

**IN RE: PETITION FOR PHILIPPINE CITIZENSHIP. JEW CHONG,
PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND APPELLANT.**

G.R. No. L-14343. May 23, 1961

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal from a decree entered by the Court of First Instance of Iloilo granting the petition verified and filed on 28 June 1957 by Jew Chong to become naturalized Filipino citizen.

By order of the Court, the petition and notice of hearing were published in "Yuhum", a newspaper of general circulation in Iloilo City, on 21 and 28 August and 4 September 1957 and in the Official Gazette on 15 and 30 September and 15 October 1957.

From the oral as well as documentary evidence presented during the hearing, the following appear to have been established: Jew Chong was born on 30 August 1911 in Canton, China, his former residence, arrived on board M/V Lung Sung in the Philippines on 30 May 1921 and since then had continuously resided here, married Lourdes Alconga, 34 years old, of La Paz, Iloilo City, on 31 May 1946, by whom he has six children, all born in La Paz and all carrying the name "Chia", to wit: Daniel, 10 years old, Fe, 8, Jane, 6, Lapu, 4, Nelo, 2 and Philna, 2 months. They carry or bear the family name "Chia" because his family name "Jew" does not sound well among Catholics and for that reason his wife insisted that their children carry the name "Chia", a Chinese word meaning grateful. Immediately after liberation when the Dainty restaurant was organized in Iloilo City with an original capital of P4,500, he invested P500, and besides being a partner he was also its assistant manager with a monthly salary of P120 with free board and lodging. The restaurant now has a goodwill of no less than P25,000, his P500 investment having increased to more than P2,000, earns a yearly profit of about more than P900 which is divided among its eight partners. His son Daniel is enrolled in the Jalandoni Memorial School and his daughters Fe and Jane, in the Normal Training Department, Iloilo City, where Philippine history, government and civics are taught. He speaks and writes English and the Ilongo dialect, believes in the principles underlying the Philippine constitution, has conducted himself in a proper and irreproachable manner during his entire stay here, has mingled socially with the Filipinos whose customs, traditions and ideals he desires to adopt, is not opposed to organized government and belongs to no association or group that advocates doctrines against organized government, is not a polygamist nor practices it, does not believe in polygamy and in the use of violence, personal assault or assassination for the success and predominance of men's ideas, has never been convicted of a crime involving moral turpitude, does not suffer from any mental alienation or incurable contagious disease, and as a citizen of Nationalist China not at war with the Philippines, desires in good faith to be a naturalized Filipino citizen and, once admitted, will renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, particularly China of which presently he is a citizen and continuously will reside here. Attorney Cirilo Dolar and José S. Dineros of Iloilo City testified as his vouching witnesses.

On 10 July 1958 the Court entered a decree referred to at the beginning of this opinion. The Government has appealed.

The sole contention of the Government is that the petitioner has not proved by sufficient evidence his being the father of the six children who bear not his surname Jew but Chia, or that specifically he failed to present their birth or, at least, their baptismal certificates which likely exist and are available because his wife is a Catholic. The contention is pointless, because such insufficient proof of the children's filiation or such discrepancy between their surname and that of the petitioner has been explained satisfactorily. If he possesses all the qualifications and none of the disqualifications provided for by law, he would be entitled to be naturalized.

However, the petitioner lacks one qualification to become a citizen of the Philippines. He fails to meet or comply with the fourth paragraph of section 2 of Commonwealth Act No. 473 which requires an applicant for Filipino citizenship to "have some known lucrative trade, profession or lawful occupation." As established by his own evidence, Jew Chong's monthly salary as assistant manager of the Dainty restaurant is only P120 with free board and lodging. The restaurant in which he has an investment amounting to about P2,000 makes a yearly operational profit of about P900 which is to be divided among him and his seven co-partners. His share in the profit amounts to P112.50 only a year, or P9.375 only a month. Adding this monthly share of P9.375 to his monthly salary of P120 as assistant manager of the restaurant, his total monthly income or receipt is only about P129.375 which clearly cannot be considered as lucrative. In G. R. No. L-14865, *Gelacio Lo Chicombing vs. Republic of the Philippines*, promulgated 27 March 1961,[*] this Court denied the admission to Philippine citizenship of an applicant whose monthly salary as a purchasing agent was only P120. There, the applicant's situation was less precarious, because he was single and supporting no one. Here, Jew Chong has a wife and six children to support—a fact that makes his financial situation more precarious. Hence the petitioner does not have a "known lucrative trade."

The decree under review is set aside and the petition dismissed with costs against the appellee.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

[*] *Supra*, p. 428.

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