

IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF THE PHILIPPINES; CHUI BOK ALIAS DAVID CHIU, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES OPPOSITOR AND APPE...

G.R. No. L-19111. June 22, 1965

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal taken by the Solicitor General from the decision of the Court of First Instance of Zamboanga del Norte granting the application for naturalization of petitioner-appellee herein, Chiu Bok alias David Chin.

It appears that the petitioner alien filed with the office of the Solicitor General his declaration of intention to become a citizen of the Philippines on October 20, 1958, and on December 9, 1959 he filed the corresponding petition for naturalization with the lower court.

The evidence for petitioner shows that he was born on June 5, 1913 in Tangchich, China. He came to Manila on June 30, 1930 on board the S/S Angking, and after a stay of four months, he went with his relatives to Cebu City where he resided until 1936. From 1936 to 1938, he engaged in general merchandising on board an inter-island boat plying between Cebu City and Dipolog. During that time, he met and married his wife, Maria del Rosario Liong, and then settled permanently with her in Dipolog, Zamboanga del Norte. From their union, five children were born, namely, Justo, Carmelita, Julita, Rosita and Manuel. It was shown that his first four children who are of school age are studying in schools recognized by the Government where Philippine Government, History and Civics are taught. Petitioner speaks and the English language and the Cebuano-Visayan dialect. He submitted evidence to prove that he had conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines. He also tried to show that he has mingled socially with Filipinos and that he has contributed funds to civic and charitable organizations. Petitioner, it is shown, operates store, known as David Trading, which is located at Dipolog.

On the above findings, the lower court declared petitioner qualified to be admitted citizen of the Philippines.

In his appeal on behalf of the Government, the Solicitor-General relies on several grounds but not all need to be discussed here for its speedy disposition.

Petitioner claims that his net income on his operation of his store is P5,000. In support of this claim, he submitted his income tax returns for 1956, 1957, 1958, 1959 and 1960. Although, in 1957 he had a net income of P6,892, this has, however, declined progressively as reflected by his returns for the ensuing years showing his net income, to wit: 1958—P2,967.35; 1959—P2,388.50 and 1960—P2,098.78.

This case is on all fours with that of *Keng Giok vs. Republic*, G.R. No. L-13347, August 31, 1961, where this Court held that the income of petitioner therein who lives in Manila, is not lucrative, considering the size of his family. In that case, it was shown that petitioner has a wife and five children to support and his net income was

found to decline every year., It is argued by herein petitioner that the Keng Giok ruling cannot be applied to his case because the cost of living in Manila is much higher than the cost of living in Zamboanga del Norte. But in the case of Keng Giok, the net income held to be insufficient was P8,000, whereas in the case at bar, petitioners income is alleged to be P5,000, more or less, and declining. Certainly, the difference of P3,000 is more than enough to cover the disparity in the cost of living in Manila and in Zamboanga.

It may be added that in a recent case (Uy Ching Ho vs. Republic, G.R. No. L-19582, March 26, 1965, this Court held that the income of P7,799.34 of petitioner who has a wife and five minor children, all living in Dunmague, cannot be regarded as lucrative in contemplation of law.

Many other cases have been decided lately (Tan vs. Republic, G.R. No. L-19580, April 30, 1965; Yap vs. Republic, G.R. No. L-19649, April 30, 1965) where We have shown that in order that an alien may be admitted to Philippine citizenship, he must have income decent enough to maintain a family.

Petitioner's use of an alias, without authority, as provided for in Commonwealth Act No. 142, is in clear violation of that law, the Anti-Alias Law, and makes him all the more disqualified to obtain Philippine citizenship. It shows that the said petitioner is not a person of irreproachable character. (See Lim Bun vs. Republic of the Philippines, G.R. No. L-12822, April 26, 1961)

WHEREFORE, the decision granting Philippine citizenship is hereby reversed, with costs against the petitioner-appellee.

Bengzon, C.J., Bautista Angelo, Concepción, Reyes, J.B.L., Paredes, Dizon, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

Decision reversed.

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