

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP OF KOA HENG, ALSO KNOWN AS YAO BONG KENG, ALSO KNOWN AS FRANCISCO YAO BONG KENG.

G.R. No. L-21079. February 28, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

The Republic appeals from a decision granting a petition for naturalization.

Petitioner Koa Heng alias Yao Bong Keng alias Francisco Yao Bong Keng is a citizen of the Republic of China, born in Ching kang, China, on July 5, 1916. At the age of seventeen, on February 13, 1934, he entered the Philippines, at the Port of Manila, aboard SS Susana. From then on he has resided in the Philippines. Since 1943 he has resided in Angeles, Pampanga.

At the time he filed his petition for naturalization, on July 10, 1961, petitioner and his wife Chua Tang Eng had seven living children, the eldest child being then 12 years old. Petitioner was then engaged in the bakery and retail business from which he derived an annual¹ net income of more or less P6,000 (Petition, par. 3).

At the trial petitioner adduced evidence to show, inter alia, that Yao Bong Keng is a name used by him since childhood and Francisco is the name with which he was christened (T.s.n., p. 77); that for the year 1960 his net income was P6,000 (Exh. K, income tax return for 1960) but for the year 1961 his net income was P11,287.86 (Exh. A-1, income tax return for 1961); and that he registered as aliens five of his seven children with the Bureau of Immigration.

Finding petitioner qualified and not disqualified for naturalization, the Court of First Instance of Pampanga rendered on July 19, 1962, the decision appealed from.

The Republic contends that petitioner (1) fatally omitted to mention in his petition all his former places of residence; (2) has no lucrative trade, profession or occupation; (3) has shown reproachable conduct by using two aliases and by failing to register two of his children in the registry of aliens; and (4) has presented character witnesses who are not credible persons.

Petitioner mentioned only one place of residence in his petition, namely, Angeles, Pampanga, stating that he has resided there "since 1943 up to the present" (Petition, par. 5). Since petitioner came to the Philippines in 1934, his petition omitted to state his place or places of residence from 1934 to 1943. Petitioner admits such omission, but claims it was an oversight in good faith (Appellee's brief, p. 9). It is settled that failure of the petitioner to specify in his petition all the different places of his residence in this country, as required by Section 7 of the Revised Naturalization Law, is a serious flaw which results in the denial of his petition for naturalization.[1] The reason behind the requirement is to facilitate the checking upon on the different activities of petitioner bearing on his petition for naturalization, especially as to his qualifications and moral character, either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or

investigations.[2] It follows that any omission in this respect detracts from the objective of the law, so that it is a fatal defect even if done in good faith. For that matter, such defect is not cured even if the omitted places of residence are supplied in the evidence during the trial.[3]

The financial capacity of petitioner should be determined as of the time of the filing of his petition for naturalization. [4] Petitioner's net income at the time he filed his petition was only ₱ 6,000 per annum (Petition, par. 3; Exh. K). Since he has a wife and seven children to support, petitioner does not meet the requirement of a lucrative trade, profession or occupation (Sec. 2, par. 4, Revised Naturalization Law). In *Keng Giok vs. Republic*, 112 Phil. 986; an annual income of ₱8,687.50 was deemed not lucrative for an applicant with a wife and five children to support.

Petitioner also admits that at least one of his seven children is not registered, pursuant to the Alien Registration Act, with the Bureau of Immigration (Appellee's brief, p. 6). Appellee however invokes *Chay Guan Tan vs. Republic*, L-9682, April 23, 1957, to the effect that failure of an applicant to register his wife and child with the Immigration Office, as aliens, is not of such a gravity as to disallow his petition for naturalization. Suffice it to state that at the time petitioner applied for naturalization this Court had subsequently ruled that such failure to register constitutes reproachable and improper conduct which precludes naturalization (*Co vs. Republic*, 108 Phil. 265; reiterated in *Chung Hong vs. Republic*, 116 Phil. 989).

With all the foregoing defects in petitioner's application, we find no further need to discuss the other points raised by appellant.

Wherefore, the decision appealed from is hereby reversed and the petition for naturalization denied, with costs against petitioner-appellee. So ordered.

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

Decision reversed.

[1] *Lo vs. Republic*, 111 Phil. 103G; *Dy Pek Long vs. Republic*, L-18758, May 30, 1964; *Qua vs. Republic*, L-19834, October 27, 1964; *Yu Ti vs. Republic*, L-19913, June 23, 1965.

[2] *Dy Pek Long vs. Republic*, supra, note 1.

[3] *Lo vs. Republic*, supra, note 1.

[4] *Ong Tai vs. Republic*, L-19418, December 23, 1964; *Yu Ti vs. Republic*, supra, note 1.

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