

UY CHIN HUA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-17316. November 29, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed by Uy Chin Hua, a citizen of the Republic of China. The petition is supported by the affidavits of Carlos P. Benares, a lawyer, and Vicente G. Ereñeta, a chemical engineer.

Uy Chin Hua was born in Ebe, China on July 15, 1923 having come to the Philippines on December 18, 1928. He took up his primary, intermediate and secondary courses in the Iloilo City High School and studied engineering for one year in the Iloilo City College where Philippine history and civics are taught as part of its curriculum. He is married to Felisa Dy with whom he has four children two of whom are of school age and are studying at the Hua Ming Catholic School which is recognized by our Government and where civics, Philippine history and government are taught. He is employed as assistant manager in the Richoco Products the office of which is situated in Bacolod City owned and operated by his mother where he receives a monthly salary of P145.00. He has invested in said enterprise a capital of P7,320.00 and owns some shares of stock of the Acoje Oil and White Eagle Oversea Company worth P2,000.00. He speaks and writes English and the local dialect He believes in the principles underlying our Constitution and is not opposed to organized government nor affiliated with any group of persons who uphold the use of violence in the propagation of their social, political or religious ideas. He is not a polygamist, nor has he been convicted of any crime involving moral turpitude. He is not suffering from any contagious disease. He has conducted himself in a proper manner during the period of his residence in this country. He has religiously filed his annual income tax since 1948 and has helped in raising funds for charitable purposes.

On the strength of the above facts, the trial court granted the petition for naturalization. It ordered that after the lapse of two years from the promulgation of its order, and after proper hearing, pursuant to Republic Act No. 580, petitioner be allowed to take the oath of allegiance and be issued the corresponding certificate of naturalization.

The Government has appealed.

One of the qualifications required by law to become a citizen of the Philippines by naturalization is that petitioner must own real estate in the Philippines worth not less than P5,000.00 or he must have a known lucrative trade, profession, or lawful occupation. The Government contends that petitioner does not possess this qualification because he has not shown that he possesses a lucrative profession or a gainful occupation for the reason that he does not own any real estate in the Philippines and his only source of income is his employment in the Richoco Products Company where he receives a monthly salary of P145.00. The Government claims that such monthly income is insufficient to give petitioner an occupation that may be considered lucrative within the meaning of the law considering that he has four children and our cost of living is high while the purchasing capacity of our currency is low.

We agree with this contention; This is in line with the policy laid down by this Court in a series of recent decisions rendered in similar cases one of which is *Te Eng Ling vs. Republic of the Philippines*, G. R. No. L-17918,[1] wherein we said that one who earns an average monthly salary of P104.00, free laundry, board and lodging, even if he is single, cannot be considered as having a lucrative occupation considering the present high cost of living and the low purchasing capacity of our currency. In *Velasco vs. Republic*, we also held that petitioner's income of P150.00 a month considering the high cost of living and the low purchasing value of our peso is neither lucrative or substantial to meet the requirement of the law.[2] Another pertinent case is *Swee Din Tan vs. Republic*, wherein we said: "We find a sounder reason to refuse citizenship: no lucrative employment. It is admitted that Swee Din Tan, with a wife and three children, is a mere employee receiving P200.00 a month only. We think that at the present valuation of the peso, petitioner may have an employment; but he has not a 'lucrative' employment." (109 Phil., 287).

.On the other hand, Vicente G. Ereñeta proved to be not qualified as a character witness for, according to him, he came to know petitioner during the Japanese occupation but has not had regular association with him except only in the later part of 1948 when they used to play basketball and there is nothing to show regarding their association from 1948 up to the date he testified in this case.

This faulty knowledge of Ereñeta as regards the conduct of petitioner can be gleaned from his testimony that the children of petitioner were enrolled in Philippine Schools when in fact they were enrolled in the Hua Ming School which is a Chinese school where Chinese children are predominant.

Wherefore, the decision appealed from is reversed, with costs against petitioner.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Promulgated November, 1962.

[2] 108 Phil., 234; 58 Off. Gaz., (11) 2154.

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