



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**HO CHING YI,**  
Petitioner,

**G.R. No. 227600**

Present:

-versus-

LEONEN, *J.*, Chairperson,  
LAZARO-JAVIER\*,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., *JJ.*

REPUBLIC OF THE  
PHILIPPINES,  
Respondent.

Promulgated:  
**JUN 13 2022**

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**DECISION**

**LEONEN, J.:**

Naturalization proceedings are matters of the highest public interest. The burden to prove strict and complete compliance with the requirements for citizenship falls upon the applicant.<sup>1</sup>

This Court resolves the Petition for Review on Certiorari<sup>2</sup> filed by Ho Ching Yi (Ho) assailing the Court of Appeals' Decision<sup>3</sup> and Resolution<sup>4</sup> which affirmed the Regional Trial Court's Decision<sup>5</sup> denying Ho's petition

\* On official leave.

<sup>1</sup> *In re: Chua Bon Chiong*, 148-A Phil. 268 (1971) [Per J. Makasiar, En Banc].

<sup>2</sup> *Rollo*, pp. 12–26.

<sup>3</sup> *Id.* at 33–43. The June 7, 2016 Decision in CA-G.R. CV No. 104569 was penned by Associate Justice Jane Aurora C. Lantion with the concurrence of Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela of the Sixth Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 29–30. The October 10, 2016 Resolution in CA-G.R. CV No. 104569 was penned by Associate Justice Jane Aurora C. Lantion with the concurrence of Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela of the Sixth Division, Court of Appeals, Manila.

<sup>5</sup> *Id.* at 45–57. The July 31, 2014 Decision in Naturalization Case No. 02-2010 was penned by Presiding

for naturalization.

Ho filed a petition for naturalization on September 17, 2010. The Petition alleged that she is a Taiwanese citizen who arrived in the Philippines in 1994 when she was eight years old, and has continuously resided here for more than 10 years. She alleged that she has been working as a treasurer of Tungtay Trading and Manufacturing Corporation (Tungtay Trading) since 2009 and has an average annual income of ₱240,000.00.<sup>6</sup> She attached the affidavits of her former tutors, Mary Ann R. Tamondong (Tamondong) and Maritess S. Adaon (Adaon), in her Petition and presented them as witnesses during the hearing.<sup>7</sup>

In a July 31, 2014 Decision, the Regional Trial Court denied her Petition.<sup>8</sup> The trial court was not persuaded that Ho had the necessary qualifications for naturalization based on the witnesses presented. Ho only presented her two alleged tutors in support of her Petition. In the absence of proof other than their respective testimonies, the trial court doubted the witnesses' credentials, and also doubted that they had sufficient basis to testify on her character and other qualifications for naturalization.<sup>9</sup> Given their testimonies, the trial court found it more likely that the witnesses were clients of Ho's family business. Moreover, even assuming that they were both Ho's tutors, a tutor-tutee relationship was not enough to establish her character. The trial court reasoned that it would have been preferable to present a teacher, who could at least have observed Ho's conduct with her classmates.<sup>10</sup>

Further, the trial court doubted Ho's claims regarding her income.<sup>11</sup> Her Petition stated that she is a treasurer of Tungtay Trading receiving an average annual income of ₱240,000.00. She even reiterated this in her testimony. However, her records reveal a lower average annual income. The trial court found that this inconsistency undermined her claims of good moral character.<sup>12</sup>

The dispositive portion of the trial court's Decision reads:

WHEREFORE, based on the laws/jurisprudence and the circumstances prevailing in the instant case, the petition is hereby [d]ismissed due to insufficiency of evidence to prove that petitioner has all the qualifications and none of the disqualifications provided by law to warrant the granting of this petition.

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Judge Veronica A. Vicente-De Guzman of the Regional Trial Court, Malolos City, Bulacan, Branch 9.

<sup>6</sup> Id. at 44.

<sup>7</sup> Id. at 46.

<sup>8</sup> Id. at 57.

<sup>9</sup> Id. at 54-55.

<sup>10</sup> Id. at 55.

<sup>11</sup> Id. at 56.

<sup>12</sup> Id.

SO ORDERED.<sup>13</sup>

Ho filed an appeal before the Court of Appeals, which affirmed the trial court. Aside from finding the witnesses inadequate to establish Ho's qualifications, it noted that inconsistencies regarding her stated average annual income remain unexplained.<sup>14</sup>

The dispositive portion of the Court of Appeals' Decision reads:

**WHEREFORE**, the appeal is hereby **DENIED**. The assailed Decision dated 31 July 2014, issued by the Regional Trial Court, Branch 9, Malolos, Bulacan, in Naturalization Case No. 02-2010, is hereby **AFFIRMED**.

**SO ORDERED**.<sup>15</sup> (Emphasis in the original)

Ho moved for reconsideration, but this was denied by the Court of Appeals.<sup>16</sup>

Ho thus filed this Petition for Review on Certiorari<sup>17</sup> arguing that the Court of Appeals erred in finding that her witnesses were not credible enough to support her petition for naturalization. Petitioner also explains her declining income.

Petitioner insists that her witnesses are credible. With regard to their credentials, she maintains that it is common knowledge that "not all tutors in the Philippines or professors in all levels of education are graduate of Bachelor of Science in Education (BSE) or Bachelor of Science in Elementary Education or higher levels, as parents or private school administrators have discretion in allowing other professionals with degrees on different fields and excellent skills to teach their children or students." Moreover, the law does not require that the witnesses be highly educated. It is enough that they are in good standing in the community, known to be honest and upright, reputed to be trustworthy and reliable, and that their words may be taken on its face value. Petitioner insists that tutors are not disqualified from testifying in support of her Petition. Regarding her income, petitioner explains that it declined due to Typhoon Ondoy, as well as a change in employment.<sup>18</sup>

The sole issue for this Court's resolution is whether or not the Court

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<sup>13</sup> Id. at 57.

<sup>14</sup> Id. at 39-42.

<sup>15</sup> Id. at 42.

<sup>16</sup> Id. at 29-30.

<sup>17</sup> Id. at 12.

<sup>18</sup> Id. at 21.

of Appeals erred in finding that petitioner Ho's witnesses were not credible to support her petition for naturalization.

The Petition is denied.

The burden of establishing compliance with the requirements for naturalization belongs to the applicants, and naturalization laws are strictly construed in favor of the government.<sup>19</sup>

Commonwealth Act No. 473 or the Revised Naturalization Law requires, among others, that the person applying for naturalization:

[B]e of good moral character and believes in the principles underlying the Philippine Constitution, and must have 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.<sup>20</sup>

To support an application for naturalization, a person must submit:

[T]he 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.<sup>21</sup>

Petitioner insists that her witnesses are credible, and that she complied with the law as it does not require witnesses to possess higher education.<sup>22</sup> She insists that in any case, Commonwealth Act No. 473 does not require that she present witnesses to establish her witnesses' credibility.<sup>23</sup>

While the law does not expressly require petitioner to present separate witnesses to establish the credibility of her witnesses, it indisputably requires that the applicant's witnesses be credible persons. *Republic v. Hong*<sup>24</sup> explained that this is not an empty requirement, and that it is the burden of the applicant to establish that the requirement is met:

<sup>19</sup> *Republic v. Ong*, 688 Phil. 136 (2012) [Per J. Del Castillo, First Division].

<sup>20</sup> Commonwealth Act No. 473 (1939), sec. 2, par. 3.

<sup>21</sup> Commonwealth Act No. 473 (1939), sec. 7.

<sup>22</sup> *Rollo*, p. 18.

<sup>23</sup> *Id.* at 19.


<sup>24</sup> 520 Phil. 276 (2006) [Per J. Ynares-Santiago, First Division].

In *Yap v. Republic*, the Court defined the phrase "credible person" and held that the petitioner therein failed to present evidence that his witnesses fall within the definition. Thus —

Then again, Section 7 of the Naturalization Law requires that each petition for naturalization be supported by the affidavit of two (2) "credible persons." Referring to the meaning of this phrase, we had occasion to say, as early as May 30, 1958:

\*\*\*\* Within the purview of the Naturalization Law, 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. Thus, in *Cu vs. Republic*, G.R. No. L-3018 (decided on June 18, 1951), we declared that said affiant 'are in a way insurers of the character of the candidate concerned.' Indeed, by their affidavits, they do not merely make the statements herein contained. They also vouch for the applicant, attest to the merits of his petition and sort of underwrite the same." (*Ong v. Republic*, 103 Phil. 964.)

The attesting witnesses of petitioner herein do not appear to belong to this category. One of them, Leticia C. Alvarez, is a teacher in the Zamboanga Chinese School, in which he had been her pupil for two (2) years in the elementary department. The other, Catalino C. Pantaleon, is shop superintendent of the Bureau of Public Highways, Zamboanga City. Without, in the least, underrating the profession or occupation of each, the fact is that there is absolutely nothing in the record to indicate, even if remotely, that any of them has the status contemplated in the Naturalization Act. This is not to cast any doubt upon the moral fabric of said witnesses. It simply indicates that their honesty and integrity—even if the same were assumed to be a fact—are insufficient to place them within the class envisaged by law. It is, also, necessary that each one possesses such a high degree of reputation in the community for honesty and integrity that "his word may be taken on its face value as a good warranty of the worthiness of the petitioner."



In the case at bar, respondent did not present testimonial or documentary evidence to prove that his witnesses are "credible persons" as defined under the Naturalization Law. The Court does not intend to cast any aspersion upon the character of these witnesses. This simply means that the respondent focused on presenting evidence tending to build his own good moral character and neglected to establish the credibility and good moral character of his witnesses.<sup>25</sup> (Citations omitted)

This does not imply that petitioner is absolutely required to present witnesses regarding her witnesses' credibility. How credibility is established is up to an applicant and their counsel. Certainly, however, the trial court must have some basis upon which it can determine that the witnesses are indeed credible persons.


In her Petition, petitioner responds to this issue by insisting witness Adaon is credible since she works as a research editor and part-time professor at St. Mary's College of Meycauayan and is also a full-time employee at International Data Corporation.<sup>26</sup>

As to witness Tamondong, petitioner argues she is credible because she is a certified public accountant and was a "former tutor of petitioner when the latter was still studying at St. Mary's College of Meycauayan until her college education at Chiang Kai Shek College, and testified that she tutored petitioner for four years in high school and four years in college."<sup>27</sup>

Petitioner has not offered any clear link relating her witnesses' credentials to their credibility. Thus, her claim that they are credible deserves scant consideration.

Furthermore, the Court of Appeals pointed out inconsistencies in the witnesses' testimonies, which "undermined their credibility."<sup>28</sup> Petitioner failed to address this.

This Court thus agrees with the Court of Appeals that petitioner failed to establish her witnesses were the credible persons required by law.

Even assuming the witnesses were credible persons, the Regional Trial Court did not find them competent to testify on whether petitioner possessed the qualifications for naturalization. They were not petitioner's friends. Further, as one-on-one tutors, they did not have substantial time to personally observe her or her interactions with other people. Thus, they did not know her enough to competently testify that petitioner was morally irreproachable, or a person of good repute. 

<sup>25</sup> Id. at 293-294.

<sup>26</sup> *Rollo*, p. 17.

<sup>27</sup> Id.

<sup>28</sup> Id. at 40.

Petitioner insists that this was an error, and that witnesses need only “know that the petitioner has been a resident of the Philippines for the period of time required by law” and that “the affiant must know that petitioner is of good repute and morally irreproachable[,] nothing more.”<sup>29</sup>

Petitioner is incorrect. In *In re: Tse Viw*,<sup>30</sup> this Court explained that a general averment regarding the moral character of an applicant would not suffice during naturalization proceedings. Witnesses are expected to have personal knowledge of the facts that establish an applicant’s qualifications for naturalization:

Coming now to the character witnesses, We find that their testimony is too general and unconvincing. It must be remembered that vouching witnesses stand as insurers of petitioner’s conduct and character. For this reason they are expected to testify on specific facts and events justifying the inference that petitioner — as personally known to them — possesses all the qualifications and none of the disqualifications provided by law for purposes of naturalization. In this case it does not appear sufficiently that the nature of the association of the vouching witnesses with the petitioner is such as would have enabled them to acquire definite knowledge about his qualifications and/or disqualifications. Neither were they able to cite specific facts and events regarding petitioner’s conduct and character.<sup>31</sup>

This was reiterated in *Hong*,<sup>32</sup> where a witness’s assessment of an applicant for naturalization was based on what she heard from the applicant’s parents and friends. This Court stressed that, to convince the trial court of the applicant’s character, the witnesses are expected to testify based on personal knowledge of events, facts, and the applicant’s traits.

Finally, this Court notes petitioner’s explanation regarding her declining income. However, she once again failed to address why her stated average annual income was ₱240,000.00, received from Tungtay Trading, when from the record it appears that she only received ₱240,000.00 when she was employed with Jonpower (J.P.) Mfg. Ltd. Inc., and that her annual income was lower.<sup>33</sup>

**WHEREFORE**, the Petition for Review on Certiorari is **DENIED**. The Court of Appeals’ June 7, 2016 Decision and October 10, 2016 Resolution in CA-G.R. CV No. 104569 are **AFFIRMED**. Petitioner Ho Ching Yi’s petition for naturalization is **DENIED** due to insufficiency of evidence to prove that petitioner has all the qualifications and none of the

<sup>29</sup> Id. at 19.

<sup>30</sup> 124 Phil. 1310 (1966) [Per J. Dizon, En Banc].

<sup>31</sup> Id. at 1312–1313.

<sup>32</sup> 520 Phil. 276, 291 (2006) [Per J. Ynares-Santiago, First Division].

<sup>33</sup> *Rollo*, p. 42.

disqualifications provided by law to warrant the granting of the petition.

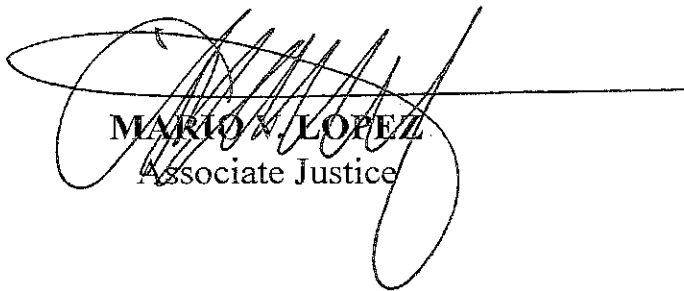
**SO ORDERED.**



**MARVIC M.V.F. LEONEN**  
Associate Justice

WE CONCUR:

On official leave  
**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO A. LOPEZ**  
Associate Justice




**JHOSEP Y. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
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.

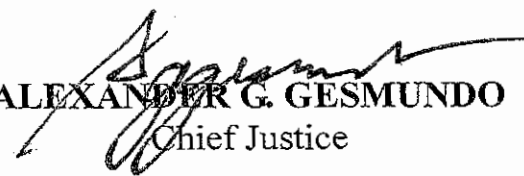


**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson



**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.



ALEXANDER G. GESMUNDO  
Chief Justice

