

## ONG TAI, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

*G.R. No. L-19418. December 23, 1964*

Ponente: BAUTISTA ANGELO, J.

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### BAUTISTA ANGELO, J.:

Petitioner is a citizen of the Republic of China having been born on August 6, 1931 in Lamo, Amoy. He arrived in Manila on board the ship "Hai Hing" in 1938. In 1941, he left for China and returned in 1948. On June 26, 1952, he married Lu Choy Fa, a Chinese citizen, who bore him three children, namely: Ong Chui Man, born on February 27, 1956; Ong Yu Ling, born on April 3, 1957; and Ong Chui Cheung, born on March 29, 1961, all in Hongkong.

Petitioner is employed in Seng Hap Guan Grocery. In 1957, he reported an annual income of P3,200.00, including bonus. In 1958, P3,600.00, in 1959, P3,600.00 and in 1960, P6,100.00.

On March 22, 1959, petitioner filed with the Office of the Solicitor General a declaration of intention to become a citizen of the Philippines. On December 27, 1960, he filed the present petition for naturalization in the Court of First Instance of Manila wherein he stated that his present place of residence is 634 Carvajal St., Manila, and his former residence was 1131 Sta. Elena St., Manila. Petitioner is 30 years old. He speaks and writes English and Tagalog. He believes in the principles underlying our Constitution. He has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in relation with the constituted government as well as with the community in which he lives. He has evinced a desire to learn and embrace the customs, traditions and ideals of the Filipinos. He is not opposed to organized government and is not affiliated with any association upholding doctrines opposed to organize government. He does not defend and teach the necessity of violence, personal assault or assassination for the success or predominance of men's ideas. He is not a polygamist nor a believer in the practice of polygamy, and he has not been convicted of any crime involving moral turpitude. His petition is supported by Numeriano F. Carbonell and Manuel T. dela Cruz who testified in his behalf.

The Court of First Instance of Manila, after trial, granted the petition for naturalization, whereupon the government interposed the present appeal contending that said court erred in not finding that the petition is invalid and that petitioner does not have a lucrative trade or occupation.

Petitioner stated in his petition that his present place of residence is No. 634 Carvajal Street, Manila, while his former residence was No. 1131 Sta. Elena St., Manila. However, in his immigrant certificate of residence issued to him by the Commissioner of Immigration it appears that he had been a resident of 509 Nueva St., Manila and, on the witness stand, he admitted that he had resided in the latter address from 1940 to 1949, which address he omitted to mention in his petition for naturalization. This failure is fatal as it involves a violation of Section 7 of our Revised Naturalization Law, which requires that a petition for naturalization shall set forth not only the present but also the former places of residence of petitioner. The reason for such requirement is "to facilitate

checking up on the different activities of petitioner bearing on his petition for naturalization (especially as to his qualifications and moral character) either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or investigations thereon" (Keng Giok vs. Republic, L-13347, August 31, 1961). Needless to say, by such omission, petitioner in effect falsified the truth, indicating lack of good moral character on his part, which disqualifies him from admission to Philippine citizenship. (Idem.; Go Bon The vs. Republic, L-16813, December 27, 1963; Dy Pek Long vs. Republic, L-18758, May 30, 1964)

In a similar case wherein petitioner admitted having omitted to mention his former residence in his petition due to sheer inadvertence but contended that such is not fatal because his present residence is No. 599 Asuncion St., Manila, and the one omitted was No. 512 of the same street, which could not have affected materially the investigation that the authorities may have undertaken in connection with his petition, this Court did not give importance to the contention, it being a clear violation of our law. We said that it must be assumed that such non-compliance has impaired the effectivity of the required official investigation unless proved otherwise by petitioner.[1] There was no such proof then, nor is there any in the present case. The argument of petitioner that the omission in question is immaterial because the omitted residence is not far from the one reported cannot therefore be entertained.

Moreover, it appears that petitioner is employed in the Seng Hap Guan Grocery from which he derived an annual income of P3,200 in 1957, P3,600 in 1958, P3,600 in 1959, and P6,100 in 1960, including bonus and allowances, which shows that petitioner had an average yearly income of P4,125.00 only. Such income can hardly be considered lucrative considering that petitioner has a family composed of a wife and three children, not to mention the present high costs of living and the low purchasing power of our peso.[2] The attempt made to prove that petitioner has increased his income in 1962 and 1963 while this case was pending appeal is of no moment, not only because the increase represents certain commissions earned during said years which by their nature are speculative, but also because the financial capacity of petitioner should be determined as of the time of the filing of his petition for naturalization. This is another shortcoming which argues against petitioner's competence to become a Filipino citizen.

WHEREFORE, the decision appealed from is reversed, with costs against appellee.

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

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[1] Gaw Ching vs. Republic, L-19419, September 30, 1964.

[2] Keng Giok vs. Republic, supra; Koa Gui vs. Republic, L-13717, July 31, 1962; Go Bon The vs. Republic, supra.

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