

**IN RE PETITION FOR ADMISSION AS CITIZEN OF THE PHILIPPINES,
CHIU BOK ALIAS DAVID CHIU, PETITIONER-APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

G.R. No. L-33568. June 20, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal interposed by the Government from the decision[*] of the Court of First Instance of Zamboanga del Norte, dated 26 September 1968, in Naturalization Case No. R-58 which declared that the petitioner Chiu Bok alias David Chiu possessed all the qualifications and none of the disqualifications to be admitted a citizen of the Philippines and granted his application for naturalization.

In support of its appeal, the Government, represented by the Solicitor General, enumerated several grounds for the disqualification of the petitioner, foremost of which is, that the petitioner did not conduct 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 where he resides. The appellant recalled that, sometime in 1959, the petitioner had filed a petition for naturalization with the Court of First Instance of Zamboanga del Norte. After hearing, the lower court declared the petitioner qualified to be admitted a citizen of the Philippines. However, on appeal,[1] the Court reversed the judgment and dismissed the petition for naturalization on the ground that the petitioner did not have a lucrative income decent enough to maintain his family. The Court also found that —

"Petitioner's use of an alias, without authority, as provided in Commonwealth Act No. 142, is in clear violation of that law, the Anti-Alias Law, and render him all the more disqualified to obtain Philippine citizenship. It shows that the said petitioner is not a person of irreproachable character. (See *Lim Bun v. Republic of the Philippines*, G.R. No. L-12822, April 26, 1961)."

In his second petition for naturalization,[2] filed on 26 April 1967, where the judgment, now appealed, was rendered, the petitioner claimed that the grounds for the denial of his first petition are "not anymore existing at the present and have been cured." [3] To sustain his claim, the petitioner presented his income tax returns for the years 1963, 1964, 1965, 1966, and 1967, wherein it is shown that his net income for said years are P4,626.09, P7,686.12, P8,413.19, P9,605.03 and P9,651.26, respectively [4] The petitioner also presented a copy of the order issued by the Court of First Instance of Zamboanga del Norte on 21 September 1966 in Sp. Proc. No. R-464, wherein his use of an alias was legalized. [5]

Since lucrative income is to be reckoned with as of the filing of the application for naturalization, [6] petitioner's net income for the year 1967, when the application for naturalization was filed, which is P9,651.25, should be determinative of the issue. This amount, however, is not lucrative enough to support the petitioner's family within the purview of the Naturalization Law, for that would give him at most a monthly income of P804.27. Since the petitioner's family consists of eight (8) members, including himself and his wife, what belongs to each member,

per capita, would be only P100.53 a month. Unless the petitioner has other income not duly reported, this amount can hardly be considered lucrative considering the present high cost of living and the low purchasing power of the peso and the fact that three (3) of his children are studying in Cebu City,[7] and he has to pay for their board and lodging and other incidental expenses.

Thus, in *Keng Giok vs. Republic*[8] where the income of the petitioner in 1956 was P8,687.50, the Court held that such income could not be considered substantial or lucrative, since petitioner had five (5) minor children as dependents and, as such, their monthly income, per capita, was only P103.42.

In *Cu King Nan vs. Republic*,[9] the Court considered the average annual income of from P8,000.00 to P9,000.00 in 1960, as still not lucrative, considering that the petitioner had a wife and eight (8) children to support.

This reason, alone, is sufficient to support a reversal of the decision appealed from and the denial of the application for naturalization.

WHEREFORE, the judgment appealed from is hereby REVERSED and SET ASIDE and another one entered dismissing the petition for naturalization filed in Naturalization Case No. R-58 of the Court of First Instance of Zamboanga del Norte. With costs against the petitioner-appellee.

SO ORDERED.

Yap, C. J. (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[*] Written by Judge Dorotco dc Guzman.

[1] G.R. No. L-19111, June 22, 1965. 14 SCRA 324.

[2] The petitioner has also filed an application for naturalization with the Special Committee on Naturalization, created pursuant to LOI 270, but his application, docketed therein as SCN Case No. 010244, is still pending consideration therein.

[3] Sec par. 14, petition, Rcc. on App., p. 6.

[4] Exhs. Y. Y-1 to Y-4.

[5] Exh. J.

[6] *Teh San vs. Republic*, G R. No. L-22943. May 27. 1968. 23 SCRA 733.

[7] Exhs. S-3 and S-4.

[8] G.R. No. L-13347, Aug. 31, 1961. 112 Phil. 987.

[9] G.R. No. L-20490, June 29. 1968, 23 SCRA 1313.

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