

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP OF ENGRACIO CHAN ALSO KNOWN AS NICASIO LIM, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOS...

G. R. No. L-22352. June 30, 1966

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

From the decision of the Court of First Instance of Pampanga granting appellee's petition for naturalization, the Solicitor General appealed and now submits that the petition should have been denied because, among other reasons, (1) petitioner does not have a lucrative income; (2) he failed to allege in his petition all his places of residence, past and present; and (3) he is illegally using an alias.

Petitioner's evidence shows that he was born of Chinese parents on November 25, 1940 in Manila, where he resided from birth until 1946, when he transferred to Bacolor, Pampanga. He finished his primary education in St. Mary's Academy, Bacolor, Pampanga, and the intermediate grades and high school course at St. Ferdinand Academy, San Fernando, Pampanga. He speaks and writes English, Tagalog and Pampango. At present he is a salesman at the Caniogan Sari-sari and Grocery Store, located in Pasig, Rizal, from which he receives a monthly salary of P200, with free board and lodging.

The Solicitor General correctly points out that appellee does not have a lucrative income as required by the Naturalization Law. Even for an unmarried man like appellee, who has nobody dependent on him, a monthly income of P200, with free board and lodging, is not considered gainful employment (*Yap vs. Republic*, L-20372, May 14, 1966).

Petitioner's true name is Engracio Chan, but he has been using the name Nicasio Lim since he started his schooling. Thus he is Engracio Chan in his birth certificate and Nicasio Lim in all his school records. There is no proof that he is legally authorized to use an alias, and his use thereof, being in violation of the Anti-Alias Law, is indicative of reproachable conduct.

The foregoing circumstances, without more, disqualify him from acquiring Filipino citizenship by naturalization.

The judgment appealed from is therefore reversed, and the petition is denied, with costs against appellee.

Concepcion, C. J., Reyes, J.B.L., Barrera, Dizon, Regala, Bengzon, J.P., Zaldivar and Sanchez, JJ., concur.

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