

ONG KIM KONG, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-20505. February 28, 1966

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/39cd205d9f53/>

SANCHEZ, J.:

Ong Kim Kong—born on March 3, 1937 in Kee Pee, China—landed at the Manila airport on November 19, 1947. Single, he lives with his parents, both Chinese, at 1684 Blumentritt St., Manila, where his mother Sy Yok Piek owns a grocery store known as the "Tek Hong Grocery". He was schooling until 1960 when, in his second year of the commerce course at the Far Eastern University, he stopped.

On June 26, 1958, he served notice of his intention to become a Filipino citizen. He followed this up with a petition for naturalization filed on September 15, 1959. The Manila court rejected his bid. Hence this appeal.

The gravamen of petitioner's argument is that he has a lucrative income which meets the demands of the Naturalization Law.

All along he lives with his parents. Before 1959 he had no reported income; altho he started employing himself, so he claims, in July, 1958. His first income tax return (1959) records a declared salary of P2,400.00 per annum as employee of his mother's grocery store and a net yearly income of P2,160.00. His return for 1960 shows an increased annual pay of P3,000.00, this time allegedly as manager of said store, and P500.00 by way of bonus, or a total of P3,500.00, and a net income of P3,150.00. In 1961, so his return states, his salary remained at P3,000.00 per annum, but his bonus rose to P1,500.00, or a total of P4,500.00, net—he did not deduct anything from his alleged income.

Disturbing circumstances there are which place in grave doubt the actual income of petitioner, if any. Queried as to the profits which the grocery store made each year, petitioner lamely answered, "Not so sure, Your Honor". Petitioner has chosen not to disclose the actual income of that store from which he claims he drew salary. His mother and employer did not even as much as show the books of her said business. Since his arrival in the Philippines his parents provided him with free board and lodging. Up to 1960 he was a student. He had no other source of income. He claimed employment barely one month after he filed his declaration of intention in 1958. All these betray an attempt at putting up a semblance of compliance with the law. Correctly, the trial judge concluded that these circumstances give "rise to the inference that his (petitioner's) alleged employment was merely for the purpose of enabling him to qualify for Philippine citizenship." On this score alone, his application should be rejected- *Sy Ang Hoc vs. Republic*, 111 Phil. 189, March 29, 1961; *Tan vs. Republic*, 112 Phil. 131, May 30, 1961; *Cu vs. Republic*, 115 Phil. 600, July 21, 1962; and *Dy Ong vs. Republic*, G.R. L-21017, November 29, 1965.

Even on the assumption that at the time of the filing of his petition his salary was P200.00 per month, this fact will not bring about the desired end. For such income is not lucrative.

Neither will the alleged increase in his reported monthly pay from P200.00 in 1959 to P250.00 for 1960 and 1961 improve his position. First, because that income is still below the level of what may be termed "lucrative". Second, because income for purposes of the Naturalization Law must be reckoned as of the date of the application. *Ong Tai vs. Republic*, G.R. L-19418, December 23, 1964.

But petitioner urges that for 1960 he reported a bonus of P500.00 which jumped to P1,500.00 in 1961. Bonus does not count in determining one's income under the Naturalization Law. It is but an act of liberality which may be given or withheld. This Court once observed that bonus being "indefinite and unsteady" and "speculative or precarious" should not be considered in determining whether one's income is lucrative or not. *Sia vs. Republic*, 122 Phil. 338, and cases cited.

Petitioner's case suffers from another infirmity. By his application, he undertook to bring to court credible witnesses who are required to swear that he (applicant) had all the qualifications to become a citizen. Amongst these is that applicant must be a person of good moral character and must have conducted himself irreproachably during the entire period of his residence in his country. Evidence in support thereof must be clear. Nothing should be left to conjecture or guesswork. *Uy Ching Ho vs. Republic*, 121 Phil. 402,

We now explore the record.[*] Domingo P. Tiangco, one of petitioner's witnesses, swore in his affidavit, Exhibit "D", that during the "over ten (10) years" that he knew said petitioner, he had "personal knowledge" that the latter "has been a person of good repute, and morally irreproachable". Yet the following from the transcript of Tiangco's testimony negates the foregoing statement :

"Q—What prompted you to inquire from Pat. de Guzman about the petitioner?

A—Since the petitioner approached me about his naturalization case two years ago, I made inquiries about his character[**] and one of those policemen I often see in the place is Pat. de Guzman, He lives around the same place." Tr. p. 8, Session of September 8, 1960.

Petitioner's other witness Irineo O. Mata fared no better. Mata testified :

"Q—Where did the petitioner take his high school?

A—He took his high school in the Boy's High School Department of the University of the East." Tr. p. 17, Session of September 30, 1960.

But petitioner's own documentary evidence, his diploma Exhibit M-1, proves that he graduated high school from the Plaridel High School. And this is not all. We quote further from Mata's narrative:

"Q—Have you observed what food the petitioner eats at home?

A—When they have some occasion, they serve Chinese dishes.

Q—But at home, you do not know what they eat?

A—No." Tr. p. 25, Session of September 30, 1960.

These passages in the transcript induce belief in that witnesses Tiangco and Mata "had not known petitioner intimately enough for them to vouch for his (petitioner's) qualification for citizenship". *Koh Chet vs. Republic*, G.R. L-17223, June 30, 1964. See also *Tse vs. Republic*, G.R. L-19642, November 9, 1964.

The two-witness requirement cannot be meaningless. Naturalization courts would want to be satisfied that there are at least two persons of good standing in the community whose words may be taken on their face value and could serve as "good warranty of the worthiness of the petitioner". They are indeed insurers of the character of the applicant. *Ong vs. Republic*, 55 Off. Gaz., No. 18, pp. 3290, 3295, citing *Cu vs. Republic*, G.R. L-3018, July 18, 1951.

And again we say that the petitioner did not make a case. *Koh Chet vs. Republic*, *supra*; *Tse vs. Republic*, *supra*.

Conformably to the foregoing, the judgment appealed from is affirmed. Costs against petitioner. So ordered.

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

Judgment affirmed.

[*] On the authority of *Cheng vs. Republic*, 121 Phil. 415, citing *Kwan Kwock How vs. Republic*, 119 Phil. 291.

[**] Italics supplied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.