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**SUPREME COURT
EN BANC**

**IN THE MATTER OF THE PETITION OF
TAK NG TO BE ADMITTED A CITIZEN
OF THE PHILIPPINES.**

**TAK NG,
*Petitioner-Appellant,***

-versus-

**G.R. No. L-13017
December 23, 1959**

**REPUBLIC OF THE PHILIPPINES,
*Oppositor-Appellee.***

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DECISION

BARRERA, J.:

This is an Appeal taken from the Decision dated August 10, 1957 of the Court of First Instance of Manila (in Nat. Case No. 29932), denying petitioner's application for naturalization.

It appears that petitioner Tak Ng, also known as Teddy Ng, was born in Manila on January 9, 1922. He resided in the Philippines since birth and has never gone abroad. He is employed as a salesman in the St. George Grocery and Cold Store, Inc., at 242 Quezon Boulevard, Manila, with a salary of more than P2,200.00 a year. He was single

when he filed his petition for naturalization on June 15, 1956, although since 1951, he had been cohabiting extra-maritally with Leonarda Cabacungan, with whom he had 3 children, namely, Adelaida, Anthony, and Alfred, all surnamed Ng. He finally married her on May 15, 1957. He was able to secure clearances from the Manila Police Department, the City Fiscal's Office, the NBI, the Bureau of Prisons, the NICA, the Bureau of Immigration, the Philippine Constabulary, the Clerk of Court of the Court of First Instance of Manila, the CAFA, the Anti-Dummy Board, and the Central Bank of the Philippines. However, according to Exhibit O-1, he was convicted by the Court of First Instance of Manila (in Crim. Case No. 6811) on October 29, 1948, of profiteering,^[1] and sentenced to pay a fine of P50.00 and, as a consequence, was reprimanded and warned by the Deportation Board^[1a] on February 8, 1957 (Exh. 1-A). He speaks and writes English and Tagalog. He does not own any real property in the Philippines. He believes in the fundamental principles underlying the Constitution. He has evinced a sincere desire to learn the customs and traditions of the Filipino people. He is not opposed to any organized government, or affiliated with any association, or group of persons who uphold and teach doctrines defending or advocating the necessity or propriety of violence, personal assault, or assassination, for the success and predominance of men's ideas. He is not a polygamist or a believer in the practice of polygamy. He is in good health, and it is his intention in good faith to become a Filipino citizen.

As vouching witnesses, he presented Messrs. Hilario M. Uaje and Pedro Nieva, Jr. Uaje declared that he knew petitioner for more than 11 years up to the time he took the stand; and that he knew him as one who believes in the principles underlying the Constitution and as a person of good moral character, with a fixed income of P150.00 a month. Nieva, Jr., on the other hand, testified that he knew petitioner since 1944 and had observed him to be a person attached to the principles underlying the Constitution and disposed to the good order and happiness of the Filipino people.

After reception of the evidence, the court, on August 10, 1957, rendered a decision denying petitioner's application for naturalization, on the grounds that: (1) he was convicted of profiteering, on October 29, 1948, by the Court of First Instance of

Manila, and sentenced to pay a fine of P50.00, as a result of which, he was charged before the Deportation Board which reprimanded and warned him on February 8, 1957; and (2) he falsely stated in his declaration of intention dated November 27, 1954, that he had no children, when in fact he had already 3 at the time with Leonarda Cabacungan.

As to the first ground above-stated, appellant contends that his conviction by the Court of First Instance of Manila for profiteering, on October 29, 1948, as a result of which, he was fined P50.00, should not be taken against him, because he was a mere employee of the St. George Grocery and Cold Store, Inc. at the time; that he had nothing to do with the fixing of the selling price of commodities sold therein; and that his having pleaded guilty to the information charging him of the offense, was upon the advice of his lawyer and the manager of said establishment.

The trial court did not accept this explanation and we find no reason to do otherwise. It is hard to believe that appellant would suffer to have his name stained with a criminal record by pleading guilty to said information, if he had absolutely nothing to do with the offense charged. As the lower court observed, it is not easy to believe that petitioner did not know that he was selling over the price fixed by the authorities, as these price limits are made known to the stores.

Is profiteering a crime involving moral turpitude which disqualifies petitioner from admission to Philippine citizenship? We think so. "Moral turpitude" has been defined as an act of baseness, vileness, or depravity in the private and social duties which a man owes his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man (Traders & General Ins. Co. vs. Russell, Tex. Civ. App., 99 S.W. [2d] 1079) or conduct contrary to justice, honesty, modesty, or good morals (Marah vs. State Bar of California, 210 Cal. 303, 291 P. 583).

There can be no doubt that profiteering, an offense which is severely and heavily penalized with imprisonment of not more than 10 years, or by a fine of not more than P10,000.00, or by both,^[2] involves moral turpitude, inasmuch as it affects the price of prime commodities and goes to the life of the citizens, especially those who

are poor and with hardly the means to sustain themselves.^[3] Having been convicted of a crime involving moral turpitude, petitioner is disqualified from naturalization as a Filipino citizen.^[4]

In respect of the second ground, petitioner claims that he failed to marry Leonarda Cabacungan in 1951, because she was then only 17 or 18 years of age, and her parents objected to their marriage because he was a Chinese citizen.

The contention deserves no serious consideration. Assuming that Leonarda's parents disapproved of petitioner's marriage to her, he could have legally married her had he really wanted to, when Leonarda was already 18 years of age, since under the law,^[5] only the advice of her parents is required which, if not given, does not prevent the celebration of the marriage, 3 months after the completion of the publication of the application for marriage license. Petitioner never made any attempt or effort to marry Leonarda, but chose instead to live with her openly for 6 years without the benefit of marriage, begetting with her 3 children, all out of wedlock. It was not until May 15, 1957, that is, almost 1 year after he had filed his petition for naturalization in court that he decided to marry her which, according to the Solicitor General, was, evidently, entered into merely "for convenience and with the avowed purpose of circumventing the provisions of our naturalization laws regarding irrepachable character and good moral conduct."

Needless to say, the act of petitioner in cohabiting with Leonarda for 6 years without the benefit of marriage, clearly indicates his bad moral character, which disqualifies him from becoming a Filipino citizen.^[6] The fact that petitioner married her on May 16, 1957, did not thereby cure his disqualification for lack of good moral character.^[7]

We agree with the trial court and the Solicitor General that petitioner's statement in his declaration of intention and in his petition for naturalization that he was single and that he did not have any child at all, when in truth and in fact, he had then already 3 children with Leonarda Cabacungan, is a deliberate falsehood amounting to perjury, as he concealed his true status under oath and, likewise, shows petitioner's wanton disregard for truth, hence, lack of

good moral character disabling him from acquiring Philippine citizenship.

WHEREFORE, finding no error in the judgment of the court a quo, the same is hereby affirmed, with costs against the petitioner appellant. So ordered.

Paras, C.J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, Endencia and Gutierrez David, JJ., concur.

[1] Executive Order No. 91. s. 1946.

[1a] Deportation Case No. R-211.

[2] Sec. 3, Com. Act No. 600.

[3] In *People vs. Tiu Ua*, 96 Phil., 738, 51 Off. Gaz., [4], 1863, it was held that profiteering affects the poor people in general, and that any raise in the price above that authorized by law, causes a great hardship to the country.

[4] Section 4 (d) Com. Act No. 473.

[5] Art. 62, Civil Code of the Philippines.

[6] See *Yu Lo vs. Republic*, 92 Phil., 105, 48 Off. Gaz., 4334; *Yu Singco vs. Republic*, 94 Phil., 191, 50 Off. Gaz., 104; *Sy Kiam vs. Republic*, 102 Phil., 575, 54 Off. Gaz., 3802; *Lo Kio vs. Republic*, supra, p. 224, Sec. 2(3), Com. Act No. 473.

[7] See *Sy Kiam vs. Republic* and *Lo Kio vs. Republic*, both supra.