

LEONCIO YU LIM, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.*G.R. No. L-23591. March 28, 1969*

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

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In this appeal from a grant of citizenship by the Court of First Instance of Surigao del Norte, in its Naturalization Case No. 41, unto the petitioner, Leoncio Yu Lim, the oppositor-appellant, Republic of the Philippines, seeks a reversal of the trial court's decision on the grounds of insufficient income of, and unauthorized use of alias by, the said petitioner and the absence of evidence of his belief in the principles underlying the Constitution. We sustain the oppositor-appellant on all grounds.

The petitioner-appellee filed his petition for naturalization with the court a quo, on 29 January 1963, alleging, inter alia, that he is single and was born on 23 October 1931 in Surigao, Surigao del Norte; that he is a general merchant and the proprietor of Southern Bazar in the said municipality from which he derives an average annual income of P3,398.03; and that he is a "co-owner" and assistant manager of Pan Pacific Remnant Industry, a partnership with offices and factory in Quezon City and from which he derives an annual salary of P1,440.00.

At the trial, the government appeared and cross-examined the witnesses for the petitioner, but presented no evidence. On 5 March 1964, the court rendered judgment granting the petitioner's application for naturalization. The oppositor government appealed.

In its decision, the trial court found that the applicant, Leoncio Yu Lim, earns a total of P4,833.00 a year, which amount is about the same as that alleged in the petition, which is P4,838.03. The court went on to state that in the year 1962 he earned P6,633.00 because he is allowed an exemption of P1,800.00 in his income tax, for being single, and this latter sum is at his disposal, and concluded that the petitioner's income more than meets the requirements of the naturalization law.

A perusal of the record discloses that the alleged salary of P120.00 a month (or P1,440.00 a year) from the Pan Pacific Remnant Industry rests solely on the petitioner's testimony as a witness in his own behalf. No other witness corroborated this testimony nor was any document presented to prove the alleged salary. Hence, said salary cannot be considered in the determination of his income (*Yap v. Republic*, L-19832, 23 August 1966, 17 S. C. R. A. 956), more so because the partnership, Pan Pacific Remnant Industry, was registered with the Securities and Exchange Commission only on 13 July 1962 (Exhibit "1-2") and has not declared any dividend (Decision, Record on Appeal, page 15). Furthermore, the said partnership has its offices in Quezon City, while the alleged assistant manager, petitioner herein, is domiciled in Surigao, Surigao del Norte, a plain inconsistency that has been left unexplained.

With the alleged salary as assistant manager not proved, the computation of the oppositor government of the petitioner's average annual income to be only P2,043.59 is correct: P1,006.76 for 1958, P846.51 for 1959, P2,923.07 for 1960 and P3,398.03 for 1962 (no income tax return for 1961 was shown). Such income, amounting

to an average of P172.00 a month, does not satisfy the re-quirement of the naturalization law that the applicant should have a lucrative trade or occupation. In *Dy v. Republic*, L-20348, 24 December 1965; *Uy v. Republic*, L-20208, 30 June 1965; and *Kock Tee Yap v. Republic*, L-20992, 14 May 1966, 17 S. C. R. A., 16, this Court has already ruled that an income of P300.00 a month is inadequate, even if the applicant were unmarried.

The computation by the trial court of the petitioner's alleged income in 1962, as amounting to P6,633.00, is erroneous. This figure was arrived at by adding the exemption of P1,800.00, for being single, plus the unproved salary of P1,440.00, to the net income of P3,398.00. The sum of P1,800.00 is not additional income or earning of the taxpayer, and not at his disposal, as the trial court entertained it to be, but an exemption deductible from the net income (from Schedule K in the tax return) for determining the amount of taxable income.

The petitioner-appellee disclaims the use of the alias "Dodong", claiming the same to be only his nickname; but his disclaimer is belied by the very documents that he adduced. These documents plainly indicate the name "Dodong" as an alias of the petitioner, not as his nickname, and are official certificates secured from various government agencies and offices (Exhibits "N", "O", "S", "S-2", "S-4", "S-6", "S-8", "S-10" and "T-3"). No evidence has been adduced that his use of the alias had been legally authorized, nor was the alias mentioned in the petition for naturalization.

Finally, the applicant and his witness simply asserted in court that the former "believes in the principles of the Constitution" without giving any particulars nor specifying the basis for the conclusion. We deem that mere naked statements of belief, without facts in support thereof, are neither competent nor adequate proof that the petitioner does in truth believe in the principles of the Philippine Constitution; nor is such belief established by the simple absence of derogatory information. The burden of duly proving the truth of the allegations in the petition lies on the petitioner.

WHEREFORE, the appealed decision is hereby reversed, and the petition for naturalization ordered dismissed. Costs against petitioner.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, and Teehankee, JJ., concur.

Barredo, J., did not take part.

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