

**IN THE MATTER OF THE PETITION OF ANTONIO PO TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, ANTONIO PO,
PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND APPE...**

G. R. No. L-21019. December 24, 1965

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/153e24cddf78/>

REYES, J.B.L., J.:

Appeal by the government from a decision of the Court of First Instance of Surigao (Judge Teofilo Buslon, presiding) admitting the petitioner-appellee Antonio Po to Philippine citizenship.

The said petitioner-appellee was born of Chinese parents, on 13 July 1937 in Surigao, Surigao del Norte, and has resided continuously in the Philippines. The oppositor government has admitted the following facts in its brief: that the petitioner finished his primary course in the Kwa Siang, now Surigao Chinese School, and his secondary education at the San Nicolas College, Surigao, Surigao del Norte, which schools are recognized by the government and are not limited to any race, creed or nationality and; where history, government and civics are taught; that he has no criminal or derogatory record, is physically fit and mentally sound; that he believes in the principles underlying the Constitution, and has conducted himself in a proper and irreproachable manner towards the government and to the people of the community wherein he resides; that he mingles socially with Filipinos and has evinced a sincere desire to embrace our ideals, customs and traditions; that he is not opposed to organized government; that he is neither a polygamist nor a believer in polygamy; and that his desire to become a Filipino is in good faith.

Oppositor government, however, raised the present appeal on the sole issue as to whether or not the applicant has a lucrative income.

Petitioner-appellee Antonio Po is single and is employed as collector of the Surigao Chamber of Commerce (Exhs. E & H) with an alleged salary of P250 a month (Exhs. 2, 2-C & 2-D). He holds such employment for so long as Go Tong Hay is the president; applicant's position depends upon the selection of the succeeding presidents of the chamber who are elected every year (tsn, p. 84). He gets free board and lodging by living with his widowed mother. He claims an additional income, in an undisclosed amount, by helping her mother run a store.

All the foregoing claims of income were based on the petitioner's testimony and his income tax return for 1961, which was filed in 1962, subsequent to the filing of the present petition in June 1961. His certificate of employment (Exh. E) did not state how much he was being paid; his 1961 income tax return, which reflected a gross income of P3,100, was the only return he ever filed. This return did not corroborate his alleged additional income from his mother's store. Neither Go Tong Hay nor his mother were presented as witnesses. In an affidavit taken by the KBI, applicant claimed no other income aside from his salary from the Chamber. The claim is rendered the more dubious because his main duty was to collect rentals of stores located in the first floor of the Chamber's building and the aggregate rentals are only P960 a month (tsn., p. 68), and he never earned at all

previous to 1961 (tsn., p. 67) (Cf. *Lee vs. Republic*, L-20143, 30 April 1965).

It is significant that none of the witnesses offered by petitioner testified on the latter's possession of a lucrative employment or profession, although this requirement is one of the Qualifications that, under the law, an applicant for naturalization must possess. The first witness (Vice-Mayor Borja) merely declared in general terms that he believed that petitioner "possesses all the qualifications to be admitted as Filipino citizen" (tsn, p. 81), and we have ruled that such broad and general statements do not support the burden of proof that the law places on the shoulders of the applicant.[1] The other witness, Miguel Calderon, also declared petitioner to be fully qualified specifying that he speaks English and Visayan, mingles with Filipinos, and is of good moral character (tsn, pp. 94-95), but like Vice-Mayor Borja, Calderon did not say anything about petitioner's income or means. Hence the latter's testimony thereon stands without adequate corroboration.

The alleged income of petitioner, even if true, would not be sufficient to satisfy the Naturalization Law, in the amount and in its steadiness. It is true that in *Ong vs. Republic*, L-15764, 19 May 1961, we held that a petitioner earning less than P250 a month does not possess a lucrative trade or profession. It does not, however, mean that when the P250-a-month bracket is reached, the income already satisfies the law because the cost of living has continued going up since the *Ong* case, while the purchasing power of money has gone down. Indeed, in *Tan vs. Republic*, L-16013, 30 March 1963, we held that a petitioner's income of P3,000 a year, combined with his wife's income of P3,000 a year and having one (1) child, is not lucrative income (See also *Siri vs. Republic*, L-2.0290, 30 August 1965). The situation of the present petitioner is aggravated by the fact that since his employment depends on whoever is the president of the chamber of commerce, there is not enough stability in his alleged present salary.

In *Felix Tan vs. Republic*, G.R. L-19580, April 30, 1965, this Court, speaking through Mr. Justice Zaldivar, explained the scope of the lucrative employment requirement as follows:

"Lucrative employment means a gainful employment. It is not only that the person having- the employment gets enough for his ordinary necessities in life. It must be shown that there is an appreciable margin of his income over his expenses as to be able to provide for an adequate support in the event of unemployment, sickness, or disability to work and thus avoid one's becoming the object of charity or a public charge. We believe that the petitioner-appellee in the present case who earns only around P145.00 a month does not have an employment that is lucrative enough as to consider him not subject to the hazards of penury in the event of unemployment, sickness or disability."

Plainly, petitioner herein fails to meet the standards thus set. In fact, through the thin veil of the free board and lodging pretense, allegedly for services to his mother's store, it can be discerned that petitioner is still dependent upon his mother for support.

Wherefore, the decision appealed from is reversed, and the decree admitting appellee Antonio Po to naturalization is set aside, with costs against said appellee.

Bengzon, C. J., Bautista Angelo, Concepcion, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.
Decision reversed.

[1] *Chua vs. Republic*, L-17774, May 30, 1964.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.