

IN THE MATTER OF THE PETITION OF MANUEL SPIRIG LIM TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, MANUEL SPIRIG LIM, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPO...

G.R. No. L-20149. September 29, 1966

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

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

Appeal from an order of the Court of First Instance of Zamboanga City (Judge Gregorio D. Montejo presiding) authorizing the oath-taking as a naturalized Filipino citizen of the petitioner-appellee, Manuel Spirig Lim.

Petitioner Lim obtained from the aforesaid court a judgment, dated 4 April 1959, granting his petition for naturalization, filed on 2 May 1958. Two years thereafter, he asked that he be permitted to take his oath of allegiance. This petition was opposed by the appellant, Republic of the Philippines, on the ground that petitioner Lim does not have a lucrative employment and does not possess a sufficient knowledge of the Philippine Government and the Constitution. After hearing, the court a quo, in its order on 24 March 1962, declared that petitioner Lim had complied with the requirements of Republic Act 530, and ordered the registration of its decision and authorized his oath-taking.

On 14 April 1962, or twenty-one (21) days after the issuance of the appealed order, petitioner Lim took his oath of allegiance. Judge Gregorio D. Montejo administered the oath. On that same day, oppositor-appellant Republic appealed.

The evidence for the petitioner purported to show that he is single and a resident of Governor Lim Avenue, Zamboanga City; that he is an engineering student in Manila and at the same time is employed as a purchasing agent of two business establishments in Zamboanga City, namely, Goodly Commercial Company and Sin Ho Commercial; that at the time he filed his petition for naturalization his monthly salary was P150.00, but at the time he filed his petition to take oath he had a monthly income of P250.00.

Sin Ho Commercial is, however, owned and managed by the petitioner's father, and the supposed increase in income at about the time of the filing of the petition to take oath was supposedly derived from this company.

Testifying in his own behalf, the petitioner openly stated that his father should have offered him more "income", if needed, to satisfy the requirements of the law (T.S.N., p. 17, Magallanes). The aforesaid circumstances not only render the claimed income as dubious (Lee vs. Republic, L-20148, 30 April 1965) but also show that petitioner's claimed income was adjusted for naturalization purposes and is not true income at all.

Petitioner's alleged salary from Goodly Commercial Company, which is P150.00 a month, is far too meager to meet the law's requirement on the lucrativeness of an applicant's employment (Sy Ang Hoc vs. Republic, L-12400, 29 March 1961; Velasco vs. Republic, L-12214, 25 May 1960; Tan vs. Republic, L-14861, 17 March 1961; Zacarias vs. Republic, L-14860, 30 May 1961; Lee vs. Republic, L-20148, 30 April 1965; Hua vs.

Republic, L-21400, 31 May 1966; Keng Giok vs. Republic, L-13347, 31 August 1961; Tan vs. Republic, L-16013, 30 March 1963; Ong vs. Republic, L-15764, 19 May 1961; OngTai vs. Republic, L-19418, 23 Dec. 1964; Uy Tian vs. Republic, L-19913, 30 July 1965). Not only this; but the income of an applicant, like any other qualification, must be determined as possessed by him on the date the application was filed, not subsequently thereto.

Since the order authorizing the petitioner's oath-taking, issued on 24 March 1962, has not become final or executory, the actual administration of the oath on 14 April 1962 was premature, and constitutes an attempt to render nugatory the right of the government to appeal (Ong So vs. Republic, L-20145, 30 June 1965); indeed, the oath-taking before the same judge who penned the order authorizing it (and who ought to have known the non-finality of his order) is unfortunate, the more so as there is nothing in the record to justify the haste.

While the foregoing would suffice to reverse the order appealed from, this Court can not overlook that during the reception of the evidence on 10 June 1961 on the oath-taking petitioner Lim admitted ignorance about the essentials of Philippine Government (T.S.N., 10 June 1961, p. 20) and the Constitution, prompting the fiscal to move for the outright denial of the petition and the court to remark: "It is apparent that Petitioner does not deserve to be Filipino citizen according to the records" and "x x x. Witness is found out to have no working knowledge of the constitution as he does not even know the preamble of the constitution when asked by the Fiscal." After argument between petitioner's counsel and the fiscal, the court stated: "If the Court believes that Petitioner has the rights to take oath then you (referring to petitioner's counsel) can notify him until such time he is qualified" (T.S.N., 10 June 1961, p. 26). Session was adjourned at 11:45 A. M. and the case postponed for 17 June 1961. There is no record of a hearing on 17 June 1961, but on the hearing on 17 March 1962 for the reception of "Additional Evidence for the Petitioner", petitioner Lim testified again and, upon examination by his counsel, recited verbatim the preamble of the Constitution and many provisions of the Bill of Rights; he knew what is an ex-post facto law and certain amendments to the Constitution. Lim admitted having learned these details after the previous hearing when the fiscal objected to his taking the oath (T.S.N., 17 March 1962, pp. 14-18).

The proceedings and testimonies narrated above show that the petitioner's belief in the principles underlying the Philippine Constitution was non-existent when he applied for citizenship. His knowledge of these principles were then vague, and his belief in them insincere. Otherwise, he would have displayed knowledge of the basic principles at the first day of trial to the same extent as at the succeeding occasion.

On the part of the trial court, it was irregular for it, and this Court hereby registers its disapproval, to have re-tried the case when the petitioner was felt qualified, since at first it already found him not qualified. The practice is not only unfair and disorderly but also opens courts to charges of favoritism.

For the foregoing reasons, the appealed order, the oath administered pursuant thereto, the corresponding certificate of citizenship issued, if any, and its registration, if made, are hereby cancelled and declared null and void. Costs against appellee Manuel Spirig Lim.

Concepcion, C.J., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Ruuiz Castro, JJ., concur.
Barrera, J., no part.

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