

IN THE MATTER OF THE PETITION OF KOH CHET ALIAS HIANCHIT S. CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. KOH CHET ALIAS HIANCHIT S. CHUA, PETITIONER AND APPELLEE, VS. REPUB...

G.R. No. L-17223. June 30, 1964

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Appeal by the Solicitor General from the decision of the Court of First Instance of Manila, Branch X, granting the petition for naturalization of petitioner-appellee Koh Chet alias Hianthit S. Chua.

The appeal is based on two grounds: (1) absence of certain indispensable qualifications for conferment of citizenship by naturalization upon petitioner and (2) lack of credibility on the part of his witnesses.

Petitioner's evidence, oral and documentary, bears on the following facts: Born in Manila on May 5, 1934, he has since resided in the same city continuously except when he went to China for a six-month visit at the age of one year and again for a longer sojourn of eleven months in 1946-47. Still single, he works as purchaser and salesman in his mother's store at a monthly salary of P200.00. He finished elementary education at the Anglo-Chinese school, after which he moved to and graduated from the Boy's High School of the Far Eastern University. At the time he testified he was a fifth year student in Chemical Engineering in the same institution. He professes adherence to our constitutional principles and a desire to adopt Filipino ways and customs, and denies affiliation with any society which upholds doctrines antagonistic to organized government. He has no record of having contracted any incurable contagious disease, nor of having been convicted of any crime involving moral turpitude.

The insufficiency in the foregoing qualifications, as pointed out by the Solicitor General, refers to his employment and income. The law requires that an applicant for naturalization must be engaged in a lucrative occupation. The reason, of course, is obvious and has been enunciated in other cases decided by this Court. Does petitioner's salary of P200.00 a month, assuming that he does receive it, satisfy the requirement? Recent decisions have ruled negatively on this question, considering the present purchasing value of our currency (Cf. *Ong Ling Chuan vs. Republic*, G.R. No. L-18550, February 28, 1964). But the very truth of petitioner's testimony as to his income is doubtful. His mother's business, where he claims to be employed, is a mere sari-sari store. We are not certain that it can afford to pay the amount of his salary, or that he is paid for actual work done and not partly as a gratuitous dole from a mother to her son. The point is pertinent and material, considering that petitioner is a student in engineering and therefore must devote a great deal of his time to his studies, leaving little of it for his alleged employment. In fact in his original petition he averred that he was merely helping as seller-clerk in the family store at Dakota Street, in return for which his mother was supporting him, but without giving him any definite monthly sum by way of salary. The allegation concerning his income of P200.00 came later as an amendment to the petition.

On the second ground relied upon by the Solicitor General we do find that petitioner's witnesses—Carmen Basilio and Marcos Carolino—have given inconsistent statements that materially detract from their credibility. Thus, for

instance, Carmen said that petitioner's father died an air-raid shelter during the war, while according to Marcos, who first came to know petitioner in 1946, the father died of a heart attack inside his house. On the other hand, appellant's Exhibit 3 is an affidavit subscribed by petitioner's father in 1950, attesting to the loss of petitioner's "immigrant certificate of residence No. 16968." These inconsistencies, and other minor ones we have noted in the record, are important not necessarily in relation to the truth or falsity of the facts involved but rather as an indication that the witnesses had not known petitioner intimately enough for them to be able to vouch for his qualifications for citizenship. Indeed they did not declare at all that he had behaved in a proper and irreproachable manner during the entire period of his stay in the Philippines. And having admitted on the stand that they had not even read the Constitution (Marcos was a rig-driver who could hardly be expected to do so) they were in no position to attest truthfully to petitioner's adherence to the principles underlying that fundamental instrument.

WHEREFORE, the decision appealed from is reversed and the petition is denied, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes and Regala, JJ., concur.

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