

IN THE MATTER OF THE PETITION FOR ADMISSION AS A CITIZEN OF THE PHILIPPINES, JAMES UY, ALSO KNOWN AS UY KHE KHUN, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITO...

G.R. No. L-20194. July 17, 1969

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by James Uy, also known as Uy Khe Khun, from the decision of the Court of First Instance of Manila in Civil Case No. 47168 denying his application for naturalization.

It appears that on May 29, 1961, appellant, a citizen of Nationalist China, filed a petition for naturalization with the above-named court alleging: that he was born on September 20, 1939, in the City of Manila; that he was single and had resided continuously in the Philippines for a term of fifteen years at least, immediately preceding the date of the petition, and particularly in the City of Manila for a period of one year immediately prior thereto; that his trade or occupation was that of an employee from which he derived a monthly salary of P180.00, aside from the amount of P16,600.00 worth of capital stock of Uy Su Bin and Co., Inc., which he had inherited from his deceased father and from which he has been receiving annually cash dividends in the amount of P1,660.00 since 1953, plus a cash deposit or savings of P10,000.00; that he was exempt from the requirement of filing a declaration of intention for having been born in the Philippines and had received his primary and secondary education at the De La Salle College, a private educational school recognized by the Government, and not limited to any race or nationality; and, finally, that he possessed all the qualifications necessary to become a Filipino citizen and none of the disqualifications provided by law.

Notice of hearing of the application having been published, the Solicitor General filed his opposition thereto. After trial, the court rendered the appealed judgment.

We find the appeal to be without merit.

The lower court denied appellant's application mainly on the following grounds: that appellant does not have a lucrative trade, profession or lawful occupation; that there was no sufficient evidence as to his irreproachable conduct during the entire period of his residence in the Philippines, and lastly, that he had been using an alias without proper authority.

On the question of lucrative profession or occupation, the best that appellant could prove was that a month prior to the filing of his application he was employed by Uy Su Bin and Co. at a monthly salary of P180.00. This the lower court did not believe because the record showed that the alleged employer firm belonged to or was controlled by appellant's family and relatives, the president and manager thereof being his uncle. These circumstances, together with the fact that he was allegedly employed only one month before the filing of his application for naturalization led the trial court to conclude "that the supposed employment of petitioner is a mere

convenient arrangement planned out to show a token compliance with the requirement of the Revised Naturalization Law to the effect that a petitioner for naturalization must have a lucrative trade, profession or lawful occupation. The petitioner's so called employment is merely fictitious." Nothing in appellant's brief suffices to show that this conclusion arrived at by the trial court is unfounded.

Moreover, even on the basis of appellant's own claim regarding his salary as employee and the dividends earned by his shares of stock in Uy Su Bin and Co., he can not be said to be engaged in a lucrative profession, considering that in the case of Keng Giok (L-13347, August 31, 1961) We held that an annual income of P8, 687.50 is not sufficient to satisfy the requirement of the law on income.

On the question of appellant's having used an alias without lawful authority, We find the trial court's conclusion well founded. In this connection, the evidence shows that on page 13 of the Stock and Transfer Book (Exhibit E), appellant's name appears as "Uy James alias Uy Khe Khun"; that this same alias for appellant appears in a certificate of stock issued to him on February 25, 1941 (page 62, record on appeal). Appellant's contention that it was his mother who caused these names to be entered in the book and document just mentioned does not help him any, because these documents show that among members of his own family he was known not only as James Uy but also as "Uy Khe Khun". This is sufficient basis for the conclusion arrived at by the trial court on this matter.

In view of the conclusions We have arrived at, as set forth above, We deem it unnecessary to consider other questions raised in the appeal.

WHEREFORE, the decision appealed from is hereby affirmed, with costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Fernando, Capistrano, Teehankee and Barredo, JJ., concur.

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