

IN THE MATTER OF THE PETITION TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES. GELACIO LO CHICOMBING, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELL...

G.R. No. L-14865. March 27, 1961

Ponente: BARRERA, J.

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BARRERA, J.:

The Solicitor General appeals from the decision of the Court of First Instance of Camarines Norte (in Nat. Case No. 24), admitting to Philippine citizenship petitioner Gelacio Lo Chicombing, on the ground that petitioner lacks the qualifications required of an applicant for Philippine citizenship in that he has no properties nor known lucrative occupation.

It appears that in his sworn statement for naturalization filed on November 23, 1957, petitioner alleged that "his trade or occupation is a medical student (sic) in the University of the Philippines". Likewise, in his declaration of intention, also under oath, dated October 16, 1956, he stated his occupation as a medical student. Yet, during the hearing held on October 22, 1958, he testified, over the objection of the assistant provincial fiscal for lack of allegations in the petition, that as purchasing agent of his brother Ricardo Chicombing and of one Ong Chiao, both of Daet, he received a monthly salary of P80.00 and P40.00, respectively (a total of P120.00 monthly). He claimed that he had some savings from the monthly allowance given him by his parents and that since April 7, 1958, he was engaged in the dried fish business, capitalized at P4,000.00.

Upon this evidence and finding that the applicant has all the qualifications and none of the disqualifications provided by law, the trial court declared petitioner entitled to be admitted as citizen of the Philippines.

The Solicitor General's appeal from this decision is well taken. Even admitting petitioner's testimony at its-face value, it would appear that petitioner earns only P120.00 a month as purchasing agent of his brother Ricardo Chicombing and Ong Chiao. His dried fish (um-buyan) business said to be capitalized at P4,000.00 has a quarterly gross sales of P1,154.40 (Exhs. G and G-1). There is no evidence as to petitioner's monthly net earnings from said business. Moreover, there is no proof as to how and where he obtained the capital of P4,000.00, considering that his monthly earning since 2 years prior to the hearing of the petition was only the aforesaid sum of P120.00. In the circumstances, we are of the opinion and so hold that petitioner has no known lucrative lawful occupation required under Section 2 (4) of the Revised Naturalization Law as to entitle him for admission to Philippine citizenship.

With this conclusion, it becomes unnecessary for us to deal with the other issues raised.

Wherefore, the judgment appealed from is hereby reversed and petitioner's petition for naturalization dismissed, with costs against the petitioner. So ordered.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Paredes and Dizon, JJ.,

concur.

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