

**IN THE MATTER OF THE PETITION OF ONG BAN UAN TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, ONG BAN UAN,
PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND AP...**

G.R. NO. L-22496. February 26, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

There is more than ample justification for the appeal taken by the Republic from the court decision sustaining the plea of petitioner, now appellee, Ong Ban Uan, for the grant of Filipino citizenship. Two grounds are relied upon in this Court for reversal, namely, failure to state in the petition the present and all the former places of residence of applicant and lack of a lucrative income. Either one ought to have sufficed for denial of the petition. Instead, petitioner prevailed in the lower court. One explanation is that there was no opposition below. Nonetheless, the state was not thereby foreclosed from raising such questions in this Tribunal. The solidity of its stand is undeniable. We have to reverse.

It was shown that petitioner arrived in the Philippines in 1923, staying first at 207 Echague St., Manila, from 1923 to 1949. Thereafter he transferred to Puerto Princesa, Palawan for the years 1950 to 1951, then to Coron, also in that province in 1952. In 1959, he went to live at Cuyo, Palawan, his residence at the time his petition for naturalization was heard. He is married to one Susana Lim with three children, namely, Grace L. Ong, born on November 30, 1967; Raymond L. Ong, born on February 12, 1959; and Maria Susana Ong, born on April 8, 1961. As set forth in his petition, his trade or profession was that of an employee, with an average income of four thousand pesos. His employer was his mother-in-law.[1] It must be added that while his petition spoke of his place of residence as Cuyo, with reference likewise to Coron, he did also testify as to having lived at 207 Echague St., Manila from 1923 to 1949.[2]

A simple recital of the undisputed facts renders clear why, as set forth at the outset, reversal is called for. That may explain why appellee did not even bother to file his brief.

1. On the issue of lack of lucrative employment, *Lim Biak Chao vs. Republic*,[3] decided only last month, sets forth the applicable doctrine thus: "It is one of the qualifications required in the Naturalization Act that petitioner must be worth either not less than P5,000.00 or 'must have some known lucrative trade, profession, or lawful occupation.' Some of the earlier decisions stressing how essential such a requirement is came from the pen of former Chief Justice Bengzon, in the cases respectively of *Lim vs. Republic*, *Tiong vs. Republic*, and *Swee Din Tan vs. Republic*. In *Tan vs. Republic*, there was a definition of what lucrative employment signifies from the pen of Justice Zaldivar. It 'means a gainful employment. It is not only that the person having the employment gets enough for his ordinary necessities in life. It must be shown that the employment gives one an income such that there is an appreciable margin of his income over his expenses as to be able to provide for an adequate support in the event of unemployment, sickness, or disability to work and thus avoid one's becoming the object of charity or

a public charge.' Under such a standard, an applicant with an income of P8,687.50 with five children, one with P5,980.00 with three children, a third with an income of P6,300.00 and only one child and still another one with an income of P7,133.29 with four children were all denied citizenship. Again, from Chief Justice Concepcion comes the latest decision applying such a doctrine consistently adhered to with undeviating rigidity. Reference is made to *Watt vs. Republic*, where, in a sense, a further refinement was made in the Tan pronouncement leading to a stricter view of the matter. In the language of the Chief Justice: 'It is not enough for an applicant for naturalization not to be a financial burden upon the community. He must, also, have a "lucrative trade, profession, or lawful occupation." And this qualification has been construed to mean, not only that he is not a beggar, a pauper or indigent, but, also, that his financial condition must be such as to permit him and the members of his family to live with reasonable comfort, in accordance with the prevailing standard of living, and consistently with demands of human dignity, at this stage of our civilization.'"[4]

2. Considering that the absence of lucrative income precludes us from affirming the grant of citizenship, there is no need to discuss the question of failure to state all his places of residence.

WHEREFORE, the lower court decision of August 10, 1963, granting citizenship to Ong Ban Uan is reversed. Costs against petitioner Ong Ban Uan.

Zaldivar, (Chairman), Barredo, Fernandez, and Aquino, JJ., concur.
Antonio, J., took no part.

[1] Brief for Appellant, 2.

[2] Ibid, 2-3.

[3] L-28541, January 14, 1974.

[4] Ibid. Section 2 of Commonwealth Act No. 473, par. 4, was relied upon. *Lim vs. Republic* is reported in 90 Phil. 387 [1951]; *Tiong vs. Republic* in 94 Phil. 473 (1954); *Swee Din Tan vs. Republic* in 109 Phil. 287 (1960); *Tan vs. Republic* in 13 SCRA 663 (1965); and *Watt vs. Republic* in 46 SCRA 683 [1972].

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