

**IN THE MATTER OF THE PETITION OF CHUA KIAN LAI TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, CHUA KIAN LAI,
PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AN...**

G.R. No. L-37443. September 11, 1974

Ponente: AQUINO, J.

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AQUINO, J.:

The Republic of the Philippines appealed from the order of the Court of First Instance of Manila, permitting Chua Kian Lai to take his oath of allegiance as a citizen of the Philippines (Civil Case No. 41525). The evidence shows the following facts:

Chua Kian Lai, the petitioner, was born on October 27, 1903 in Amoy, China. He arrived in the Philippines in 1914 on board the SS Lim An. In 1922 he married Ty Siok Cheng at Amoy. They begot ten children. The eldest was born on September 18, 1924 in Fookien, China. The last child was born on August 22, 1948 in San Francisco del Monte, Quezon City.

Since his arrival in the Philippines Chua Kian Lai resided at the following places: (1) from 1914 to 1935, Nueva Street, Manila; (2) from 1935 to 1941, Benavides Street, Manila; (3) from 1941 to 1947, San Francisco del Monte, Quezon City; (4) from 1947 to 1953, 3-5 Estrella Street, Binondo, Manila, and since 1954, 741-5 Padilla Street, San Miguel, Manila.

He is a businessman with an investment in various enterprises amounting to P60,000. His average income before 1961 was P6,500. Damaso L. Martinez, Delfin Garcia, and Ireneo L. Bangit, his three character witnesses, came to know him in 1944, 1941 and 1948, respectively.

The petition for naturalization was filed on September 24, 1959. After hearing, the Court of First Instance of Manila granted the petition in its decision dated October 3, 1961. A copy of the decision was served in the office of the Solicitor General on October 20, 1961.

Inasmuch as the petitioner took no step to take his oath, the Solicitor General on February 29, 1966 filed a motion to dismiss the case for failure to prosecute. The petitioner opposed the motion. It was denied by the lower court in its order of March 7, 1966. The court directed the petitioner to file a motion to be allowed to take his oath. He filed that motion.

On the date set for the hearing of the motion to take the oath, the petitioner and his counsel did not appear. At the instance of Solicitor Hector C. Fule, the lower court dismissed the motion in its order of July 2, 1966. On July 27, 1966 the petitioner filed a motion for reconsideration. The lower court reconsidered its order. After hearing petitioner's motion to take the oath, the lower court issued an order dated February 19, 1968 granting it.

The Solicitor General, in behalf of the Republic of the Philippines, appealed from that order. The appeal is

meritorious.

1. One qualification for Philippine citizenship is that the petitioner "must be of good moral character". That circumstance should be specifically alleged in the petition (Secs. 2[3rd] and 7, Com. Act No. 473). The State in its brief, notes that Chua Kian Lai did not aver in his petition that he is a person of good moral character. He simply made a blanket allegation that he had "all the qualifications required of Commonwealth Act No. 473" (6 Record on Appeal). That general statement is not sufficient. Section 7 of the law provides that the petitioner should set forth in his petition, inter alia, "a declaration that he has the qualifications required by this Act, specifying the same". The omission of that specific averment nullifies his petition (*Chua Bon Chiong vs. Republic*, L-29200, May 31, 1971, 39 SCRA 318, 325).

2. Chua Kian Lai averred in his petition that his residence was at 741-745 Padilla Street, San Miguel, Manila and that his former residence was in Amoy, China (2 Record on Appeal). In his testimony he disclosed four other places of residence.

The law explicitly requires that the applicant should indicate in his petition "his present and former places of residence" (Sec. 7, Com. Act No. 473). That requirement is designed to facilitate the verification of petitioner's activities which have a bearing on his petition for naturalization, especially as to his qualifications and moral character, either by private individuals or by investigative agencies of the government, by pointing to them the localities or places wherein appropriate inquiries may be made (*Keng Giok vs. Republic*, 112 Phil. 986). Moreover, the suppression of that information might constitute a falsehood which signifies that the applicant lacks good moral character and is not, therefore, qualified to be admitted as a citizen of the Philippines (*Ang Ban Giok vs. Republic*, L-26949, February 22, 1974, 55 SCRA 556, 560).

The fact that the petitioner testified during the hearing on all of his former places of residence did not cure the deficiency of his petition (*Lo vs. Republic*, 111 Phil. 1036). Noncompliance with that important requirement renders the publication incomplete and, consequently, affects the court's jurisdiction to hear and decide the case. It warrants the dismissal of the petition (*Go vs. Republic*, L-20558, March 31, 1965, 13 SCRA 548; *Pe vs. Republic*, L-20375, January 31, 1966, 16 SCRA 99).

3. The Solicitor General also points out that the petitioner, a businessman, who has ten children, five of whom were still dependent on him for support in 1961, when he testified, and whose annual income was P6,500, cannot be regarded as having a "lucrative trade" (Sec. 2[4th], Com. Act No. 473). That income is not adequate to enable him and the members of his big family "to live with reasonable comfort, in accordance with the prevailing standard of living, and consistently with the demands of human dignity at this stage of civilization" [*Wats vs. Republic*, L-20718, August 30, 1972, 46 SCRA 683 and nine other cases]. Failure to satisfy the property or income requirement is another ground for denying applicant's petition for naturalization.

It is not necessary to resolve the other issue raised by the State as to the competency of petitioner's character witnesses who had not known the petitioner since his arrival in the Philippines.

Chua Kian Lai, in a manifestation dated August 20, 1974, declared that he was not filing any brief because that would be an exercise in futility. He admitted that he and "no valid and legal defenses" against the State's irrefutable arguments. He said that he was aware that in *Tiu To Kiat vs. Republic*, L-28169, March 25, 1974, 56 SCRA 57, it was held that failure to state the former places of residence was fatal to a petition for naturalization. He was also aware that in *Ong vs. Republic*, L-34995, June 28, 1974, *Lim Biak Chiao vs. Republic*, L-28541, January 14, 1974, 55 SCRA 8, and *Ong Ban Uan vs. Republic*, L-22496, February 26, 1974, 55 SCRA 594, it was held that a petition for naturalization cannot be granted if the petitioner has no lucrative income.

WHEREFORE, the lower court's order of February 19, 1968, allowing Chua Kian Lai to take the oath of allegiance as a Filipino citizen, is reversed and its decision of October 3, 1961, granting his petition for naturalization, is set aside. Costs against the appellant. So ordered.

Zaldivar, (Chairman), Fernando, Antonio, and Fernandez, JJ., concur.

Barredo, J., took no part.

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