



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

DENNIS L. GO,
Petitioner,

G.R. No. 202809

Present:

VELASCO, JR., *J. Chairperson.*
PERALTA,
VILLARAMA, JR.,
MENDOZA, and
LEONEN, *JJ.*

- versus -

REPUBLIC OF THE
PHILIPPINES,
Respondent.

Promulgated:

July 2, 2014

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DECISION

MENDOZA, *J.:*

Before this Court is a petition for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, assailing the January 18, 2012 Decision¹ and the July 23, 2012 Resolution² of the Court of Appeals (CA), in CA-G.R. CV No. 95120, which reversed and set aside the November 18, 2008 Decision of the Regional Trial Court, Branch 45, Manila (RTC), by dismissing, without prejudice, the petition for naturalization filed by Dennis L. Go (*petitioner*).

* Designated Acting Member in view of the vacancy in the Third Division, per Special Order No. 1691, dated May 22, 2014.

¹ *Rollo*, pp. 29-42, penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Andres B. Reyes, Jr. and Franchito N. Diamante, concurring.

² *Id.* at 43-44.

The Facts

On October 13, 2004, petitioner filed a petition for naturalization under Commonwealth Act (C.A.) No. 473, the Revised Naturalization Law,³ with the RTC, where it was docketed as Naturalization Case No. 03-107591.

Petitioner made the following allegations in his petition: 1] that he was born on May 7, 1982 in Manila to spouses Felix and Emma Go, both Chinese nationals; 2] that he was of legal age, Chinese national, single, with residence address at No. 1308-1310 Oroquieta Street, Sta. Cruz, Manila, where he had been residing since birth; 3] that he spoke English and Tagalog and has spent his elementary, secondary and tertiary education in Philippine schools where subjects on Philippine history, government and civics were taught as part of the school curriculum; 4] that he believed in the principles underlying the Philippine Constitution, was of good moral character and had conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community; 5] that he is not opposed to organized government or is affiliated with any association or group of persons that uphold and teach doctrines opposing all organized governments; 6] that he did not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of men's ideas; 7] that he was neither a polygamist nor a believer in polygamy; 8] that he had never been convicted of any crime involving moral turpitude and was not suffering from mental alienation or incurable contagious diseases; 9] that he was not a citizen or subject of a nation at war with the Philippines; 10] that it was 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 state or sovereignty, particularly to China of which he was a citizen; 11] that he would reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship; and 12] that he was exempt from the filing of the Declaration of Intention with the Office of the Solicitor General (*OSG*) under C.A. No. 473, Section 5, as he was born in the Philippines and received his primary, secondary and tertiary education in the country.

On September 11, 2003, the RTC set the initial hearing of his petition on August 17, 2004. In compliance with the jurisdictional requirements

³ "An Act to Provide for the Acquisition of Philippine Citizenship by Naturalization, and to Repeal Acts Numbered Twenty-Nine Hundred and Twenty-Seven and Thirty-Four Hundred and Forty-Eight".

under Section 9 of C.A. No. 473,⁴ the notice was published in the Official Gazette and in a newspaper of general circulation in the Philippines, once a week for three (3) consecutive weeks, and was posted in a conspicuous place at the Office of the Clerk of Court.

During the hearings, petitioner testified to prove his compliance with all the requirements for naturalization and presented, as witnesses, Dr. Joseph Anlacan (*Dr. Anlacan*), Dr. Edward C. Tordesillas (*Dr. Tordesillas*), Silvino J. Ong (*Ong*), Teresita M. Go (*Teresita*), and Juan C. Go (*Juan*).

Dr. Anlacan testified that based on the psychiatric examination he conducted on petitioner, he had no psychiatric abnormality at the time of the test.⁵ Dr. Tordesillas, on the other hand, reported that petitioner's medical examination results were normal. Ong, a friend of petitioner's family, stated that being their neighbor in Sto. Cristo Street, he had known petitioner since childhood through his association with the family in times of celebration. Teresita claimed that she had personally known petitioner since birth because he was the son of her brother-in-law. She described him as a peace-loving person who participated in activities sponsored by his school and the barangay. Lastly, Juan, a businessman by profession, also claimed that he knew petitioner personally and that he had executed an Affidavit of Support in his favor.

After petitioner presented his evidence and formally offered the same,⁶ the Republic, through the OSG, posed no objection as to the relevancy and competence of his documentary evidence. The OSG further manifested that it had no evidence to present and requested that the case be submitted for decision based on petitioner's evidence.⁷

⁴ Sec. 9. Notification and appearance. - Immediately upon the filing of a petition, it shall be the duty of the clerk of court to publish the same at the 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 (now Office of the President), the Bureau of Justice (now Solicitor General), the Provincial Inspector of the Philippine Constabulary of the province (now Provincial Commander) and the Justice of the Peace of the municipality wherein the petitioner resides (now the RTC).

⁵ *Rollo*, p. 86.

⁶ *Id.* at 120-122.

⁷ *Id.* at 123-126.

The OSG, however, later moved for the reopening of trial for the admission of its documentary evidence.⁸ It informed the RTC that it had received a report, dated November 23, 2006, issued by the National Bureau of Investigation (*NBI*),⁹ tending to prove petitioner's non-compliance with the requirements of the law on naturalization.

On April 3, 2007, petitioner manifested to the RTC that he had a clearance issued by the NBI as proof of his lack of criminal record, and that he was not the same Dennis Go who was the subject of the NBI Investigation Report being offered in evidence by the OSG.

After the conduct of a clarificatory hearing, the RTC issued its October 24, 2008 Order¹⁰ admitting the evidence adduced by both parties, but denying the motion of the OSG to re-open trial.

On November 18, 2008, the RTC rendered a decision granting the petition for naturalization ruling that the petitioner possessed the qualifications set forth by law. Among these were petitioner's lack of a derogatory record, his support for an organized government, his being in perfect health, his mingling with Filipinos since birth and his ability to speak their language, and his being a law abiding citizen. The RTC likewise found that petitioner presented convincing evidence that he was not disqualified for naturalization as provided for under Section 4 of C.A. No. 473.¹¹ The dispositive portion of the RTC decision reads:

WHEREFORE, premises considered, the Petition of DENNIS L. GO for Naturalization as a Filipino Citizen is hereby GRANTED. Upon finality of this Decision, before a Certificate of Naturalization may be issued to him pursuant to the provisions of

⁸ Id. at 127-130.

⁹ Id. at 131-132.

¹⁰ Id. at 142-143.

¹¹ Section 4. *Who are disqualified.* - The following cannot be naturalized as Philippine citizens:

- a. Persons opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;
- b. Persons defending or teaching the necessity or propriety of violence, personal assault, or assassination for the success and predominance of their ideas;
- c. Polygamists or believers in the practice of polygamy;
- d. Persons convicted of crimes involving moral turpitude;
- e. Persons suffering from mental alienation or incurable contagious diseases;
- f. Persons who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;
- g. Citizens or subjects of nations with whom the United States and the Philippines are at war, during the period of such war;
- h. Citizens or subjects of a foreign country other than the United States³ whose laws do not grant Filipinos the right to become naturalized citizens or subjects thereof.

Republic Act 530, Petitioner must take his oath of allegiance and fidelity to the Republic of the Philippines.

SO ORDERED.¹²

Not in conformity, the OSG moved for reconsideration and the re-opening of trial for the second time. This time, it sought to be admitted, as evidence, a background investigation report¹³ issued by the Bureau of Immigration (*BOI*) stating the following reasons to oppose the petition, among others: that petitioner's parents remained as Chinese citizens up to the present; that petitioner's aunt arrogantly refused to allow them to engage in an interview while at their residence; and that the retail business of petitioner's family must be subjected to an investigation for unexplained wealth and tax deficiencies.

On May 18, 2009, after an exchange of pleadings by the parties, the RTC denied the OSG's motion for reconsideration for lack of merit.

On appeal to the CA, the OSG raised the following arguments:

- 1) Evidence proving that petitioner did not possess the qualifications or was disqualified from acquiring Philippine citizenship may be received anytime prior to the finality of judgment granting the application for naturalization;
- 2) Petitioner failed to prove that he had all the qualifications entitling him to the grant of Philippine citizenship;
- 3) Petitioner failed to prove that his witnesses were credible;
- 4) Petitioner's character witnesses failed to prove that he had all the qualifications and none of the disqualifications for the grant of Philippine citizenship; and
- 5) Failure to state all former places of residence was fatal to petitioner's application for naturalization.

¹² *Rollo*, pp. 151-152.

¹³ *Id.* at 158, dated March 29, 2005.

Petitioner countered that the RTC correctly denied the OSG's motion for reconsideration as it was given several opportunities to present its evidence and oppose the petition, but did not. The OSG may not file a motion for the purpose of re-opening the case on a piece-meal basis on the pretext that the government could, at all stages of the proceedings, raise the issue of non-compliance with naturalization laws. In any case, the background investigation by the BOI yielded no reasonable ground to deny the petition for naturalization because the citizenship of his parents had nothing to do with it. The RTC decision contained an exhaustive discussion showing that he possessed all the qualifications and none of the disqualifications provided for by law.

In its assailed decision, the CA *reversed* and *set aside* the RTC decision and dismissed, without prejudice, the petition for naturalization. According to the CA, while there was sufficient evidence from which petitioner's ability to write English or any of the principal Philippine languages, may be inferred, he failed to adduce evidence to prove that his witnesses were credible. He was not able to prove that the persons he presented in court had good standing in the community, known to be honest and upright, reputed to be trustworthy and reliable, and that their word could be taken at face value, as a good warranty of his worthiness.

Hence, this petition.

Petitioner insists that the findings of facts by the RTC are fully supported by the evidence extant in the records of the case, rendering its reversal by the CA, as unwarranted and erroneous. The RTC was in a better position to examine the real evidence and observe the demeanor of the witnesses presented.

Citizenship is personal and more or less permanent membership in a political community. It denotes possession within that particular political community of full civil and political rights subject to special disqualifications. Reciprocally, it imposes the duty of allegiance to the political community.¹⁴ The core of citizenship is the capacity to enjoy political rights, that is, the right to participate in government principally through the right to vote, the right to hold public office and the right to petition the government for redress of grievance.¹⁵

¹⁴ Bernas, *The 1987 Constitution of the Republic of the Philippines A Commentary*, 2009 Edition, p. 629.

¹⁵ Bernas, *The 1987 Constitution of the Republic of the Philippines A Commentary*, 2009 Edition pp. 629-630.

No less than the 1987 Constitution enumerates who are Filipino citizens.¹⁶ Among those listed are citizens by naturalization, which refers to the legal act of adopting an alien and clothing him with the privilege of a native-born citizen. Under the present laws, the process of naturalization can be judicial or administrative. Judicially, C.A. No. 473 provides 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. On the other hand, Republic Act (R.A.) No. 9139 provides that aliens born and residing in the Philippines may be granted Philippine citizenship by administrative proceeding by filing a petition for citizenship with the Special Committee, which, in view of the facts before it, may approve the petition and issue a certificate of naturalization.¹⁷ In both cases, the petitioner shall take an oath of allegiance to the Philippines as a sovereign nation.

It is a well-entrenched rule that Philippine citizenship should not easily be given away. All those seeking to acquire it must prove, to the satisfaction of the Court, that they have complied with all the requirements of the law.¹⁸ The reason for this requirement is simple. Citizenship involves political status; hence, every person must be proud of his citizenship and should cherish it. Verily, a naturalization case is not an ordinary judicial contest, to be decided in favor of the party whose claim is supported by the preponderance of the evidence. Naturalization is not a right, but one of privilege of the most discriminating, as well as delicate and exacting nature, affecting, as it does, public interest of the highest order, and which may be enjoyed only under the precise conditions prescribed by law therefor.¹⁹

Jurisprudence dictates that in judicial naturalization, the application must show substantial and formal compliance with C.A. No. 473. In other words, an applicant must comply with the jurisdictional requirements, establish his or her possession of the qualifications and none of the disqualifications enumerated under the law, and present at least two (2)

¹⁶ Article IV Section 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the time of the adoption of this Constitution;
- (2) Those whose fathers or mothers are citizens of the Philippines;
- (3) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
- (4) Those who are naturalized in accordance with law.

¹⁷ Republic Act No. 9139 entitled "An Act Providing for the Acquisition of Philippine Citizenship for Certain Aliens by Administrative Naturalization and for Other purposes".

¹⁸ *Felipe Tochip v. Republic*, G.R. No. L-19637, October 26, 1965.

¹⁹ *Cuaki Tan Si v. Republic*, G.R. No. L-18006, October 31, 1962, 6 SCRA 545, 546 (1962).

character witnesses to support his allegations.²⁰ In *Ong v. Republic of the Philippines*,²¹ the Court listed the requirements for character witnesses, namely:

1. That they are citizens of the Philippines;
2. That they are “credible persons”;
3. That they personally know the petitioner;
4. That they personally know him to be a resident of the Philippines for the period of time required by law;
5. That they personally know him to be a person of good repute;
6. That they personally know him to be morally irreproachable;
7. That he has, in their opinion, all the qualifications necessary to become a citizen of the Philippines; and
8. That he “is not in any way disqualified under the provisions” of the Naturalization Law.

In vouching for the good moral character of the applicant for citizenship, a witness, for purposes of naturalization, must be a “credible” person as he becomes an insurer of the character of the candidate.²² The Court, in *Ong*, explained:

²⁰ Section 7. *Petition for citizenship*. – Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not disqualified for naturalization under the provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. **The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act.** The petition shall also set forth the names and post-office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case. The certificate of arrival, and the declaration of intention must be made part of the petition.

²¹ 103 Phil. 964 (1958).

²² *Cu v. Republic*, 89 Phil. 473 (1951).

a “credible” person is, to our mind, not only an individual who has not been previously convicted of a crime; who is not a police character and has no police record; who has not perjured in the past; or whose “affidavit” or testimony is not incredible. What must be “credible” is not the declaration made, but the person making it. This implies that such person must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the petitioner.

In consonance with the above dictum, in *Lim Ching Tian v. Republic*,²³ the 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. It is, therefore, imperative that he be competent and reliable. And he is only competent to testify on his conduct, character and moral fitness if he has had the opportunity to observe him personally, if not intimately, during the period he has allegedly known him.” 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.

In this case, the OSG mainly harps on the petitioner’s failure to prove that his witnesses are credible.

The Court agrees.

The records of the case show that the joint affidavits executed by petitioner’s witnesses did not establish their *own* qualification to stand as such in a naturalization proceeding. In turn, petitioner did not present evidence proving that the persons he presented were credible. In the words of the CA, “he did not prove that his witnesses had good standing in the community, known to be honest and upright, reputed to be trustworthy and

²³ 111 Phil. 211(1961).

reliable, and that their word may be taken at face value, as a good warranty of the worthiness of petitioner.”²⁴

While there is no showing that petitioner’s witnesses were of doubtful moral inclinations, there was likewise no indication that they were persons whose qualifications were at par with the requirements of the law on naturalization. Simply put, no evidence was ever proffered to prove the witnesses’ good standing in the community, honesty, moral uprightness, and most importantly, reliability. As a consequence, their statements about the petitioner do not possess the measure of “credibility” demanded of in naturalization cases. This lack of “credibility” on the part of the witnesses, unfortunately, weakens or renders futile petitioner’s claim of worthiness. An applicant for Philippine citizenship would carefully testify as to his qualifications, placing emphasis on his good traits and character. This is expected of a person who longs to gain benefits and advantages that Philippine citizenship bestows. Therefore, a serious assessment of an applicant’s witnesses, both as to the credibility of their person and their very testimony, is an essential facet of naturalization proceedings that may not be brushed aside.

Further, petitioner’s witnesses only averred *general statements* without specifying acts or events that would exhibit petitioner’s traits worthy of the grant of Philippine citizenship. For instance, a statement in their affidavits as to petitioner’s adherence to the principles underlying the Philippine Constitution is not evidence, *per se*, of petitioner’s agreement and zeal to Philippine ideals. These appear to be empty declarations if not coming from credible witnesses.

It bears stressing that the CA was correct in finding that the testimonies of petitioner’s witnesses only proved that he mingled socially with Filipinos. While almost all of the witnesses testified that they knew petitioner since birth and that they had interacted with petitioner’s family in times of celebration, this did not satisfy the other requirements set by law, that is, a genuine desire to learn and embrace the Filipino ideals and traditions. Besides, both the NBI and BOI reports cast doubt on petitioner’s alleged social interaction with Filipinos. The background checks done on petitioner yielded negative results due to the uncooperative behavior of the members of his household. In fact, petitioner himself disobliged when asked for an interview by BOI agents.

²⁴ *Rollo*, p. 37.

To the Court, this is a display of insincerity to embrace Filipino customs, traditions and ideals. This leads to the inescapable conclusion that petitioner failed to prove that he has all the qualifications entitling him to the grant of Philippine citizenship. Filipino citizenship is predicated upon oneness with the Filipino people. It is indispensable that an applicant for naturalization shows his identification with the Philippines as a country deserving of his wholehearted allegiance. Until there is a positive and unequivocal showing that this is so in the case of petitioner, the Court must selfishly decline to confer Philippine citizenship on one who remains an alien in principles and sentiment.

Finally, it is noteworthy that the OSG was correct in arguing that petitioner's failure to state his former residence in the petition was fatal to his application for naturalization. Indeed, this omission had deprived the trial court of jurisdiction to hear and decide the case. Differently stated, the inclusion of present and former places of residence in the petition is a jurisdictional requirement, without which the petition suffers from a fatal and congenital defect which cannot be cured by evidence on the omitted matter at the trial.²⁵

Here, a character witness had unwittingly revealed that he and petitioner were neighbors in Sto. Cristo Street before the latter's family transferred to their declared residential address in Oroquieta Street. This proves that petitioner's former residence was excluded in his allegations contained in the published petition. In effect, there was an unpardonable lapse committed in the course of petitioner's compliance to the jurisdictional requirements set by law, rendering the trial court's decision, not only as erroneous, but void.


WHEREFORE, the petition is **DENIED**. The January 18, 2012 Decision and the July 23, 2012 Resolution of the Court of Appeals in CA-G.R. CV No. 95120 are **AFFIRMED**. As stated in the decision of the Court of Appeals, the dismissal is without prejudice.

SO ORDERED.


JOSE CATRAL MENDOZA
Associate Justice


²⁵ *Miguel Chun Eng Go v. Republic of the Philippines*, 127 Phil. 43 (1967), citing *Lo v. Republic*, 111 Phil. 1036 (1961).

WE CONCUR:



PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice




MARTIN S. VILLARAMA, JR.
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARIA LOURDES P. A. SERENO**

Chief Justice

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