

N THE MATTER OF THE PETITION OF LEONIDES S. TAN TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. LEONIDAS S. TAN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR...

G. R. No. L-19694. March 30, 1965

Ponente: BARRERA, J.

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BARRERA, J.:

On March 18, 1961, Leonidas S. Tan, a citizen of the Republic of China, filed a petition for naturalization to the Court in the Court of First Instance of Leyte alleging, among others, that he was a resident of Abuyog, Leyte since his birth in 1937; that he was single, and an employee with an average annual income of P2,000.00. After its due publication, the petition was heard during which, it was established that petitioner was employed as salesman in a commercial establishment in Manila since 1958, although he often goes home to visit his parents, relatives, and friends in Leyte; that since July, 1961, his income had increased to P250.00 a month aside from bonus and allowance. Pedro Gallego, a former mayor of Abuyog, Leyte and school teacher for 14 years, and Nazario Closa alias Esperidion Herboso, former chief of police of Mahaplay, Leyte, and also a former school teacher, testified and vouched for petitioner's good moral character while in Leyte. On January 27, 1962, the court granted the petition upon the finding that petitioner possesses all the qualifications for naturalization and has complied with the requirements prescribed by law. The Staid appealed.

The Solicitor General first raises the question of improper venue. It is claimed that as petitioner has been residing in Manila since 1958, the petition should have been filed therein and not in the Court of First Instance of Leyte, pursuant to Section 8 of the Revised Naturalization Law.

As held by this Court, the residence requirement for purposes of determining the venue of a petition for naturalization, refers not to petitioner's presence or actual or physical stay in the province, but to legal residence from which he could or might depart or be absent temporarily, and to which he always intended to return.[1] In the instant case, petitioner not only alleges that he does not intend to abandon his legal residence in Leyte, but such intention was really indicated by his occasional return to Leyte to visit his relatives and friends.

The petition, nevertheless, must be denied. As afore-stated, petitioner declared in the application, which was published, that his present residence was in Abuyog, Leyte. It may be pointed out that under Section 7 of the Revised Naturalization Law (Comm. Act 473), the petitioner is required not only to state his present address, but even his L actual residence.[2] or places where petitioner has actually resided. The purpose of the law, as already declared, is to facilitate the tracking or checking up, by private individuals or government agencies, on the different activities of petitioner, that may be material to the petition.[3] And, the failure to state in the petition all the places where petitioner has resided is fatal to his application for naturalization.[4]

Furthermore, it may be said, that while his character witnesses may have personal knowledge of petitioner's behavior during his stay in Leyte, these witnesses cannot be considered qualified to become "insurers" of his good

moral character while in Manila, where he has stayed for the last three years immediately preceding the filing of the petition.[5] And, since the law requires proof of proper and irreproachable conduct during the entire period of the alien's residence in the Philippines,[6] the evidence herein presented falls short of the requirement of the law.

Neither has applicant proven that he has a lucrative occupation within the contemplation of the Revised Naturalization law. His basic or regular income is only from P2,000.00 to P3,000.00 annually, which, in view of the present high cost of living and prevailing low value of our currency, is deemed insufficient to meet the requirement of the law.

WHEREFORE, the decision appealed from is hereby reversed, and the petition is dismissed. No costs.

SO ORDERED.

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

[1]King v Republic, 89 Phil. 4; Republic vs. Tan Bee Chiu, G.R. L-2687, May 23, 1951; Republic v. Tan Bee Chiu, G.R. No. L-12409, April 1, 1959.

[2]Uytensu vs. Republic, G.R. No. L-6379, Sept. 29, 1954.

[3]Galvin Lo v. Republic, G. R. No. L-15919, May 19, 1961; Kong Giok v. Republic, G.R. No. L-13347, Aug 31, 1961.

[4]Co vs. Republic, G.R. No. L-15794, Dec. 29, 1962; Ngo vs Republic, G.R. No. L-18319, May 31, 1963; Serwani v. Republic, No. L-18219, Dec. 27, 1963; Gaw Ghing vs. Republic, G.R. No. 19419, Sept 30, 1964.

[5]See Sy Pifiero v. Republic G.R. No. 17399, Oct. 30, 1962.

[6]Section 2, par. 3, Com. Act 473.

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