

TE ENG LING, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-17918. November 28, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed by Te Eng Ling, a citizen of Nationalist China. The petition is supported by the affidavits of Estifano Segovia, a lawyer, and Gloria R. Benedicto, a school teacher.

Petitioner was born in Molo, Iloilo on August 14, 1933 being the son of Catalino Melliza Te Kutuan and Soledad Lim. He took up his elementary and secondary courses in the Iloilo Chinese Commercial School wherein he enrolled under the name of Ramon L. Te and subsequently studied at the University of San Agustin where he obtained his degree of Bachelor of Science in Business Administration. Presently, he is employed in the store of the Far Eastern Furniture and Hardware located at Iznart St., Iloilo City, where he earns P4.00, a day, free laundry, board and lodging, working six days a week, because on Sundays the store is closed and he is not paid. On the average, his monthly earning may be said to be P104.00.

He has no criminal record, nor is he suffering from any contagious disease. He does not have any tax liability, and has duly complied with his obligation to the Government in relation thereto. His conduct and relation with Filipinos have been good and irreproachable. He speaks and writes English as well as the local dialect. He has evinced a sincere desire to become a Filipino citizen. He has all the qualifications to be admitted as such and does not have any disqualification.

The Government opposed the petition based on lack of lucrative or gainful occupation. It contends that petitioner does not have any real estate worth P5,000.00, nor any lucrative trade or profession because an average income of P104.00 a month cannot be considered lucrative within the standard set by the Supreme Court in several decisions rendered in similar cases. The Government also opposed the petition on the ground that petitioner has adopted several names in hid conduct as student or in his dealing with the public.

Notwithstanding the opposition of the Government, the trial court granted the petition. It ordered that, after the decision has become final and the lapse of two years as required by law, he be allowed to take the oath of allegiance as a Filipino citizen. From this decision, the Government has appealed.

It is undisputed that petitioner does not possess any real estate worth at least P5,000.00 and that his only source of income is his employment with the Far Eastern Furniture and Hardware whose store is located in Iloilo City where he is paid P4.00 a day, or an average salary of P104.00 a month. The Government has opposed the petition on the main ground that petitioner does not have a lucrative or gainful occupation within the meaning of the law for in its opinion one who merely receives a salary of around P104.00 a month, even if he is given free laundry, board and lodging, cannot be considered to possess one within the meaning of the law considering the present high cost of living and the low purchasing capacity of our currency today.

We find merit in this contention. This is in line with the policy laid down by this Court in a series of recent decisions one of which is the one rendered in *Velasco vs. Republic of the Philippines*, 108 Phil., 234; 58 Off. Gaz. [11] 2154), wherein we held that petitioner's income of P150.00 a month considering the high cost of living and the low purchasing value of our peso is neither lucrative nor substantial to meet the requirement of the law. Another pertinent case is *Swee Din Tan vs. Republic*, wherein we said: "We find a sounder reason to refuse citizenship; no lucrative employment. It is admitted that Swee Din Tan, with a wife and three children, is a mere employee receiving P200.00 a month only. We think that at the present valuation of the peso, petitioner may have an employment; but he has not a 'lucrative' employment." [1]

We also find tenable the contention that petitioner is unworthy to become a Filipino citizen considering that he has adopted several names in his dealing with the public. Thus, when he studied in the Chinese Commercial School, where he took up his secondary course, and later in the University of San Agustin, where he obtained his degree of Bachelor of Science in Business Administration, he enrolled under the name of Ramon L. Te or Ramon Te, whereas in the petition for naturalization he filed in the present case which is the one published in the local newspapers as required by law in order that those who may have any ground for opposition may be duly informed of his desire to become a Filipino citizen, he used the name of Te Eng Ling. The use of a different name in the petition for naturalization can have no other purpose than to confuse and mislead the people to facilitate its approval and forestall any opposition thereto.

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Bengzon, C. J., Padilla, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] 109 Phil., 287; *Uy vs. Republic*, 109 Phil., 694; *Tan vs. Republic*, L-14861, March 17, 1961; *Ong vs. Republic*, L-15764, May 19, 1961, *Giok vs. Republic*, 112 Phil., 986; *Palaran vs. Republic*, L-15047, January 30, 1962; *Cu vs. Republic*, L-13341, July 21, 1962; *Siong vs. Republic*, L-13045, July 30, 1962; *Gui vs. Republic*, L-13717, July 31, 1962.

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