

IN THE MATTER OF THE PETITION OF ONG CHIONG @ CHARLES ONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, ONG CHIONG @ CHARLES ONG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPP...

G.R. No. L-27622. July 31, 1970

Ponente: CASTRO, J.

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CASTRO, J.:

This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Manila, in its civil case 62710, granting the petition for naturalization of Ong Chiong alias Charles Ong.

The petitioner who was born in Amoy, China on August 16, 1932, was admitted into the Philippines on October 27, 1934. He is married to Anita Sy, with whom he has six children. He is exempt from filing a declaration of intention because he had been continuously residing in the Philippines for more than thirty years. He is a graduate of the Mapua Institute of Technology with the degree of Bachelor of Science in Electrical Engineering. He has been employed with the United Neon Light Company since 1963.

The Republic seeks the reversal of the judgment a quo, on four grounds, namely: (1) that the petitioner's use of the alias "Charles Ong" without judicial authority disqualifies him from naturalization; (2) that the failure of the petitioner to state in his petition his second alias, "Charles T. Ong," is fatal to his application; (3) that the petitioner does not have a lucrative income and (4) that the petitioner's character witness Alfonso Reyes is not in a position to vouch for the qualifications of the petitioner for naturalization.

For the purpose of resolving this appeal, we need dwell only on one of the grounds for reversal offered by the Republic. The petitioner has a wife and six children. According to his income tax return for 1963, the following items constituted his income for that year:

Salary as employee of United Neon	
Light Co. -----	P 4,800.00
Bonus from United Neon Light Co. -----	2,000.00
Private tutoring (this was later	
revealed by petitioner as earnings	
of his wife) -----	1,972.00
Total -----	P 8,772.00

In his income tax return for 1964, the following items appear:

Salary from United Neon Light Co. -----	P 4,800.00
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Commission and bonus ----- 6,000.00
Tutoring (by the wife) ----- 1,000.00
Total ----- P11,800.00

His income tax return for 1965 shows the following:

Salary from United Neon Light Co. ----- P 5,543.32
Bonus from United Neon Light Co. ----- 2,000.00
Commission - do - 6,262.50
Tutoring ----- 1,500.00
Total ----- P15,305.82

Established is the rule that neither bonus nor commission is taken into account in assessing the lucrativeness of the income of an applicant for naturalization because these items are contingent, unreliable, unstable, undependable (*Nilda Tse vs. Republic*, L-19642, Nov. 9, 1964; *Ong So vs. Republic*, L-20145, June 30, 1965). The item, "tutoring" by the wife of petitioner, likewise cannot be considered in determining whether the husband-applicant for naturalization has sufficient income in contemplation of the Revised Naturalization Law (*Tanpa Ong vs. Republic*, L-20605, June 30, 1966). Therefore, for the years 1963, 1964 and 1965, only his salaries of P4,800, P4,800 and P5,543.32, respectively, may be taken into account (after subtracting therefrom the corresponding taxes, if any)

The petitioner has a wife and six growing children to maintain and educate. Obviously, his income cannot adequately provide for the decent needs of his family. In *Uy Ching Ho vs. Republic*, L-19582, March 26, 1965, this Court held that an income of P7,799.30 a year is not lucrative where a petitioner has a wife and five children to maintain. With more reason, therefore, do we hold that the income of the petitioner in the present case is far from being lucrative.

ACCORDINGLY, the judgment a quo is reversed, and the present petition for naturalization is her dismissed, at petitioner's cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, and Villamor, JJ., concur.
Barredo, J., did not take part.

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