

**IN THE MATTER OF THE PETITION OF LEON C. SO TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES. LEON C. SO, PETITIONER AND
APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPEL...**

G.R. No. L-21762. April 29, 1966

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal, taken by the Government, from an order of the Court of First Instance of Pampanga, granting the petition of appellee Leon C. So to be allowed to take his oath as citizen of the Philippines.

A decision having been rendered by the Court of First Instance of Pampanga, on August 31, 1960, granting appellee's application for naturalization as a citizen of the Philippines, on July 10, 1962, he moved that, after due hearing, he be allowed to take his oath and the corresponding certificate of naturalization issued to him. After said hearing, the lower court issued the aforementioned order, from which the Office of the Solicitor General has appealed, upon the ground that appellee has no lucrative employment or occupation.

Indeed, the record discloses that, when the petition for naturalization was originally heard in July and August, 1960, appellee was allegedly working as sales clerk in the S. So & Sons Grocery Store, which belonged to his widowed mother, with a yearly salary of P2,400.00, which was later increased to P3,000. At the aforementioned rehearing, in September 1962, he testified that his mother owns a land of about 384 square meters in Angeles, Pampanga, and that his salary had been increased to P300.00 a month. But, since appellee is married and has six (6) children, the lower court entertained doubts on the sufficiency of his income to warrant the conclusion that he has a lucrative trade or profession and justify his being allowed to take the requisite oath. So, on October 1, 1962, said court issued an order directing that his oath taking be "held in abeyance" and that "if he could prove a substantial means to be admitted to Philippine citizenship, he shall be allowed to take the oath as Filipino citizen."

On "motion for reconsideration" filed by the appellee, the court set a date for the reception of additional evidence on his behalf. On said date, he produced an alleged contract (Exhibit M) between him and his widowed mother, and owner of S. So & Sons Grocery Store, dated October 25, 1962, increasing his salary to P900.00 a month, "effective November 1, 1962." Relying upon this evidence, and considering him a co-owner of the land aforementioned, the lower court issued the order appealed from, dated November 18, 1962, holding that appellee "has proven substantial means as required by law", and, accordingly, authorizing him to take his oath as Filipino citizen.

For reasons not explained in the record, His Honor, the trial Judge had, prior thereto, or on November 17, 1962, administered to the appellee the aforementioned oath. Consequently, on motion of the Government, which had, meanwhile, or on December 13, 1962, filed seasonably its notice of appeal, said oath and the certificate of naturalization issued in pursuance thereof, were, on December 29, 1962, ordered cancelled by the lower court.

It is obvious, however, that said contract (Exhibit M) was made for the sole purpose of adjusting appellee's evidence to the view of the lower court to the effect that his income theretofore was insufficient to satisfy the legal requirement of a lucrative trade or profession. Indeed, considering that appellee's employer is his own mother and that there has been not even an attempt to explain why his salary as sales clerk should be suddenly trebled, from P300 to P900 a month, no other logical explanation can be given for said increase (*Velasco vs. Republic*, L-14214, May 25, 1960; *Cu vs. Republic*, L-13344, July 21, 1962; *Que Hoc Gui vs. Republic*, L-16884, September 30, 1961; *Tan vs. Republic*, L-14860, May 30, 1961; *Sy Ang Hoc vs. Republic*, 50 Off. Gaz., 5628).

With respect to the land of which the lower court found the appellee to be a co-owner, suffice it to say that such finding is contrary to appellee's own testimony, to the effect that said land had been bought by his mother, that it belonged to her and that she alone received the income derived therefrom. Moreover, even if we assumed that it belonged to the conjugal partnership between her and her deceased husband, the result would be that one-half thereof would still belong to her exclusively, and that the other half would have to be divided between her and her thirteen (13) children, so that the latter and, hence, appellee herein, would own less than fourteen (14) square meters each, on the assumption that the estate of the deceased has no unpaid obligations, on which there is absolutely no evidence whatsoever. Then, again, there is no competent evidence on the value of said property. Hence, the lower court, at the first re-hearing,[1] considered the evidence for appellee concerning said land insufficient to authorize his oath taking. Precisely, for this reason, the appellee deemed it best to give up his claim of qualification based upon ownership of real estate, and to improve his position as regards his alleged income, by suddenly increasing his salary from P300 to P900 a month. It is thus manifest that the record before us does not justify either the conclusion that appellee is a co-owner of the land aforementioned or the consideration of his alleged interest therein as a factor indicative of a compliance with one of the requisite qualifications to be naturalized as a Filipino citizen.

Wherefore, the order appealed from should be, as it is hereby reversed, and petitioner's motion to take his oath denied, with costs against said petitioner-appellee. It is so ordered.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

[1] Before the introduction of additional evidence on the alleged increase in appellee's monthly salary from P300 to P900.

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