

**BONIFACIO SY PINERO ALIAS LUA TO SY, PETITIONER, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR.***G. R. No. L-17399. October 30, 1962*

Ponente: BARRERA, J.

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This an appeal taken by the Republic from the decision of the Court of First Instance of Zamboanga del Norte (in Nat. Case No. R-35), admitting petitioner Bonifacio Sy Pinero, alias Lua To Sy, to Philippine citizenship.

The records disclose that petitioner was born on November 30, 1938, of Chinese parents, at Dipolog, Zamboanga, del Norte. Since birth, he has continuously resided in said municipality, and has never left for abroad. He finished his primary course at Dipolog Chinese School, and his intermediate and secondary courses at Cebu Chinese School. At the time of hearing of his petition for naturalization, he was a Third Year Chemical Engineering student at Mapua Institute of Technology, Manila. He is an employee of Columbia Sales Enterprise, Manila, with a monthly salary of P120.00. Before his employment thereat, he used to be a private tutor in English of some Chinese children, earning P50.00 a month. He owns no real estate, but has a savings of P2,000.00 deposited in a bank. He is unmarried and is not supporting any person. His monthly salary of P120.00 goes to his savings.

As a student, his schooling is being financed by his parents, and his brother-in-law, with whom he is staying in Manila, furnishes him free board and lodging. He possesses none of the disqualifications for naturalization provided in Section 4 of the Revised Naturalization Law.[1]

In its appeal, the Republic claims that petitioner's occupation (as an employee earning P120.00 a month at the Columbia Sales Enterprise, Manila) is not lucrative as to qualify him for admission to Philippine citizenship.

This claim is meritorious. Considering the prevailing high cost of living (Ong vs. Republic, L-15764, May 19, 1961) and the low purchasing power of our currency (Almonte Uy vs. Republic, 109 Phil., 694; 60 Off. Gaz. [10] 1416 Swee Din Tan vs. Republic, 109 Phil., 287), we do not think petitioner's occupation as an employee with a salary of P120.00 a month is lucrative (Lo Chicombing vs. Republic, 111 Phil., 428 even if we take into account the free board and lodging he receives from his brother-in-law and his savings in the bank.

Petitioner cannot rely on the case of Lim vs. Republic (92 Phil., 522) wherein the applicant, a Second Year Pre-Medical student, employed in his father's business firm with a salary of P30.00 a month plus board and lodging and having a savings of P1,002.26 deposited in a bank, was admitted to Philippine citizenship. In the first place, the purchasing power of our currency at the time (1953) was high, and the prevailing cost of living then was low compared to the present. Secondly, it should be noted that the free board and lodging in said Lim case was furnished by applicant's own employer-father, which may be considered an addition to, or part of his monthly salary; whereas in the instant case, such free board and lodging is provided, not by petitioner's employer (hence, it cannot rightly be deemed part of his salary), but by his brother-in-law.[2]

Moreover, we note from the records of the case, that petitioner's witnesses Antonio Pinero, Highway District

Engineer of Zamboanga del Norte, and Encarnacion Samonte, a housewife and a former President of Women's Club of Dipolog, are not in a position to vouch for petitioner's character or good moral qualification. Both testified that they are permanent residents of Dipolog. It is admitted that at least from 1952 continuously up to 1957, the petitioner had been staying in Cebu City where he studied and finished his elementary and high school education at the Cebu Chinese High School (see petition and Exh. Q). And since then, up to the time of his testimony in court (June, 1960) he was studying in Manila at the Mapua Institute of Technology, and that during all these years, from 1952 to 1960, he stayed in Dipolog only during the short and long school vacations, which at most cover only two weeks and two months every year. It is true that both witnesses testified that they met petitioner at Cebu when on their way to Manila, but admitted that it was only "occasionally". On the whole, these witnesses have had no ample time and opportunity to observe the conduct of the petitioner for at least eight years preceding their testimony.

In the circumstances, we do not think that said witnesses have sufficient background and basis to vouch for petitioner's character or to qualify as "insurers" of his good conduct. (Cu vs. Republic, L-2018, April 18, 1951; see also Ong vs. Republic, 103 Phil., 964; 55 Off. Gaz. [18] 3290.)

Wherefore, the appealed decision of the trial court is hereby reversed and set aside, without pronouncement as to costs. It is so ordered.

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

[1] Com. Act No. 473, as amended

[2] Unlike a father, it is not likely that a mere brother-in-law will continue giving free board and lodging.

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