

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP. LORENZO GO ALIAS LORENZO CHUA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APP...

G. R. No. L-20019. February 26, 1965

Ponente: PAREDES, J.

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PAREDES, J.:

On November 16, 1960, Lorenzo Go alias Lorenzo Chua, petitioner-appellee herein, presented with the CFI of Misamis Occidental, a petition for Naturalization, containing all the jurisdictional allegations, and accompanied by a Joint Affidavit of Maximo Lago and Vitaliano Jimenez, who appeared as character witnesses. Against this petition, an Opposition was registered by the Republic, it appearing that petitioner stated in his petition that his income was only P150.00 per month. After trial, the lower court rendered judgment, the pertinent portions of which recite:

"The evidence further shows that the petitioner was born in Ozamiz City on November 14, 1939, and has continuously resided in Ozamiz City up to the present time; that the petitioner has been employed as salesman since May, 1900, receiving a salary of P1,800.00 annually, being single; * * * * *.

"Considering, therefore, that the petitioner has all the qualifications and none of the disqualifications to become Filipino citizen, judgment is hereby rendered declaring that the petitioner is entitled to acquire Philippine citizenship and as soon as this decision shall have become final and executory in accordance with the Paredes Law and upon previous hearing that he has complied with all the conditions and requisites under said law, he shall be allowed to take his oath of allegiance and fidelity to the Philippine Republic and thereafter the Clerk of Court shall issue in his favor letters or certificate of citizenship.

The above judgment was appealed by the Solicitor General on two (2) counts, to wit: the lower court erred in granting the petition, because—

(1) petitioner's income does not measure up to the minimum standard of lucrative income as fixed by the Supreme Court; and

(2) petitioner's ability to speak and write English and one of the principal Philippine languages has not been duly proven by actual demonstration in Court.

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The above judgment was appealed by the Solicitor General on two (2) counts, to wit: the lower court erred in granting the petition, because—

- (1) petitioner's income does not measure up to the minimum standard of lucrative income as fixed by the Supreme Court; and
- (2) petitioner's ability to speak and write English and one of the principal Philippine languages has not been duly proven by actual demonstration in Court.

In a number of cases, this Court has consistently held that P150.00 earnings per month for an unmarried applicant who was a student and a salesman at the same time, is not lucrative and substantial, within the meaning and contemplation of the Naturalization Law, considering the high cost of living and the low purchasing power of the peso at present. In fact, this Court has even ruled that P250.00 per month, is not a lucrative income (Ong vs. Rep., 111 Phil- 1034). On this score alone, the decision of the lower court cannot be sustained.

Moreover, there is nothing in the records to show, that although petitioner-appellee could speak and write the English language, he can also speak and write any of the principal dialects of the country. No question in any of the dialects was propounded to him in order to demonstrate his knowledge. In the absence of such proof, We cannot just simply presume that petitioner can speak and write the Cebu-Visayan or Tagalog dialects, a circumstance which fatally affects his right to Philippine citizenship. It is incumbent upon applicants to prove that they have all the qualifications, and failing to do so, We should assume contrariwise.

Wherefore, the decision appealed from should be, as it is hereby reversed, and another entered, declaring that petitioner is not qualified, under the circumstances appearing on record, to acquire Philippine citizenship. Costs against herein petitioner-appellee Lorenzo Go alias Lorenzo Chua.

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

Judgment reversed.

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