

IN THE MATTER OF THE PETITION OF ONG HOCK LIAN ALIAS JULIAN ONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ONG HOCK LIAN ALIAS JULIAN ONG, PETITIONER AND APPELLEE VS. REPUBLIC...

G.R. No. L-21197. May 19, 1966

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

This is an appeal by the Solicitor General from the decision of the Court of First Instance of Negros Oriental which granted the petition for naturalization of Ong Hock Lian alias Julian Ong.

Appellant contends that the lower court erred (1) in holding that the petition was published in a newspaper of general circulation; (2) in not holding that appellee uses an alias without court authority and in violation of the Anti-Alias Law; (3) in not holding that appellee had failed to report his true income; and (4) in not holding that appellee has no lucrative occupation.

Appellee, a citizen of the Republic of China, arrived in the Philippines on April 30, 1927. He used to reside in Zamboanga City but since March 1, 1940 he has been living in Dumaguete City. He is married to Tan Ko Kiem, also known as Alice Tan, a Chinese national, by whom he has three children, two of whom are of school age and are enrolled at the St. Paul's College, Dumaguete City, an educational institution recognized by the government, not limited to any particular race or nationality, and where subjects on Philippine history, government and civics are part of the curriculum. Appellee himself finished his first year high school education at the Zamboanga Chinese High School, Zamboanga City. He speaks the English language and the Cebuano-Visayan dialect. A merchant by occupation, he has a store in Colon Street, Dumaguete City, where he sells rice, corn and general merchandise. He has two cargo trucks worth P17,000 and office equipment worth about F200. His net income was P5,939.36 in 1958; P4,114.49 in 1959; and P5,659.30 in 1960. To prove that he has none of the disqualifications enumerated in the Naturalization Law, he presented tax and police clearances; clearances from the Philippine Constabulary, the City Fiscal, the Provincial Fiscal, the Court of First Instance of Negros Oriental and the Municipal Court of Dumaguete City; and a medical certificate of the City Health Officer.

For purposes of this appeal only the second, third and fourth errors assigned by appellant need be considered. The first of them refers to appellee's use of an alias. Under the law, except as a pseudonym for literary purposes, no person shall use any name different from the one with which he was christened or by which he has been known since childhood, or such substitute name as may have been authorized by a competent court (Section 1, Commonwealth Act 142). Aside from the name "Ong Hoc Lian," appellee is using- the alias "Julian Ong." There is no evidence, that appellee has been baptized with the latter name or that he has been known by it since childhood, or that the court has authorized the use thereof. Appellee has therefore committed a violation of the Anti-Alias Law.

On the question of income, it appears that with a wife and three children to support, appellee earns less than

P6,000 a year. This does not satisfy the requirement of lucrative occupation. Note that his income in 1958 (P5,939.36) was even more than his income for 1959 (P4,114.49) and 1960 (P5,659.30), so that instead of growing bigger his income actually decreased. It may be observed that at the trial appellee testified that his average annual net profit from his business was P4,200, which is less than that declared in his income tax returns. We have previously held that an income of P6,300, where the applicant supports a wife and a child, falls short of the requirement of law (*Tan vs. Republic*, (117 Phil. 533)).

Aside from his net profits, appellee also testified he was drawing from his store a salary of P300 a month, which amount he entered as a deduction from his gross earnings from business in his income tax returns. If this were true then appellee should have reported this amount as salary in the same returns. This he did not do. He may not be permitted, after failing to report the said amount in the computation of his net earnings for income tax purposes to have the same considered by this Court as salary and therefore part of his income to satisfy the legal requirement of lucrative occupation. Such failure to report places grave doubt on the truth of his testimony on this point.

Wherefore, the judgment appealed from is reversed and the petition is denied, with costs.

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

Judgment reversed.

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