

IN THE MATTER OF THE PETITION OF NERIO TAN ALSO KNOWN AS NERIO (BING) TAN, TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. NERIO TAN, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE ...

G.R. No. L-22207. May 30, 1966

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Application for naturalization. The judgment below was adverse to petitioner. He appealed.

1. Amongst the grounds relied upon in the judgment under review is that petitioner failed to state in his petition a former place of residence—Cebu City.

Petitioner's application for naturalization named his present place of residence as Garcia-Hernandez, Bohol. No mention was made of any other place of residence. Concededly, however, he also stayed in Cebu City. For, he completed a one-year course for radio mechanic in March 1958 and a two-year course for radio operator ending March 1960—in Cebu City.

Section 7 of the Naturalization Law requires that a petition for naturalization state petitioner's "present and former places of residence." Residence contemplated in Section 7 encompasses all places where petitioner actually and physically resided.[1] Cebu City where petitioner studied for three years perforce comes within the compass of the term residence. And this, because "information regarding petitioner and objection to his application are apt to be provided by people in his actual, physical surrounding." [2] Failure to allege a former place of residence is fatal.[3]

2. Naturalization proceedings involve public interest. In consequence, the entire record thereof is open to scrutiny.[4] We take a look at petitioner's income.

At the time of his application for naturalization, petitioner's known income [5] was an annual salary of P2,400.00 plus P600.00 commission.[6] But commission does not figure in reckoning income. Because it is contingent, speculative.[7]

By judicial standards an income of P2,400.00 a year—for a petitioner who is single—is below the level of the lucrative. Reason: The high cost of living and the low purchasing power of money.[8]

We find it unnecessary to dwell on the other points discussed in the briefs.

Judgment affirmed. Costs against petitioner. So ordered.

Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur.

Judgment affirmed.

[1] Qua vs. Republic, L-19834, October 27, 1964.

[2] Id.

[3] Chang vs. Republic, L-20713, April 29, 1966; Chan Kiat Hunt vs. Republic, 1,-19579, February 28, 1966; Republic vs. Reyes, et al., L-20602, December 24, 1965, citing cases.

[4] Kwan Kwock How vs. Republic, L-18521, January 80, 1964; Tio Tek Chgi vs. Republic, L-1911.2, October 30, 1964; Chenpr vs. Republic, L-20013, March 30, 1965; Lee Np Len vs. Republic, L-20151, March 31, 1965; Lee vs. Republic, L-20148, April 30, 1965.

[5] For purposes of the National Law, the income to be considered is that which petitioner had at the time of the filling of the petition. Ong Kong vs. Republic, L-20505, February 28, 1966; Chan Kiat Huat vs. Republic, supra; Dy vs. Republic, L-20348. December 24, 1955; Dy Ong vs. Republic, L-21017, November 29, 1965; Sia vs. Republic, L-20290, August 31, 1965; Ong Tai vs. Republic, L-19418, December 23, 1964.

[6] Record on Appeal, p.2.

[7] Ong Tai vs. Republic, supra; Tochip vs. Republic, L-19637, February 26, 1965; Ong So vs. Republic, L-20145, June 30, 1965.

[8] In the following cases, income was held insufficient; P2,400.00 a year, Sia vs. Republic, supra; P200.00 a month with free board and lodging. Ong Ling Chuan vs. Republic, L-18550, February 28, 1964, and Yap vs. Republic, L-19649, April 30, 1965; P3,000.00 a year, Uy vs. Republic, L-20208, June 30, 1965; P3,000.00 a year, aside from bonuses and allowances, Tan vs. Republic, L-19694, March 30, 1965.

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