

**IN THE MATTER OF THE PETITION OF CHOA TION CHONG ALIAS
BON CHING TO BE ADMITTED A CITIZEN OF THE PHILIPPINES.
CHOA TION CHONG ALIAS BON CHING, PETITIONER-APPELLEE, VS.
REPUBLIC...**

G.R. No. L-25608. August 31, 1970

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Appeal by the Solicitor General from the decision of the Court of First Instance of Cavite (Case No. N-6) granting appellee's petition for naturalization. The case was submitted without petitioner-appellee's brief in reply to that of appellant.

The petitioner, a citizen of the Republic of China, was born on March 29, 1915 in Chinkian, Amoy, China. He arrived at the port of Manila sometime in 1926, at the age of 12 years, on board the vessel SS SUSANA. Upon arrival in Manila petitioner stayed with his father at T. Pinpin St., Manila, after which he transferred to Rosario, Cavite, where he established his legal residence. He finished his primary education at the Rosario Elementary School, Rosario, Cavite. On June 5, 1943 he married Gloria Alcantara, a Filipina, at the Roman Catholic Church of Rosario, Cavite, by whom he has four children, namely, Gloria Lilia, Nilda and Johnny. At the time of the hearing the first three of these children were studying at the University of the East, Manila, Rosario Institute and Rosario Elementary School, Rosario, Cavite, respectively. In the case of Johnny his mentally retarded condition kept him away from school. According to the petition petitioner was the manager of Mabuhay Lumber at Rosario, Cavite, in which position he receiving an average annual income of more than P7,000.00. Two witnesses, Faustian Solis and Cenon Araw, both residence of Rosario, Cavite, vouched for petitioner's good moral character and irreproachable conduct.

The instant appeal should be upheld on three grounds namely: (1) failure to state all former places of residence in the petition; (2) use of aliases without judicial authority; and (3) lack of lucrative income.

On the first ground the only residence alleged in the petition was Rosario, Cavite. However, in petitioner sworn statement before the National Bureau of Investigation (Exhibit 12-L) he stated that he also resided at Hermosa, Bataan from 1956 to 1958. We have repeatedly held that failure to specify in the petition for naturalization the petitioner's present and former places of residence is a defect which affects the court's jurisdiction to hear and decide the case.[1]

Regarding the second ground, petitioner's name appearing in the published petition is "Choa Tion Chong alias Bon Ching." But the record shows that he was baptist "Alfonso Dy Chua" (Exhibit LL-1), which name appears also in his marriage contract (Exhibit LL) aside from "Chua Tier Chong." There being no showing that petitioner's use of the alias "Bon Ching" had been judicially authorized, the same was in violation of Commonwealth Act No. 142, and constitutes a sufficient ground for the denial of his petition for naturalization.[2] And with reference to the baptismal name "Alfonso Dy Chua", it was omitted in the petition and hence was not published with the notice

of hearing. Such omission is likewise fatal to the petition.[3]

Lastly, although petitioner alleged in his petition an average annual income of more than P7,000.00, his income tax return for 1961 was only for P6,000.00. This coincides with his testimony that his salary in 1961 was P500.00 a month, on which he had to maintain himself, his wife and four children. The said amount cannot be considered as lucrative income for purposes of naturalization.[4]

Wherefore, the decision appealed from is reversed and the petition for naturalization is dismissed. No pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Castro, Fernando, Teehankee, Villamor, and Makasiar, JJ., concur.

Barredo, J., did not take part.

[1] Tan Tiu vs. Republic, L-21558, January 30, 1970; Lim Siong vs. Republic, L-26601, June 30, 1969; Zabaleta vs. Republic, L-25401, June 30, 1969, and the cases cited; Tan Tian vs. Republic, L-19899, March 18, 1967; Sy Suan vs. Republic, L-23470, February 28, 1969; Go Ay Koc vs. Republic, L-23652, April 25, 1969; and Chua Lian Yan vs. Republic, L-26416, April 25, 1969.

[2] Yap vs. Republic, L-20992, May 14, 1966; Chang vs. Republic, L-20715, April 29, 1966; Sogluo vs. Republic, L-20318, May 19, 1966; Dy vs. Republic, L-20814, Nov. 29, 1966; Chua Tek vs. Republic, L-22372, March 31, 1967; Wong Chui vs. Republic, 19 SCRA 805; Tan Chua vs. Republic, L-22310, April 24, 1967; O Ku Phuan vs. Republic, L-23406, Aug. 31, 1967; Tan Sen vs. Republic, L-23181, Oct. 24, 1967; Tan Khe Sing vs. Republic, L-22390, Feb. 20, 1968.

[3] Kwan Kwock How vs. Republic, L-18521, Jan. 30, 1964; Celerino Yu Seco vs. Republic, L-13441, June 30, 1960; Chua Teong Seng vs. Republic, L-21422, Dec. 8, 1967.

[4] Ng vs. Republic, L-21179, Jan. 22, 1966. Tan vs. Republic, L-16013, March 30, 1963; Keng Giok vs. Republic, L-13347, Aug. 31, 1961.

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