 1948 to 1953 (Exhs. N-3 and N-6), his three-year pre-medical course in the University of San Carlos, Cebu City, from 1953 to 1956 (Exh. N-4), and his medical course at the University of Santo Tomas from 1956 to 1961 (Exh. N-5); the official receipt for his payment of his professional tax as a physician for the years 1962 and 1963 (Exhs. P and P-1); a certificate from the Board of Examiners attesting to his having passed the medical examination (Exhs. P-2 and P-3); his income tax returns for 1960, 1961 and 1962 showing his gross income respectively of P2,228.07 (Exh. Q), P3,698.02 (Exh. Q-1) and P9,300.13 (Exh. Q-2); official receipts evidencing payment of his income tax for 1960, 1961, and 1962 (Exhs. R, R-1, and R-2); his residence certificates A and B for 1962 and 1963 (Exhs. S, S-1, S-2 and S-3); tax clearance certificates from the assistant municipal treasurer of Ayungon and the BIR Collection Agent of Negros Oriental (Exhs. T and T-1); clearance certificates from the chief of police of the Municipality of Ayungon, the provincial commander of Negros Oriental, the Justice of the Peace of Ayungon, the First Assistant Provincial Fiscal, the Clerk of Court of the Court of First Instance of Negros Oriental, the NICA, the Deportation Board, the Bureau of Immigration, the Bureau of Prisons and the Land Registration Commission (Exhs. U, U-1, U-2, U-3, U-4, V, V-1, W, W-1, W-2 and W-3); and a health certificate from the municipal health officer of Ayungon, Negros Oriental (Exh. X).

But he failed to submit clearances from the National Bureau of Investigation as well as from the chiefs of police, courts and fiscals of Manila and Cebu City.

To prove his having imbibed Philippine customs and traditions, he submitted receipts for his membership fee of P10.00 and

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contribution of P1.00 paid to the Philippine National Red Cross (Exhs. Y and Y-1); his contribution of P1.00 to the Philippine Tuberculosis Society for 1961 (Exh. Y-2), P2.00 for 1962 (Exh. Y-3) and P1.00 for 1963 (Exh. Y-4); his contribution of P1.00 to the Peace and Amelioration Fund Commission for 1961 (Exh. Y-5); and his P1.00 contribution to the Tayasan Catholic Rectory (Exh. Y-6).

He demonstrated however his ability to speak and write English and Cebu Visayan.

Nonetheless, the following circumstances bar applicant's admission to Philippine citizenship:

(1) His petition was not copied entirely or verbatim in the notice posted in the bulletin board and published in the Official Gazette and the Vanguard (see Exhs. A, C, D, and E). Sec. 9 of Com. Act No. 473 requires that copies of the petition shall be published and posted. This requirement is jurisdictional.[1] The notice as thus posted and published contained only a summary of some of the contents of the petition. Such an omission militates against the approval of his petition; because we cannot depart, as Justice Fernando opined speaking for this Tribunal, from "the basic concept that the grant of citizenship being a highly regarded privilege, there must be a full and strict compliance with the requirements of the law before its benefits can be enjoyed."[2]

(2) His alias *Agong,* which appears in the records of the Chinese embassy as certified to by its First Secretary and concurrently Consul General on August 23, 1962, (Exh. I), in his immigrant certificate of residence dated July 22, 1951 (Exh. K), and in his permit to engage in the retail business issued on January 15, 1962 by the municipal treasurer of Ayungon, Negros Oriental (Exh. G-5), does not appear in his petition for naturalization as filed, nor in the notice of petition as posted and published, and therefore vitiates the same.[3]

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[1] Yu Tiu *vs.* Republic, L-19844, June 30, 1965, 14 SCRA, 587, 589-590; Kiat *vs.* Republic, L-19915, June 23, 1965, 14 SCRA, 389, 392-393; Co *vs.* Republic, 55 O.G. 9224, 9229.

[2] Luchayco *vs.* Republic, L-25814, July 30, 1969, 28 SCRA, 997, 1000; Ngo *vs.* Republic, L-25805, Feb. 27, 1969, 27 SCRA, 88, 90-91.

[3] Yu Nam *vs.* Republic, 16 SCRA 733, 734-735; Dy *vs.* Republic, 16 SCRA 667-670; Celerino Yu Seco *vs.* Republic, 108 Phil. 807, 809.

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His immigration certificate of residence alone (Exh. K), shows that as early as 1951, he has been sporting said alias. His use of an alias must have started from the time he was registered with the Chinese Embassy long before 1951.

His claim that "Agong" is the nickname of his mother, by which people used to call him, imposes on one's credulity; because only he could have supplied such data appearing in official documents like his permit to engage in retail business (Exh. G-5), his immigrant certificate of residence, (Exh. K) and embassy records (Exh. I). He should have caused the necessary correction in said documents if he were not employing such an alias.

(3) There is no showing that he has been duly authorized by the Court to employ any alias or specifically the alias *Agong*. Utilizing an alias without judicial authority demonstrates that he has not conducted himself in a proper and irreproachable manner during the entire period of his residence in the country in his relationship with the duly constituted government as well as with the community in which he lives.[4]

(4) The only name appearing in his petition for naturalization and in the posted and published notice thereof is *Felipe de Jesus Dy* (Exh. A). But his immigrant certificate of residence (Exh. K), issued on July 22, 1951, states that his name is *Felipe Yu Dy de Jesus alias Agong*. His certificate issued by the Board of Medical Examiners on November 22, 1961 states that his name is Felipe Y. Dy (Exhs. P-2 and P-3), which appears re-stated in the official receipt of payment of his professional fee dated February 5, 1962 (Exh. P). The official transcript of his records in the University of Santo Tomas shows that his name is Felipe Dy Y. Yu, (Exh. N-5). The affidavits of Tranquilina T. Ferrolino and Olivia Diluvio as well as the certificates of the principal and director of the Cebu Eastern College (formerly Cebu Chinese School) and the registrar of the University of San Carlos state that the name of the petitioner is simply Felipe Dy (Exhs. N, N-1, N-3, N-4, and N-6). Even his 1962 residence certificate B states that his name is *Felipe Y. Dy* and he signed the said residence certificate B also as *Felipe Y. Dy* (Exh. S-1). The middle surname *Yu* is not

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[4] Yu Lim *vs.* Republic, 27 SCRA 804, 806; Uy *vs.* Republic, 28 SCRA 754, 757; Te Poot *vs.* Republic, 27 SCRA 644, 648.

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justified by his birth certificate which states that his name is Felipe de Jesus Dy, that his father is Dy Chuan and that his mother is You Chee (Exh. H). The failure of petitioner to include in his petition all the names that he used and by which he is known likewise negates the granting of the same.[5]

(5) His petition states only one place of residence, namely Barrio Tampucon, Ayungon, Negros Oriental, despite the fact that he resided in Dumaguete City for about three years while attending the first, fourth and fifth grade in the Dumaguete Chinese School, from 1939 to 1941 and from 1946 to 1948 (Exh. N-2), in Cebu City where he completed his elementary and high school at the Cebu Eastern College (formerly Cebu Chinese School) from 1948 to 1949 and from 1949 to 1953 (Exhs. N-3 and N-6), and his three-year pre-medical course at the University of San Carlos from 1953 to 1956 (Exh. N-4), and in Manila where he took his medical course at the University of Santo Tomas from 1956 to 1961 including the twelve-month internship (Exh. N-5). He resided for about four years in Dumaguete City, eight years in Cebu City, and five years in Manila or a total of seventeen years of his thirty years – his age when he filed his petition on April 30, 1962 as he was born on February 6, 1932. Such omission to state all his previous residences, whether permanent or temporary, in his petition as filed and in the notice thereof as posted and published, is likewise fatal.[6]

(6) As aforestated, he took his first, fourth and fifth grade at the Dumaguete Chinese School (Exh. N-2) and his sixth grade and high school at the then Cebu Chinese School, now Cebu Eastern College. While it is true that both Chinese schools were certified to as not limited to any particular nationality and race (Exhs. N-3 and N-6); it is obvious that most, if not all, of the students therein at the time were Chinese. This indicates that petitioner has not imbibed Filipino customs and traditions as well as ideals.[7] This is further demonstrated by the fact that the principal and director of the Cebu Eastern College

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[5] Uy *vs.* Republic, 28 SCRA 754, 756; Yu Lim *vs.* Republic, 27 SCRA, 804, 806; Te Poot *vs.* Republic, 27 SCRA, 644, 648; Yu Nam *vs.* Republic, 16 SCRA 733, 734-735; Dy *vs.* Republic, 16 SCRA 667, 669-670; Yu Seco *vs.* Republic, 108 Phil. 807, 809.

[6] Tan Liu *vs.* Republic, L-21558, Jan. 30, 1970, 31 SCRA, 124, 125; Zabaleta *vs.* Republic, L-25401, July 30, 1969, 28 SCRA, 654-657; Lim Siong *vs.* Republic, L-26601, June 30, 1969, 28 SCRA 687, 690-691.

[7] Luchayco *vs.* Republic, 28 SCRA 997, 999; Lee *vs.* Republic, L-20151, March 31, 1965; Hong *vs.* Republic, 17 SCRA 220 (1966), 222.

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as well as the fact that one Coo Ak, his teacher in the Dumaguete Chinese School, who certified to his having attended his fourth, fifth, and sixth grade at the said school (Exh. N-2), are all Chinese as they bear Chinese names (Frank T. Liao, L.F. Chen, and Coo Ak). His taking four years of his six-year elementary course and the entire four-year high school course in Chinese schools, negates petitioner's protestation that he has a sincere desire to imbibe Filipino customs, traditions, and ideals.[8]

(7) His pretension that he was in the retail and cattle business in Ayungon from 1950 until 1962 is repudiated by the fact that from 1948 to 1961, he was studying in Cebu and Manila. He could not possibly operate a retail store during that period of time in Ayungon, Negros Oriental. It is patent therefore that during said period, his parents owned and operated the business. He did not present any license to operate a retail store from 1950 to 1961. The only permit he submitted was issued on January 15, 1962 by the municipal treasurer of Ayungon, although it states that "he is *hereby permitted to continue his retail business* at poblacion Ayungon, Negros Oriental. x x x x" (Exh. G-5). The foregoing permit does not state when he started as a retail merchant. If long prior to 1962 he owned a retail store, he could have at least submitted his sales books and licenses for the last five (5) years including 1963, the year of the trial; for the law requires a merchant to keep his books for at least five years. (Secs. 334, 336 and 338, Nat. Int. Rev. Code and Sec. 13, Chapter IV of Revenue Regulation No. V-1 of March 17, 1947).

We cannot accord belief to his assertion that, during the time that he was studying in Cebu and Manila, his uncle Raymundo Vailoces managed his store assisted by his uncle's houseboy; because he does not know the name of the alleged store helper, or whether he had a payroll or not, or whether his business was registered with the Social Security System. Neither is his claim that he capitalized his store with his savings of P1,000.00 in 1950, credible; because he did not even state the source of his alleged savings or how he saved such an amount when he was only about 18 years old.

(8) His income tax returns are insufficient to support his alleged income for 1960, 1961, and 1962. His salesbooks for 1958 until the

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[8] Yap *vs.* Republic, L-15102, May 23, 1968, 23 SCRA 681, 683-684; Chan De *vs.* Republic, L-25551, May 29, 1968, 23 SCRA 943, 947.

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first quarter of 1963, should have been submitted to show not only that he had such an income but also that he owned and was actually operating the store, which should be corroborated by the business licenses, permits, books and income tax returns of his father or mother to prove that they have separate businesses.

To prove his alleged ownership of thirty heads of large cattle, petitioner submitted only a certification of the municipal treasurer attesting to such ownership. The best evidence of such ownership are the certificates of ownership of large cattle themselves or certified true photostats thereof, which contain the description of the individual cattle owned by him, its sex, age, cowlicks, brands, etc. and the source and mode of acquisition thereof. The certification issued to him by the municipal treasurer does not even identify the alleged thirty heads of large cattle he allegedly owns, whether cows, bulls, carabaos, or horses. He has not submitted any proof to show that he had income from the sale of such large cattles.

He received his certificate from the Board Medical Examiners on November 22, 1961 (Exhs. P-2 and P-3). Being a novice in the practice, he could not possibly earn in his town P200 a month or P2,400 that year 1962. Even if he did, the said income is insufficient to qualify him for naturalization, although he is a bachelor.

In Uy *vs.* Republic,[9] the petition for naturalization was denied because the petitioner, single of Cebu City, had a monthly income of only P300. In Tan Tiu *vs.* Republic,[10] the petition for naturalization was also rejected because the applicant, a bachelor of Numancia, Surigao, earned only P230 a month. In Sia Faw *vs.* Republic,[11] the petition for naturalization was also denied because the applicant, a bachelor of Ormoc City, earned only P250 a month with free board and lodging. In Te Poot *vs.* Republic,[12] the applicant, another bachelor resident of Davao, was denied naturalization because his monthly income was only P250 although with free board and lodging.

(9) His petition does not specifically allege that he is of good moral character as required by Sec. 7 in relation to par. 3 of Sec. 2 of Com. Act No. 473.[13]

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[9] 14 SCRA 596, 597-598.

[10] 18 SCRA 824, 826.

[11] 21 SCRA 893, 894.

[12] 27 SCRA 644, 649.

[13] Pidelo *vs.* Republic, L-17796, Sept. 29, 1965.

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(10) Even his good moral character has not been satisfactorily established. His three witnesses, Irineo Tubio, Maximo Enardecido and Dr. Julio Abella, could not possibly affirm that petitioner had conducted himself properly while petitioner was studying for eight years in Cebu City and for five years in Manila, despite their pretension that they visited him two or four times a year during that period of thirteen years. And in the case of Dr. Julio Abella, he did not see petitioner while the latter was studying at the University of Santo Tomas from 1959 to 1961.

Much depends upon what they know about the petitioner during at least ten years before he applied for naturalization.[14]

And he did not present the necessary clearances from the National Bureau of Investigation, as well as from the chiefs of police, courts, and fiscals of Manila and Cebu City.

WHEREFORE, the judgment appealed from is reversed and the instant petition for naturalization is denied. Costs against petitioner-appellee.

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

Teehankee, J., in the result.

(Adm. Case No. 927. September 28, 1970)

In the Matter of the Complaint for Disbarment of Attorney POTENCIANO A. PALANCA. WILLIAM C. PFLEIDER, *complainant,* vs. POTENCIANO A. PALANCA, *respondent.*

SYLLABUS

1. ATTORNEYS; DISBARMENT AND SUSPENSION; CHARGES OF GROSS MISCONDUCT; ALLEGED FAILURE TO DEPOSIT SETTLEMENT MONEY IN

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[14] Lim *vs.* Republic, L-2001, Feb. 28, 1961; Dy *vs.* Republic, L-13496, April 27, 1960; Te Poot *vs.* Republic, 27 SCRA 644-650.