

IN THE MATTER OF THE PETITION TO BECOME A FILIPINO CITIZEN, FELIX ONG, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-34995. June 28, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

The Republic of the Philippines appealed from a decision granting an application for naturalization by applicant Felix Ong. It is contended that the lower court should have denied the application on any of the following grounds: the failure to state categorically that petitioner is a person of good moral character, the failure to state all his previous places of residence, and the failure to hold that he did not have a lucrative income. On the last ground alone, as will be shown, he was not entitled to a favorable decision. A judgment of reversal is thus called for.

The lower court, after considering both the testimonial and written evidence, came to this conclusion: "After having carefully weighed and considered the evidence presented, and the petitioner having shown sincerity in becoming a citizen of the Philippines, and that he did not file this petition for ulterior motives, and will be an asset to this country, the Court has arrived at a conclusion, that he is entitled to become such citizen." [1] This too, notwithstanding that there was an explicit finding that applicant "is married to Feliza Uy, with whom he has five (5) children," their ages ranging from ten years to five months, respectively, at the time of the hearing, and that "he is a businessman, with an average annual income of P8,168.91; * * *." [2]

On appeal, the Solicitor General contended that in the light of decisions from this Tribunal, the application ought not to have been granted as he was unable to show that he had a lucrative income. The solidity of such a stand is quite apparent.

In the latest case in point, *Lim Biak Chiao v. Republic of the Philippines*, [3] this Court referred to what Justice Zaldivar stated in *Swee Din Tan v. Republic*, [4] as to how "lucrative employment" should be defined. As set forth therein: "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.'" [5]

The *Lim Biak Chiao* opinion continued: "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." [6] One of the cases cited, *Keng Giok v. Republic*, [7] is thus squarely in point. There, it was shown that he had an income for the year 1956 in the amount of P8,687.50. He was employed as a manager of a jewelry store. He had a wife and five children. Considering that the case was decided as far back as 1961, and with the increased cost of living at present and even during the time this case was decided on July 7, 1971, it cannot be said that applicant had

complied with an essential requisite of the law.

There is no need to discuss the other objections raised by the Solicitor General.

WHEREFORE, the decision of July 7, 1971 granting the application for naturalization is reversed and set aside and the petition for naturalization is dismissed. No costs.

Zaldivar, (Chairman), Antonio, Fernandez, and Aquino, JJ., concur.

Barredo, J., did not take part.

[1] Decision, Record on Appeal, 11.

[2] Ibid, 9.

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

[4] 109 Phil. 287 (1960).

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

[6] Ibid.

[7] L-13347, August 31, 1961, 2 SCRA 1090.

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