

IN RE: PETITION TO BE ADMITTED FILIPINO CITIZEN TAN TE BUNTIONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20020. August 23, 1966

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Republic of the Philippines from the decision of the Court of First Instance of Davao in Civil Case No. 206 admitting Tan Te Buntiong, a chinese national, to Philippine citizenship.

On March 6, 1961, appellee filed a petition for naturalization with the above-named court alleging: that he was born in Davao City on January 12, 1927; that since birth, he had continuously resided at Toril, Davao City, together with his wife, Ong No Ning, also a Chinese subject, born in Daliao of the same city, and their five minor children, two of whom were enrolled at the Davao Chinese High School (the petition is silent as to whether said school was recognized by the government and not limited to any race or nationality and where Philippine History, Government and Civics are taught or prescribed as part of the school curriculum); that he was a merchant by profession engaged in the business of buying rice and corn and native products from which he derived an annual income of at least P6,000.00; that he possessed all the qualifications necessary to become a Filipino citizen and none of the disqualifications. Attached to the petition were the affidavits of character witnesses, Bayani D. Claudio and Bias Cunanan, wherein they alleged that they personally knew appellee since 1947 and that, in their opinion, the latter had all the necessary qualifications to become a citizen of the Philippines and none of the disqualifications provided by law.

After due publication and hearing of the petition, the Court rendered the appealed judgment.

Upon the evidence of record, the appealed decision must be reversed.

According to appellee himself, his annual net income derived from the business of buying rice and corn and other native products can not be more than an average of P7,000.00 a year. Considering that this alleged income is contingent and dependent upon different factors that affect appellee's business, and considering furthermore that appellee has a wife and five children to support, it is our opinion that he can not be said to be engaged in a lucrative business in accordance with our previous decisions on the subject.

Moreover, the testimony of Bayani Claudio, one of appellee's character witnesses, is not sufficient to show that he knew the latter well enough to be able to vouch for his fitness for citizenship, as said witness testified that he did not know if appellee had ever been convicted of any crime or if he was a polygamist, and that he only thought that appellee believed in the principles of the Philippine Constitution.

IN VIEW OF ALL THE FOREGOING, the decision appealed from is reversed and the application for citizenship filed by appellee is hereby dismissed, with costs.

Concepcion, C.J., Reyes, J.B.L., Barrera, Makalintal, Bengzon, JP, Zaldivar, Sanchez, and Ruiz Castro, JJ.,

concur.

Regala, J., on leave.

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