

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES. PANTALEON SIA ALIAS ALFREDO SIA,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPEL...**

G.R. No. L-20290. August 31, 1965

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal by the Government from a decision of the Court of First Instance of Manila, in its Civil Case No. 46164, granting the petition for Pantaleon Sia, alias Alfredo Sia, to be naturalized a citizen of the Philippines.

The record disclosed that, on January 30, 1961, petitioner tiled his application for naturalization in the above-stated court. He did not, however, file a declaration of intention with the Office of the Solicitor General one year prior to the filing of his petition, claiming exemption therefrom for having been born in the Philippines, having resided continuously here, and having allegedly finished his secondary education in a school recognized by the Philippine Government. After satisfying the jurisdictional requirement of publication, the petition was duly heard.

The evidence for the petitioner showed that Pantaleon Sia, alias Alfredo Sia, was born in the municipality of Tayabas, province of Quezon (formerly Tayabas), on July 27, 1936, the eldest of six children of Sia Chong Beng and Cang Hui Goo, both Chinese citizens. One year after his birth, his parents moved and brought him to their present residence at 1420 Felix Huertas, Sta. Cruz, Manila, where they resided continuously thereafter up to the present time (1962). Since early childhood, he was often called, or referred to and known by his alias name, Alfredo. His parents enrolled him under such alias name when he began his early schooling at the Francisco Balagtas Elementary School, a public school, situated at Alvarez Street, where he studied up to the second grade. On his third grade, he transferred to the Chia-Nan School (now Hope Christian High School), a Chinese school situated at Benavides Street, where he finished his elementary education and first year of high school. He attended and continued his secondary education at the Far Eastern University where he graduated in March, 1959; and, at the time of the hearing of his petition (1962), he was enrolled as a second year (college) commerce student in the University of the East. In all the schools he attended, he used his alias name (Alfredo) until a request for change to his true name, Pantaleon, was approved by the Bureau of Private Schools on December 5, 1961.

Petitioner is registered as a Chinese citizen under his real and alias names with the embassy of the Republic of Nationalist China and the Bureau of Immigration. In the latter office, he signed his name under his alias, Alfredo Sia.

The petitioner is single, and able to speak and write English, Tagalog, and Chinese.

Beginning January, 1959 up to July, 1960, he was employed as cashier in the Tambacan Service Station, a gasoline station owned by Eusebio S. Millar, a distant relative, receiving a monthly salary of P200.00, which

(income) he reported in his tax return for the year 1959. From August, 1960, he has been employed as a sales agent of the Oro Pacific Traders Co., a partnership owned partly by his uncle, Sia Cheng Beng, receiving a starting salary of P200.00 a month and which was later increased to P250.00 a month, beginning January, 1962. In 1960, he also received from his employer the amount of P715.75 as commission and bonus. He reported these incomes, in the total amount of P3,115.75, in his tax return for the year 1960. On March or April, 1961, he has also been employed as a travelling salesman of the Alta Commercial, an enterprise engaged in selling textiles, receiving at first a compensation on commission basis, but later, on January, 1962, has been given a regular salary of P170.00 a month. In the same year (1961), he also worked, but for only one month, as a collection agent of the Benison Chong Commercial, an insurance firm, receiving P200.00 for his services. All these incomes, in the total sum of P5,059.11, were reflected in his tax return for the year 1961.

The evidence also showed that petitioner lives with his parents without paying for his board and lodging, but he defrays his own school expenses.

He mingles and associates with his Filipino neighbors as well as with Filipinos in school and in business. He knows and believes in the principles underlying the Philippine constitution. From childhood, he has conducted himself in a proper and irreproachable manner, in his relations with the constituted authorities as well as with the community in which he lives. He is not opposed to organized government, nor is he affiliated with any so-called Chinese family association or group of persons which upholds and teaches doctrines opposing all organized governments. He neither believes nor practices polygamy. He has never been accused of any crime involving moral turpitude. He is not suffering from any incurable and contagious disease or mental alienation. He obtained clearances from the different government offices and agencies certifying that he has never been accused or convicted of any crime, nor has he any derogatory record, to wit: the Manila Police Department, Office of the City Fiscal of Manila, Municipal Court of Manila, Court of First Instance of Manila, Deportation Board, Bureau of Immigration, Bureau of Prisons, and Anti-Dummy Board. He also obtained a check-up certificate from the National Intelligence Coordinating Agency, residence tax certificates, and other clearances from the Bureau of Internal Revenue, Philippine Constabulary, and the Land Registration Commission, the last of which office certified that he has no real property registered in his name.

The testimony of the petitioner further showed that Filipinos are admitted to be Chinese citizens in the Nationalist Government of China; that Nationalist China is not at war with the Philippines; that the petitioner is willing to renounce absolutely and forever his allegiance and fidelity to any other country, particularly to the Government of Nationalist China to which he is still a subject; that he has not filed any other petition for naturalization; that he is willing to stay continuously in the Philippines should his present petition be granted; and that he has all the qualifications to become a Filipino citizen, and he is not aware of any disqualification to be such a citizen.

Petitioner presented, as his character witnesses, Dr. Gonzalo S. Dijamco, a family physician, and Benjamin S. Hernandez, a family friend and neighbor, both of whom, according to petitioner, are men of good moral character and social standing.

These character witnesses, in turn, testified that they have personally known petitioner for, over ten years, the latter having resided continuously in the Philippines for more than ten years and more than one year in the City of Manila preceding the filing of his petition; that they likewise have personal knowledge that petitioner during all these years has been one of good repute, morally irreproachable, attached to the principles underlying the Philippine constitution, and, in their opinion, petitioner has all the qualifications necessary to become a citizen of the Philippines, and is not in any way disqualified under our Naturalization laws.

Finding that the petitioner has satisfactorily established that he possessed all the qualifications and none of the

disqualifications provided for under our Naturalization Laws, the lower court, as aforesaid in the beginning of this opinion, granted the petition.

In interposing the present appeal, the Government, through the Solicitor General, raised the following objections against the grant of the petition:

First. That petitioner was not exempt from the requirement of filing a declaration of intention one year prior to the institution of his petition for failure to show that the school where he received his primary education is not limited to any race or nationality.

We find merit in this objection of the Government. This Court has already held:

"that Section 6 of the Naturalization Law expressly requires that to be exempt from filing declarations of intention Philippine-born applicants must inter alia have received both primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality" * * * and * * * "that the burden lies on applicant to satisfactorily show that all schools attended by him are not limited to students of a particular nationality, but are regularly attended by a sizeable number of Filipino students from whom applicant could have imbibed Filipino customs and traditions * * *" (Lee Ng Len vs. Republic, L-20151, March 31, 1965).

In claiming exemption from filing a declaration of intention under Section 6 of Commonwealth Act No. 473 (Naturalization Act), as amended by Commonwealth Act No. 535, petitioner, in his sworn petition, alleged the following:

"I am exempted from the requirement of filing a declaration of intention to become a citizen of the Philippines for the reason that I am born and had been continuously residing in the Philippines and a secondary school graduate since 1959 of Far Eastern University, which is recognized by the Philippine Government." (par. 7, petition, Rec. on Appeal, p. 3)

It is to be noted from the above-quoted allegation that petitioner omitted to mention the school where he received his primary education and whether or not the primary school he attended is recognized by the Government and not limited to any race or nationality. In his testimony at the hearing before the trial court, petitioner declared that he studied from the third grade of the elementary course up to the first year of high school at the Hope Christian High School (formerly Chia-Nan School), a school run and managed by Chinese and where he did not have Filipino classmates but only Filipino teachers. Although there is a certification issued by the Bureau of Private Schools, dated April 3, 1962, stating that said Hope Christian High School is recognized by the Government, and another certification issued by the Principal of the same school, dated February 6, 1962, stating that said school is not limited to any race or nationality, no proof was submitted to show that at the time petitioner was enrolled and studying at the said school it was not limited to any race or nationality. The importance of this factor in petitioner's early education lies in the fact that it is in the formative early years of schooling that the more lasting impressions are received and absorbed by the child's mind. His imbibing our customs and traditions, therefore, depends in the greater extent upon his opportunities to mingle with Filipinos while receiving elementary education.

For these deficiencies (omission to state in the petition the school which petitioner attended and where he received his primary education and failure to satisfy this Court that Chia-Nan School (now Hope Christian High School) was not limited to any race or nationality at the time petitioner attended it), we hold that petitioner is not exempted from filing a declaration of intention, contrary to his contention.

Second. That petitioner has no sufficient lucrative income. This objection is also meritorious. This Court has already ruled that:

"The financial capacity of petitioner should be determined as of the time of the filing of the petition for naturalization" (Ong Tai vs. Republic, L-19418, December 28, 1964) and "the qualifications of an applicant must be possessed by him at the time he applies for naturalization, and not subsequently." (Pablo Lee, alias Eng Jio vs. Republic, L-20148, April 30, 1965)

and—

"that alleged bonus and commissions cannot be taken into consideration in determining applicant's lucrative occupation because they are, by their nature, indefinite and unsteady" (Nilda Tse alias Nil vs. Republic, L-19642, November 9, 1964) and "that such source (commissions) is so speculative or precarious that can hardly give him (applicant) a lucrative occupation within the meaning of the law." (Felipe Tochip vs. Republic, L-19637, February 26, 1965)

Applying the above rulings to the case at bar, the determination of lucrative income or occupation should be reckoned, therefore, as of the time petitioner filed his application, i. e., January 30, 1961. The evidence shows that in January, 1961, and even for the whole years of 1959, 1960, and 1961, petitioner had been receiving a regular salary of only P200.00 a month, or an annual salary of P2,400.00. In 1960, he earned the excess of P711.75, and in 1961 the amount of P2,659.11, over his regular annual salary of P2,400.00, as reflected in his income tax returns for the years 1960 and 1961, respectively, but these excess amounts represent bonuses and commissions which should not be considered, as pronounced in the above rulings, in determining whether or not petitioner has a lucrative income or occupation. Petitioner admitted that he does not own any real property. Considering that this Court has already ruled that a monthly income of P200.00 with free board and lodging (Albert Ong Ling Chuan vs. Republic, L-18850, February 28, 1964; Luis Yap vs. Republic, L-19649, April 30, 1965), or even an annual income of P2,000.00 to P3,000.00 aside from bonus and allowances, is not lucrative for an applicant who is single because of the high cost of living and the prevailing low value of the peso (Leonidas Tan vs. Republic, L-19694, March 30, 1965), it is evident that petitioner has not satisfied the requirement of lucrative income or occupation under our Naturalization Law.

Having pointed out above that petitioner has not satisfied the requirement of filing a declaration of intention, and that he does not possess all the qualifications (lack of lucrative income) required by law, we deem it unnecessary to discuss the other objections raised in the Government's brief.

Wherefore, the appealed judgment is reversed, and the petition for naturalization ordered dismissed. With costs against petitioner-appellee.

Bengzon, C. J., Concepcion, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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