

LUISA LIM, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-3920. November 20, 1951

Ponente: BENGZON, J.

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BENGZON, J.:

The court of first instance of Bohol approved the application for naturalization of the appellee Luisa Lim, by an order dated April 14, 1950.

The Solicitor-General appealed, contending that said applicant does not possess all the qualifications to become a Philippine citizen because, (a) she has no known lucrative trade or profession or lawful occupation and (b) she is not able to speak and write any one of the principal national languages.

Under the Revised Naturalization Law (Commonwealth Act No. 473) one of the essential qualifications of a would be citizen is that he or she must own real estate worth not less than P5,000 or must have "some known lucrative trade or profession or lawful occupation".

Luisa Lim admitted she owned no landed property. Concerning her occupation, she declared she was a student of pharmacy of the University of San Carlos, Cebu City. This, the Solicitor-General argues, does not meet the above-mentioned legal requirement. On the other hand appellee's attorney maintains that "to study pharmacy is a lawful occupation," although it is not a lucrative trade or profession.

Supposing that a student is engaged in a lawful occupation within the meaning of Commonwealth Act No. 473, such occupation however is not "lucrative." Observe that under the law the applicant must have a lucrative trade or a lucrative profession or a lucrative lawful occupation, because the adjective "lucrative" modifies "trade", "profession" and "occupation". The Spanish text confirms this view. It says, "tener algun oficio, profesion u ocupacion legitima, de reconocido provecho."

"Lucrative office" implies salary,[1] or monetary compensation[2] or pay.[3] Hence "lucrative occupation" should carry identical connotation of gainful employment or tangible receipts.

Therefore Luisa Lim as a mere student, must be held to lack this particular condition precedent to admission to citizenship. Such being the case, it is unnecessary to discuss the other point raised in the Government's brief, since appellee's failure to show a lucrative occupation is sufficient ground for reversal.

The lower court's order will consequently be reversed and the petition for naturalization denied. Costs against the appellee.

Paras, C.J., Feria, Pablo, Padilla, Tuason, Reyes, Jugo, and Bautista Angelo, JJ., concur.

[1] Crawford vs. Dunbar 52 Cal., 36.

[2] Hodge vs. State 188 S. W., 203.

[3] State vs. Slagle 89 S. W., 326; Holman vs. Lutz 284 Pac., 825.

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