

**IN THE MATTER OF THE PETITION FOR ADMISSION AS CITIZEN OF
THE PHILIPPINES OF JAO KING YOG, JAO KING YOG,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-24950. February 10, 1968

Ponente: CASTRO, J.

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CASTRO, J.:

This is an appeal by the Republic of the Philippines from a decision of the Court of First Instance of Cebu in civil case 783 (Jao King Yog, petitioner vs. Republic of the Philippines, Government-oppositor) granting the petition for naturalization.

The petitioner, a Chinese citizen born on March 1, 1923 in Amoy, China, of Chinese parents, came to the Philippines on September 27, 1936, and since then has been in continuous residence in Cebu, save for a six-month sojourn in his birthplace with his mother and sisters, and brief visits in 1956 and 1957 to Hongkong where his wife whom he married in 1947 has resided up to the present. The couple are childless. He speaks and writes English and the Cebu-Visayan dialect. He has been employed from 1953 in the Sin Hing department store in Cebu City, receiving from 1961 to 1963 an annual salary of P3,600, which was increased to P4,800 in 1964, with free board and lodging, plus a Christmas bonus of P1,200 in 1963. He paid income taxes for the years 1961, 1962 and 1963.

On September 7, 1960 he officially declared his intention to become a Filipino citizen; he filed the present petition on March 16, 1964. The court a quo granted his petition on January 4, 1965.

The Government's appeal is meritorious.

1. Section 2 of Commonwealth Act 473 requires that an applicant for naturalization "must be of good moral character * * * and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living." The testimony of his character witnesses, namely, Jose B. Delfin and Vicente Panique, that he is law-abiding, an asset to the department store where he works, and a credit to the community where he lives, falls short of this requirement. Delfin became acquainted with the petitioner only in 1951, and, therefore, is not in a position to attest to the quality of the latter's conduct during his entire period of residence in Cebu City. As a matter of fact Delfin's acquaintance with the petitioner is so sketchy that when asked, "Do you know if he (petitioner) has children with his wife", he answered, "Yes, sir, he has a child with her; that is what I heard from her." The fact is that the couple are childless. And while the other character witness, Vicente Panique, claims to have known the petitioner since 1937, their acquaintance is superficial, derived purely from the witness' business dealings with the department store (where the petitioner is employed) which sells the products of Muller & Phipps, Ltd., of which firm the witness is an agent.

2. The petitioner does not have a lucrative or gainful employment. He earned P15,600 during the period from 1961 to 1964 (plus a Christmas bonus of P1,200^[1] in 1963), or an average annual income of P3,900, or an average monthly income of P325. If he will bring his wife to the Philippines, as he intends to once his petition for naturalization is finally granted, he will have to support her and the children they may have in the future. Clearly, his income will be insufficient to meet the bare necessities of life, considering the present high cost of living and the low purchasing power of the peso.

With the view that we take of this case, we do not deem it profitable to pass upon the other issues raised in this appeal.

ACCORDINGLY, the judgment a quo of January 4, 1965 is reversed and set aside, and the petition of Jao King Yog is denied, at his cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, Jp., Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

[1] A bonus is not a part of lucrative income (*Ho Ngo vs. Re-public*, L-24335, Nov. 18, 1967, and the cases cited therein).

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