

IN THE MATTER OF THE PETITION FOR ADMISSION AS CITIZEN OF THE PHILIPPINES. SEE HO KIAT, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-19348. June 30, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

In a decision rendered on July 21, 1959, the Court of First Instance of Cebu granted to See Ho Kiat his petition for naturalization to become final and executory after the period of two years from said date if he complies with the requirements prescribed by Republic Act 530. He died however on January 30, 1960, before the expiration of the two-year period, and so Ciriaca Lim, his widow, together with her minor children, filed a motion before the same court praying that she be allowed to continue the proceeding in lieu of her late husband in accordance with section 16 of the Revised Naturalization Law and, if found qualified, that she be allowed to take the oath as Filipino citizen.

On October 4, 1961, an assistant provincial fiscal of Cebu filed a written manifestation stating- that if Ciriaca Lim should be unable to prove that she is qualified to be a Filipino citizen in her own right, he would oppose the granting of her petition to take the oath of Philippine citizenship in lieu of her deceased husband.

After hearing, the court a quo issued a resolution declaring Ciriaca Lim qualified to become a Filipino citizen in lieu of her deceased husband pursuant to section 16 of the Revised Naturalization Law authorizing her to take the oath of allegiance after said resolution had become final. From this resolution, the Government has appealed.

Ciriaca Lim testified that she is 37 years old and resident of Cebu City; that she is the surviving widow of See Ho Kiat who died in said city on January 30, 1960; that she and her deceased husband were married on March 7, 1943 in the same city; that See Ho Kiat, from the time of the rendition of the decision on July 21, 1959, granting his petition for citizenship, until his death, never left the Philippines; that her deceased husband was in life the manager of the Ideal Bakery; that he has not been convicted of any offense, nor of any violation of any Government rules; that he has not committed any act prejudicial to the interest of the community or contrary to any announced policy of the Government; and that she had secured the required clearances for her deceased husband from the offices concerned of the Government.

Thus, Ciriaca Lim tried to show that her deceased husband had complied with the provisions of section 1 of Republic Act 530 relative to the behavior he should have observed during the two-year period prescribed before he could take the oath as Filipino citizen. But, since her husband died in the interregnum, the law still requires that she establishes that she possessed all the qualifications and none of the disqualifications enumerated in section 2 and 4 of the Revised Naturalization Law if she desires herself to become a Filipino citizen as prescribed in section 1(5) of the same law. And because of her desire to become such, she also presented evidence to show that she possessed all the qualifications and none of the disqualifications enumerated in the sections above-mentioned.

The following is her testimony on the matter: she is a Chinese citizen as shown by her Alien Certificate of

Registration; that she was born on July 18, 1924 in Cebu City; that since her birth until the present she has not gone abroad; that she has conducted herself in an irreproachable manner in her dealing with the Government during her entire residence in the Philippines; that she is sending her three minor children to recognized Philippine schools; that she receives a monthly salary of P120.00 as cashier of Lim Chio Trading owned by her father; that she also receives from him a bonus in the amount of P120.00; that she further receives a rental of P180.00 a month for the building occupied by the Ideal Bakery; that she is able to speak and write the Cebuano dialect; and that she has obtained from the offices concerned of the Government the necessary clearances regarding her conduct and behavior.

While the evidence thus presented shows that Ciriaca Lim does not have any of the disqualifications enumerated in the law, we find however that the same does not establish that she possesses all the qualifications required by the same law which would entitle her to Filipino citizenship. Thus, the evidence does not show that she has a lucrative occupation that may give her an income necessary to accord to her the economic stability she needs to have in contemplation of law because, according to her own testimony, she only receives a monthly salary of P120 a month as cashier in the firm trade owned by her father, in addition to a rental of P180 that she receives for the building occupied by said firm trade. This income is hardly enough to give her and her minor children the necessary economic stability in the light of the doctrine laid down by this Court in a long line of decisions.

"There is some weight in the trial court's observation that due to the present high cost of living (in Manila) and the low purchasing power of the peso, petitioner's annual income of P8,687.50 (in 1960) cannot be considered lucrative, especially if we take into account the fact that he has a wife and five children (all of school age and actually attending schools) to support. He owns no real estate, and has no other source of livelihood other than his salary as manager of a store. As such manager, however, his income appears to be declining every year. If the trend continues, it may reach the state where he would find very difficult to support his family decently or continue sending his children to school. Eventually, he may become a public charge. (*Keng Giok vs. Republic of the Philippines*, 112 Phil. 986

"* * * Does petitioner's salary of P200.00 a month, assuming that he does receive it, satisfy the requirement? Recent decisions have ruled negatively on this question, considering the present purchasing value of our currency (Cf. *Ong Ling Chuan vs. Republic*, L—18550, February 28, 1964)." (*Koh Chet vs. Republic*, L—17223, June 30, 1904)."

"* * * Considering the low buying power of the peso at present, a salary of P200.00 a month is not lucrative (*R. Ong vs. Republic*, 111 Phil. 1034, *Keng Giok vs. Republic*, G. R. No. L-13347, Aug. 31 1961)." (*Ong Ling Chuan vs. Republic*, L-18550, February 28, 1964)

"Beside, appellee's annual income of P3,000 only is not lucrative within the meaning of the Revised Naturalization Law, as amended-Even if, added to his wife's annual income of P3,300, still their total income of P6,300 falls short of the requirement of the law, considering that they have a child to support and the already present high cost of living continues to go up." (*Tan vs. Republic*, L-117 Phil. 533).

It is true that she is also given occasionally a bonus in the amount of P120, but this income is not steady as it merely depends upon the liberality or generosity of her employer. This is more so in this case when her employer happens to be her own father.

There are other matters which our law requires to be established which she failed to prove relative to her knowledge and belief in certain principles underlying our Constitution. Thus, she failed to prove the existence of the following requirements: that she believes in the principles underlying our Constitution; that she is not opposed to organized Government nor affiliated with any association or group of persons who uphold or teach doctrines opposed to organized Government; that she is not defending or teaching the necessity or propriety of violence,

personal assault, or assassination for the success and predominance of her ideas; and that she is not a polygamist or believe in the practice thereof. Neither is there anything to show that she has a sincere desire to embrace the customs, traditions and ideals of the Filipinos. All these matters need to be proven if Ciriaca Lim desires to become a Filipino citizen in lieu of her deceased husband. But she failed to do so, hence, the court a quo erred in declaring that she has all the qualifications to become a Filipino citizen.

Wherefore, the resolution appealed from is hereby set aside. No costs. So ordered.

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

Resolution set aside.

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