

IN THE MATTER OF THE PETITION OF JOSEPH C. GO YANKO TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. JOSEPH C. GO YANKO, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOS...

G.R. No. L-21542. August 10, 1967

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Joseph C. Go Yanko filed on May 7, 1956 a petition for naturalization in the Court of First Instance of Cebu.

Among other things, he presented during the trial evidence to show the following: That he was born on December 24, 1924 in Chuanchiu, China and is at present a citizen of Nationalist China; that he migrated to the Philippines on December 1, 1931 and at present resides at Blanco Hospital Compound, No. 135-A Gen. Sepulveda St., Cebu City, Philippines; that he is married to a Filipino, Epifania de la Cruz, with whom he has five children; that he is part owner of the Aeroplane Shoe Store, a store worth P200,000, from which he receives P4,100.00 yearly as salary and profits; that he speaks and writes the English and Cebu-Visayan languages and he has sent his children of school age to schools authorized by the government; that he believes in the principles underlying the Philippine Constitution.

On September 4, 1958, after hearing, the Court of First Instance denied the application because of non-posting of copies of hearing and notice of hearing as required by Section 8 of the Revised Naturalization Law, Commonwealth Act No. 473, and on the further ground that petitioner's use of different names and the discrepancy between his income tax return, Exhibit B, for 1957 where his stated income was P4,078.11 and residence certificate, Class B, where he stated his earned salary was only P2,378.11, showed him undeserving of judicial faith and credence necessary of an applicant for Philippine citizenship.

Acting on his motion for reconsideration dated October 11, 1958, the lower court, while acknowledging that as claimed by petitioner Sec. 8 of the Revised Naturalization Law had been complied with, still denied naturalization, on the other ground afore-stated.

Petitioner appealed to Us and now alleges error on the part of the lower court thereby opening by his appeal the entirety of the records for scrutiny.[1] It has been established that petitioner's income is only P4,100.00 annually or P341.66 a month. Considering that he has a wife and five children to support, such income cannot be accepted as fulfilling the requirement of a lucrative trade, profession or occupation under the Revised Naturalization Law. We have denied naturalization to a petitioner with a wife and five children whose income ranges from P4,000.00 to P7,799.34 for the years preceding his application (1958-1960);[2] to a married petitioner with only one child to support and an annual income of P6,300.00;[3] and a married applicant with three children, who had an annual income of P5,980.00,[4] ruling that such incomes were not sufficient to give them a lucrative occupation in contemplation of law.

WHEREFORE, the judgment appealed from denying natu-ralization is hereby affirmed, with costs against the petitioner.

SO ORDERED.

Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., on official leave.

[1] Cheng v. Republic, L-20013, March 30, 1965.

[2] Uy Ching Ho v. Republic, L-19582, March 26, 1965.

[3] Tan v. Republic, L-16013, March 30, 1963.

[4] Koa Gui v. Republic, L-13717, July 31, 1962.

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