

IN THE MATTER OF THE PETITION FOR CITIZENSHIP OF JUSTINO DEE CU. JUSTINO O, CU ALIAS JUSTO DEE, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-13341. July 31, 1962

Ponente: REGALA, J.

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REGALA, J.:

The Solicitor General has brought this case before Us on an appeal from a decision of the Court of First Instance of Ilocos Norte.

On January 6, 1956, Justino O. Cu alias Justo Dee filed a petition for naturalization with the Court of First Instance of Ilocos Norte. On October 4, 1957, that court, with the Honorable Fidel Villanueva presiding, approved the petition.

During the hearing, the petitioner sought to establish that he was born in Laoag, Ilocos Norte, on July 28, 1934, of Chinese parents; that he has mingled socially with Filipinos; that he finished his high school education at the Northwestern College, and took preparatory collegiate courses at the St. William's College, both schools being located at Laoag; that he studied Medicine at the University of Santo Tomas without, however, finishing it as he stopped to help his parents attend to their business; that he knows how to read and write English and Ilocano, aside from Chinese; that he has embraced the customs and traditions of the Filipinos; that he is managing the business of his father from whom he receives P200.00 salary every month and 30% bonus of the net income thereof; that before 1957, he was employed as manager of the Red Log Cot in Cagayan; that he is not a polygamist nor a believer in the practice of polygamy; that he does not believe in communism or profess communistic ideals; that he does not believe in the use of violence to attain his objectives; that he is not suffering from any contagious disease; and that he is willing to renounce his Chinese citizenship.

In support of his petition, the petitioner presented a joint affidavit executed by Gresencio Castro and Jose P. Castro, his character witnesses, who vouched for his qualifications to be admitted to Philippine citizenship. They were also presented as witnesses during the hearing.

The assistant provincial fiscal of Ilocos Norte, representing the Solicitor General, appeared and cross-examined the petitioner and the witnesses presented on his behalf. After trial, as stated above, a decision was rendered approving the application of petitioner to become a Filipino citizen. Not satisfied, the Solicitor General has appealed.

After a careful perusal of the record and the transcript of stenographic notes taken at the hearing, we are convinced that petitioner has not proven that he has all the qualifications and none of the disqualifications enumerated in the Naturalization Law.

Among the requirements for Philippine citizenship are that the petitioner must own real estate in the Philippines

worth not less than P5,000.00, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation. (Sec. 2, par. 4, Revised Naturalization.)

While the petitioner in this case had stated in his petition that he is the owner of a building for residential and commercial purposes with an assessed value of P5,000.00, he did not say so in his oral testimony. Only Atty. Jose B. Castro, one of the character witnesses, during the cross-examination by the fiscal, made a statement to this effect. And it is not explained why no certificate of assessment or a declaration of real estate property, or any other piece of evidence from the treasurer's or assessor's office was submitted. In the absence of credible proof to support the allegation as to property ownership of the petitioner in this case, We are constrained to conclude that petitioner has not met the requirement.

As to the question of whether or not petitioner has a lucrative trade, profession or lawful occupation, the petitioner testified to the effect that he is employed by his father at a monthly salary of P200.00, with bonus equivalent to 30% of the profit from his father's business, and that he receives the benefits of free board and lodging from his parents. Again, this bare testimony has not been supported by documentary evidence. We had occasion to state in a previous naturalization case (*Zacarias Tan vs. Republic*, 112 Phil., 131) that "the fact that petitioner's father is his employer and that he is still living with him makes doubtful the truth of petitioner's employment and gives rise to the suspicion that he was employed by his father, if it were true that he was, only for the purpose of this petition."

While it is most usual and common for applicants for naturalization to present in evidence their income tax returns to prove their statement as to their occupation, and at the same time to show that they are law-abiding, the record of this case reveals not a single income tax return that petitioner had filed. To our mind, this failure would indicate that either petitioner has been delinquent in his payment of taxes or that his income is not such that would call for income tax—less than P150.00—in which case, not lucrative, judging by present standards the cost of living and the low purchasing power of the peso. (*Sy Ang Hoc vs. Republic*, 111 Phil., 473; *Richard Velasco vs. Republic*, 108 Phil. 234; *Tan vs. Republic*, 111 Phil., 306; and *Zacarias Tan vs. Republic*, supra.) In the case of *Benjamin Co vs. Republic*, 108 Phil., 268), this Court has ruled that the failure of the applicant to file an income tax return when his income is more "than what is required by law for one to file an income tax return, indicates that he has not conducted, himself properly in his relations with our government.

In naturalization cases, the burden is on the applicant to prove by competent and satisfactory evidence that he has all the qualifications and none of the disqualifications specified by law. The naturalization law should be strictly construed, and doubts resolved, against the applicant (*Pe vs. Republic*, L-16980, November 29, 1961, citing *Yap Joco vs. Com.* 40 Off. Gaz. 1235; *Gho vs. Republic*, 57 Off. Gaz., (47) 8477; *Karam Singh vs. Republic*, 97 Phil., 622; 51 Off. Gaz., 5172.)

The petitioner in the case at bar having failed to satisfy us that he has met all the qualifications to become a Filipino citizen, does not deserve the grant of his petition.

Wherefore, the decision appealed from is reversed, and petitioner's application hereby dismissed. Costs against the petitioner-appellee.

Bengzon, C. J., Padilla, Labrador, Concepcion, Barrera, Paredes, Dizon and Makalintal, JJ., concur.

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