

**IN THE MATTER OF THE PETITION OF TAN NGA KOK TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES. TAN NGA KOK,
PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND A...**

G.R. No. L-16767. June 30, 1965

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

Tan Nga Kok, a Chinese citizen, has appealed from the decision of the Manila court of first instance denying his application to become a Filipino.

It appears that the Hon. Antonio Cañizares, then judge, found him not qualified, because of material contradictions in his testimonial evidence'—especially as to his age, his alleged yearly income, and his family affairs. We have examined the record and we cannot say that His Honor abused his discretion. Furthermore, there are two important reasons that stand in the way of herein appellant's naturalization: (a) his income is not enough; (b) he has lived in two places, but he mentioned only one.

As to (a) he swore he was earning P400 a month. The trial judge did not believe it. Supposing he did earn that much, still in the light of our decisions, he may be said to have no lucrative occupation, and disqualified—considering that he supports his mother, three brothers and one sister.[1]

(b) And then, the certificates and documents herein petitioner submitted referred to Tan Nga Kok of 676-680 Rizal Avenue (Exhs. E, J-8 and J-6), of 680 Rizal Avenue (Exhs. F and F-1) and 676 Rizal Avenue (Exh. K). And yet, in his petition and in his testimony in court, he said he resided at 666-B Rizal Avenue. This discrepancy either has the effect of disproving his material affirmative allegations in court or of showing that he had two or more residences and failed to mention in his declaration of intention and application his other residences. This failure constitutes sufficient ground to deny his petition for naturalization.[2]

Wherefore, the appealed decision is hereby affirmed, with costs against appellant. So ordered.

Concepción, Reyes, J.B.L., Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

Judgment affirmed.

[1] Naturalization denied in *Yu Kian Che vs. Republic*, L-20169, Feb. 26, 1965, P400 a month, living with wife; in *Kuan Kwock How vs. Republic*, L-1852J, Jan. 30, 1964, income P5.000 a year with wife and five children; *Uy Ching Ho vs. Republic*, L-19582, March 26, 1965, P7,709 a year; P6,300 with one wife and one child (*Tan vs. Republic*, L-16013, March 30, 1963.)

[2] *Tan vs. Republic*, L-19694, March 30, 1965; *Lee Ng Leu vs. Republic*, L-20151, March 31, 1965; *Cheng vs. Republic*, L-20013, March 30, 1965; *Go vs. Republic*, L-20558, March 31, 1965, and many others.

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