

FRANCISCO LAO ALIAS ME-O, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPONENT AND APPELLANT.

G.R. No. L-17054. November 29, 1962

Ponente: PADILLA, J.

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PADILLA, J.:

In a verified petition filed in the Court of First Instance of Leyte on 22 April 1958 and amended on 21 June 1958, Francisco Lao alias Me-o avers and claims that he is qualified to become a Filipino citizen by naturalization and prays that his petition to become such citizen be granted (case No. N-40). After hearing, on 2 March 1959 the court entered a decree granting his petition to become a citizen of the Philippines by naturalization. The Government has appealed.

The Government claims that the trial court erred in—

* * * finding that the petitioner conducted himself in a proper and irreproachable manner and in not finding that he lacks good moral character.

* * * not holding that the petitioner did not have a lucrative trade.

* * * not finding that the filiation of petitioner's alleged children has not been proved by competent evidence.

The record shows that the appellee has five children, namely, Jacinto, born on 16 July 1949; Tita, 6 December 1951; Teresa, 14 October 1953; Enrique, 12 December 1955; and Dione, 22 October 1957, all surnamed Lao and born out of wedlock by Joseina Cawaling, whom he married only on 18 April 1958 (Exhibit K), or four days before filing the petition for naturalization. Such common-law relationship does not show good moral character and is not a proper and irreproachable conduct required by law of aliens desiring to become naturalized Filipino citizens.[1]

The appellee's annual income of P1,200 (p. 60, t.s.n.) as merchant since 1950 is not lucrative.[2] This, taken together with his improper and reproachable conduct in cohabiting for almost twelve years with his wife without benefit of clergy, disqualifies him to become a citizen of the Philippines by naturalization.[3] This conclusion renders unnecessary the passing upon the last and third error assigned by the appellant regarding proof of filiation of the appellee's children.

The decree appealed from is reversed and the petition for naturalization denied, with costs against the appellee.

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

[1] Gavino Lao vs. Republic of the Philippines, G. R. No. 17053, 30 October 1962.

[2] Id.

[3] Id.

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