

IN THE MATTER OF THE PETITION OF NICOLAS LOO TEE TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES. NICOLAS LOO TEE, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSIT...

G.R. No. L-18009. December 27, 1963

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal by the Government from a decision of the Court of First Instance of Batangas, granting the petition for naturalization filed by Nicolas Loo Tee on July 17, 1959.

The appeal is predicated upon two (2) grounds, namely; (1) that petitioner has not conducted himself in a proper and irreproachable manner in his relations with the constituted government, as well as with the community in which he is living; and (2) that he does not have a lucrative trade or occupation.

With respect to the first ground, the record shows that in October 1957, petitioner's bodega or warehouse in Tanauan, Batangas, which, together with its contents, were insured for P150,000, were destroyed by fire; that the sum paid to him therefor by the insurance company was only P60,000, notwithstanding the fact that he claimed to have merchandise worth P100,000 in the bodega and that the same was worth P30,000, according to him; and that the next year his store, near said bodega, insured for P25,000, was likewise, burned. Manuel Deonaldo, an agent, of the Constabulary, who conducted investigations in connection with the application for naturalization of petitioner herein, whose former petition for naturalization had been dismissed without prejudice, declared that the testimony given by petitioner in the course of said investigation was evasive, and that, in his (Deonaldo's) opinion, the burning was intentional in both cases.

Upon the other hand, petitioner maintains that no criminal action having been taken against him, despite the investigation conducted by the authorities immediately after said fires, the conclusion should be that he has done nothing wrong in connection therewith. However, this does not show that he has conducted himself in a proper and irreproachable manner in his relations with the Government and with the community in which he was living, which he is bound to establish as one of the statutory qualifications for naturalization.

At any rate, it is an established fact that in his Income tax returns for 1957, 1958 and 1959—which immediately preceded the hearing of the petition—petitioner re-ported that his net income for 1957 and 1959 was P1,107.87 and P2,693.96, respectively, and that he could not ascertain his income for 1958 because of the destruction of his records therefor by the fire that consumed his store that year, Considering that petitioner has a wife and seven (7) children, four (4) of who attend school, it is obvious that the second ground of the opposition of the Government is well taken (Tan vs. Republic, L-16013, March 30, 1963; Ngo vs. Republic, L-18319, May 31, 1963; Lao vs. Republic, L-17053, October 30, 1962; Piñero vs. Republic, L-17399, October 30, 1962; Koa Gui vs. Republic, L-13717, July 31, 1962; Ong vs. Republic, L-15764, May 19, 1961; Ngo Bun Ho vs. Republic, L-15518, November 29, 1961).

Wherefore, the decision appealed from is reversed and the petition dismissed, with costs against the petitioner. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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