

FELIPE TOCHIP, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-19637. February 26, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed by Felipe Tochip before the Court of First Instance of Samar. On January 13, 1962, a decision was rendered granting the petition subject to the two-year limitation provided for by law. The government took the present appeal.

Petitioner is a citizen of the Republic of China. He was born in Catbalogan, Samar on July 25, 1933. He is registered as an alien in the Bureau of Immigration for which he was issued an alien certificate of registration. He is single. He finished high school in the Philippine Chinese School in Manila and had studied up to the third year of mechanical engineering in the Cebu Institute of Technology. Except during the period of occupation and the time he studied in Manila and Cebu, petitioner has continuously resided since his birth in the Municipality of Catbalogan.

Petitioner is the purchasing agent of Go Bontad Agency and underwriter of the Agricultural Surety and Insurance Company from which he derived an income of P3,240.00 in the year 1960. On said income he paid a tax in the amount of P33.48. He can speak and write Chinese, English and Samar dialect.

Cesario Singson, a former Justice of the Peace of Catbalogan, Samar declared that he knew petitioner since birth; that lie was the one who solemnized the marriage of his parents; that petitioner has conducted himself during his entire residence in the Philippines in an exemplary manner; and that he has all the qualifications and none of the disqualifications to become a Filipino citizen.

Rafael Tan, an assistant property clerk of the Bureau of Public Highways, testified that he knew petitioner since his birth and, according to his observation, petitioner has conducted himself as a person of good moral character during his entire stay in the Philippines, and that, in ill is opinion, petitioner has all the qualifications and none of the disqualifications to become a Filipino citizen.

The main objection set up by the Government, to the competency of petitioner to become a Filipino citizen is his failure to prove that he has a lucrative occupation to entitle him to such citizenship. Indeed, even if we consider that petitioner is single and has no family to support yet the income he has reported is insufficient as to make him economically qualified to be a Filipino citizen. Thus, the record shows that petitioner was merely a purchasing agent of Go Bontad Agency and an underwriter of the Agricultural Surety and Insurance Company from which he reported an income of P3,240.00 in the year 1960, but from his own testimony it become apparent that his annual salary as such agent only amounted to P1,800.00. In fact, this is what appears in his income tax return for 1960 wherein his employer appeared to be one To Chip-Ford Dealer. And even assuming that in 1960 the income he derived from his occupation was P3,240.00, this only goes to show that in that year he earned that much, but in other years he earned a lesser amount. He may contend that occasionally he earns substantial commissions as

underwriter of the Agricultural Surety and Insurance Company so much to that in 1961 his gross income from this source reached a total of P5,525.22. But such source is so speculative or precarious that can hardly give him a lucrative occupation within the meaning of the law.

It further appears that petitioner took up his secondary education in a Philippine Chinese School in Manila which argues against his sincere desire to embrace the customs and traditions of the Filipino citizen or against what our law requires that he should mingle socially with the Filipinos, for he could have taken up his initial education in a school owned or run by Filipino citizens. Philippine citizenship is a privilege that should not easily be given away. It should be accorded only to one who evinces a true and sincere desire to embrace such citizenship. Petitioner falls short of this requirement.

WHEREFORE, the decision of the court a quo is hereby reversed. Costs against appellee.

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

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