

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF NGO BUN HO, ALIAS GUICA. NGO BUN HO, ALIAS GUICA, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APP...

G.R. No. L-15518. November 29, 1961

Ponente: BARRERA, J.

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BARRERA, J.:

The Republic appeals from the decision of the Court of First Instance of Lanao (in Nat. Case No. 716), admitting petitioner Ngo Bun Ho, alias Guica, to Philippine citizenship.

The records disclose the petitioner was born in Hosan, Amoy, China, on November 3, 1908. He immigrated to and arrived in the Philippines aboard the S.S. Susana, in April, 1919. Since his said arrival, he has been residing here (at Marawi City) continuously for more than 30 years. During said period, he had been married 3 times. His first wife was Anastacia Tormis, whom he married in 1928 and with whom he has 8 children, namely, Consolacion, Jose, Enecita, Nicanora, Restituta, Genoveva, Florentino, and Quintin, all surnamed Ngo.[1] Of these children, Consolacion and Enecita are married while Jose is living independently of petitioner, and is managing his own business. But 5 of them—Nicanora, Restituta, Genoveva, Florentino, and Quintin—are living with, and are dependent on, petitioner for support. Petitioner's second wife was Francisca Yee whom he married in May, 1945 and with whom he has a child named Victor Ngo,[2] who is also dependent on petitioner for support. His third wife was Pomposa Hitrada whom he married on February 13, 1948 and with whom he has a child named Hernando Ngo [3] who is likewise dependent on him for support. Petitioner owns and manages a store or business at Marawi City, from which he derives an annual income of P3,000. He speaks and writes English and Tagalog fairly, and has a good knowledge of the Cebuano dialect. He also speaks the Maranaw dialect fairly. He has enrolled his children of school age in private schools (at Marawi City), where Philippine history, government, and civics are taught. He has conducted himself in a proper and irreproachable manner during the entire period of his stay here, mingled socially with the Filipinos, and embraced their customs and traditions. He is not opposed to organized government and does not believe in the use of force to overthrow the same. He is not a polygamist, and is not suffering from any incurable or contagious disease. He has not been convicted of any crime.

As character witnesses, petitioner presented Hadji Mender Ampuan, a farmer at Madaya, Marawi City, and Valentin Daligcon, Clerk of the Municipal Court of Marawi City.

We find the Republic's appeal meritorious. It appears that as a merchant or businessman, petitioner's annual income is only P3,000.00. Said business or occupation can hardly be considered lucrative under Section 2(4) of the Revised Naturalization Law considering that petitioner has 7 children (all of school age and actually attending private schools, with petitioner paying schools' fees for them), aside from himself, to support (See *Keng Giok vs. Republic*, 112 Phil., 986 and *Almonte Uy vs. Republic*, 109 Phil., 694; 60 Off. Gaz., [10] .1416 citing *Swee Bin*

Tan vs. Republic, 109 Phil., 287).

Furthermore, it appears that petitioner had been delinquent in the payment of his license tax on liquor in 1957,[4] and had violated the Minimum Wage Law,[5] which delinquency (although compromised) and violation (although amicably settled), prove that, petitioner has not conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living", as required in Section 2(3) of the Revised Naturalization Law.

Wherefore, the petition is denied, and the decision of the trial court is hereby reversed and set aside, without costs. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L. Paredes, Dizon and De Leon, JJ., concur.

[1] Their ages at date of hearing are 26, 25, 23, 21, 20, 19, 18, and 15, respectively.

[2] 12 years old date of hearing.

[3] 6 years.

[4] tsn, pp. 41-56, hearing of Oct. 16, 1958; see also Exh. 4 and R, p. 298, Record.

[5]tsn, pp. 56-75, hearing of Oct. 16, 1958; see also Exh. 9 to 11, pp. 304-307, Record.

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