

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES, CHOA EK YONG, PETITIONER-APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

G.R. No. L-21738. March 01, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Declared eligible to Philippine citizenship by judgment below dated December 3, 1960,[1] and the two-year statutory period having elapsed, on April 18, 1963 the same court, after hearing, allowed petitioner to take the prescribed oath. From this latter order sprang the present appeal by the State.

Upon one ground alone, the lower court must be reversed.

Petitioner does not have the required lucrative income. Income "is to be reckoned as of the time of the filing of the application." [2] His 1959 petition averred, and the lower court found, that he has an average annual income of P3,600.00 to support himself, his wife and his children, then three in number. This rules him out as qualified for Philippine citizenship. [3]

Order reversed; application for naturalization dismissed, and petition to take oath denied. Costs against petitioner.

SO ORDERED.

Reyes, Acting C.J., Dizon, Makalintal, Bengzon, Zaldivar, Castro, Angeles, and Fernando, J., concur.
Concepcion, JJ., is on leave.

[1] Naturalization Case 40616, Court of First Instance of Manila, entitled "In the matter of the petition to be admitted a citizen of the Philippines, Choa Ek Yong, petitioner."

[2] *Ty Eng Hua vs. Republic*, 1967B Philid. 538.

[3] *Law Tai vs. Republic*, 1967B Philid 168, 171, citing cases.

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