

**DOMINGO ALMONTE UY, PETITIONER AND APPELLANT, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.***G.R. No. L-15274. September 30, 1960*

Ponente: BARRERA, J.

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Petitioner Domingo Almonte Uy appeals from the decision of the Court of First Instance of Camarines Sur, denying his petition for naturalization as a Philippine citizen.

The records disclose that petitioner was born on February 24, 1928 (Exh. C) in Tabaco, Albay, the son of Uy Toco and Sy Chia, both Chinese citizens. He resided in said municipality since his birth until 1954. Thereafter, he moved to Naga City, where he has been residing up to the present. He has resided in the Philippines continuously for more than 30 years, and has not left it at any time. He married Belen Jardinel, a Filipina, on June 23, 1956 (Exh. J), with whom he has now 2 children, namely, Marilyn and Aster, born on April 19, 1956 (Exh. H) and August 10, 1958 (Exh. I), respectively. He is of good moral character, and has conducted himself in a proper and irreproachable manner during the entire period of his residence in this country in his relation with the constituted government, as well as with the community in which he is living. He is owner and manager of the "Saxon Tailoring Shop," which he established in June, 1958 with a capital of more than P3,000.00. Prior thereto, he was salesman of the "Golden Star Trading," with a monthly salary of P120.00. He had not filed any income tax return. He speaks and writes English and the Bicol dialect (Exhs. K and K-1). He finished his elementary education at Tabaco Chinese School, in Tabaco, Albay, and his secondary education at St. Johns Institute of Tabaco, in the same municipality. He also took up commerce at the University of the East, but was unable to finish the course. He possesses none of the disqualifications for naturalization provided in Section 4 of the Revised Naturalization Law.[1] (See clearances, Exhs. L-1 to L-5).

In support of his petition, petitioner presented as character witnesses, Mayor Monico Imperial of Naga City, and Dr. Francisco Gomez of the same municipality.

In denying his petition for naturalization, the court, in its decision of November 22, 1958, stated' as follows:

"It is clear from the foregoing¹ that the petitioner possesses the first, second, fifth, and sixth qualifications required by Sec. 2 of the Revised Naturalization Law and none of the disqualifications mentioned in Sec. 4 thereof.

"Regarding the third qualification, the evidence failed to show that the petitioner believed in the principles underlying the Philippine Constitution. On the said subject he only testified that he believed in a democratic government, but the Philippine Constitution embraces other underlying principles besides belief in a democracy. And even his knowledge of a democratic government, is faulty. He said defining a democratic government, that it is a government where the people can vote, where there is freedom of speech, press, and 'transportation from one place to another,' and 'where people can file complaints.' Certainly, his lack of knowledge of all the principles underlying the Philippine Constitution and his insufficient understanding of a democratic government make him unfit to become a citizen of this country. Knowledge of the fundamental

law, at least of its principal underlying principles, is indispensable to a good citizenship.

"As to the fourth qualification, the evidence failed to show that he has a lucrative trade or occupation. It is true that he owns and manages a tailoring business with an operating capital of about P3,000.00, but there is no proof that he earns enough from this business to provide sufficient support for himself and his family. He confessed that he did not know as yet whether or not his business would be profitable. As a matter of fact, his earnings could not be much above the minimum wage level because he had not filed any income tax return. It is thus reasonably doubtful if he can provide his family with sufficient support and his children with at least a primary and secondary education. If admitted a citizen of this country, he may only be an addition to the many problems that now confront the nation."

His motion for reconsideration of said decision having been denied, petitioner appealed to us.

The decision appealed from must be affirmed. We are in accord with the lower court that petitioner failed to show that he has a lucrative lawful occupation. True it is that he testified that he owns and manages a tailoring shop capitalized at more than P3,000.00. He did not say how he raised this capital, considering that prior to the openings of this shop, he was merely earning P120.00 a month. There is no evidence that petitioner's earnings would be sufficient to support himself and the members of his family of 3 (his wife and 2 children). In fact, at the date of the hearing (September 18, 1958), said tailoring shop was in existence barely 4 months. At said hearing, petitioner, in effect, declared that he did not know as yet whether his business would be profitable or not, as he had just begun it. In the circumstances, it is highly doubtful if petitioner can provide his family with adequate support, and his children with at least a primary and secondary education. In this connection, the lower court aptly observed that "if admitted a citizen of this country, he (petitioner) may only be an addition to the many problems that now confront the nation." In the very recent case of *Swee Din Tan vs. Republic* (supra, p. 287), we reversed the decision of the lower court granting the application for citizenship of Swee Din Tan, on the ground that he had no lucrative employment, stating:

"We find a sounder reason to refuse citizenship: no lucrative employment. It is admitted that Swee Din Tan, with a wife and three children, is a mere employee receiving P200.00 a month only. We think that at the present valuation of the peso, petitioner may have an employment; but he has not a 'lucrative' employment. It is true, we have held in some cases that an alien receiving P80.00, P140.00 or P250.00 a month had a lucrative employment; but the applicants therein received free board and lodging. (*Lim vs. Republic*, 92 Phil., 522; 49 Off. Gaz., 122; *Tiong vs. Republic*, 94 Phil., 473; 50 Off. Gaz., 1025; *Uy Tiao Hong vs. Republic*, 101 Phil., 77; 54 Off. Gaz., 629; *Republic vs. Yap*, L-11187, April 28, 1958). It is also true that we admitted to citizenship persons whose income did not exceed P250.00 or P200.00 a month, with no lodging¹; however, the applicants therein had no children. (*Republic vs. Lim*, L-3030, Jan. 31, 1951; *Pang Kok Hua vs. Republic*, 91 Phil., 254.) At any rate, with the low purchasing power of our currency, a married man with three children to support can hardly make both ends meet, if he makes P200.00 a month only. Therefore, he may not be held to have a lucrative employment."

The above ruling applies with even greater force to the instant case, it appearing that petitioner at the time of the hearing had yet no determinate or fixed income from his said tailoring shop business or occupation.

We find, as did the lower court, that petitioner failed to satisfy the requirement of lucrative lawful occupation provided in Section 2(4) of the Revised Naturalization Law. Having arrived at this conclusion, we need not discuss whether or not petitioner-appellant has sufficiently proven his knowledge of and belief in the principles under-lying our Constitution and form of government.

Wherefore, the decision appealed from is hereby affirmed, with costs against the petitioner-appellant. So ordered.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Gutierrez David, Paredes, and

Dizon, JJ., concur.

[1] Commonwealth Act No. 473, as amended.

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