

**IN RE PETITION FOR ACQUISITION OF PHILIPPINE CITIZENSHIP. UY
ENG HIOK TILIAS FORTUNATO UY, PETITIONER AND APPELLANT,
VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.**

G.R. No. L-17118. November 17, 1964

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Uy Eng Hiok alias Portunato Uy appeals from the decision of the Court of First Instance of Cebu denying his petition for naturalization.

Born in Amoy, China on September 2, 1931, appellant came to the Philippines on January 8, 1938 and later was baptized Fortunato Uy in the Roman Catholic church of Dalaguete, Cebu. Since his arrival he has been residing in Dalaguete. He finished his primary and intermediate courses in the Dalaguete Elementary School and reached second year high school in the Anunciacion Institute of the same town he is single and, according to his testimony, works with his father as an associate and age in the latter's general merchandise, lumber, and copra business, for which he receives a monthly salary of P140.00.

Appellant challenges the findings of the trial court (1) that he was absolutely required under Section 5 of the Naturalization law to mention in his declaration of intention as well in his testimony the name of the boat on which he came to the country from Amoy, China; (2) that there is no sufficient evidence that he has none of the disqualifications to become a citizen; (3) that he failed to prove that the country of which he is a citizen is not at war with the Philippines or that the private school where he studied is not limited to any particular race or nationality; (4) that he did not prove that he has not filed any other petition for naturalization; (5) that he does not have sufficient knowledge of and proficiency in English; and (6) that he has not proven the truth and sufficiency of his means of livelihood. This last finding of the lower court suffices as a ground for the denial of the petition.

Appellant's monthly income of P140.00 assuming it to be true, does not satisfy the legal requirement that an applicant for naturalization must have a lucrative occupation. In many cases recently decided by this Court, it has been held that monthly salaries of even as much as P200.00 are not adequate for that purpose, considering the present low purchasing power of our money. Furthermore, the evidence of appellant's employment is not satisfactory. It consists only of his own testimony, and while his witnesses also testified on the point they did so not on their personal knowledge, but from what they learned from appellant himself.

It should be noted that although asked to do so by the lower court, appellant failed to present the payroll in his father's business from which it could be determined whether or not he was really an employee therein, as he alleged.

In a naturalization case the applicant has the burden of proving by competent and satisfactory evidence that he has all the qualifications and none of the disqualifications stated in the law (Yap vs. Republic, L-13944, March 30, 1962; Kho Eng Pac vs. Republic, L-17146, July 20, 1962; Cu vs. Republic L-13341, July 21, 1962; Hao Su Siong vs. Republic, L-13045, July 30, 1962).

Appellant's failure to attach his certificate of arrival to his declaration of intention, as required by the 1939 Rules and Regulations of the Department of Justice (*Yang Nang vs. Republic*, L-17013, May 30, 1962); the express finding of the lower court, which saw and heard him testify, that he does not possess sufficient knowledge of English; the absence of evidence that appellant's petition was duly published in the Official Gazette; and his use of an alias, "Hioga", without proof that the same is an authorized exception under the Anti-Alias Law all these are additional grounds which justify the denial of appellant's petition.

The judgment appealed from is affirmed, with costs against appellant.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, Bengzon, J. P. and Zaldivar, JJ. concur.

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