

IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP, ANTONIO SY, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-19636. June 30, 1965

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

The Republic, thru the Solicitor General, has appealed from a judgment of the Court of First Instance of Iloilo, rendered February 1, 1962, granting Antonio Sy's petition for naturalization.

Petitioner's evidence shows among other things that he is single and a citizen of the Republic of China; that he was born in Sagay, Negros Occidental, on January 17, 1934 and resided therein until 1938; that from 1938 to 1952 he resided in Iloilo City; that from 1952 to 1957 he resided in Bacolod City; and that from 1957 to the filing of his petition on March 29, 1961 and up to the present he has resided in Iloilo City.

Furthermore, the record discloses that petitioner is a traveling salesman for Manila Victoria Trading, receiving a salary of P240.00 a month aside from a daily allowance of P12.00 when traveling (Exh. N). During his testimony petitioner stated that his average yearly income, considering his traveling allowance, is approximately P3,400.00 (Tsn., p. 9, Perez).

Appellant maintains that petitioner's employment is not lucrative.

Since petitioner's allowance of P12.00 a day when traveling is obviously intended to cover the necessary expenses caused by his job as traveling salesman, the same ought not to be considered part of petitioner's income for purposes of determining whether or not his employment is lucrative.

Petitioner's income from his salary is, as stated, P240.00 a month. It is settled that an applicant earning less than P250.00 a month is not considered as possessing the necessary lucrative trade or profession, in view of the present high cost of living.[1]

The guideline of P250.00 a month as the barest minimum below which, considering present cost of living, an applicant's income cannot be deemed lucrative, has been followed by this Court regardless of whether the applicant is single or married,[2] and has in fact been applied even where petitioner is single.[3]

Assuming, even, that an employment giving an income of P240.00 a month may be deemed lucrative for a single individual, the same definitely would not be so in case petitioner — 27 years old. at the time of his application in 1961 — chooses to get married (if he has not done so after his petition was filed). Since reasonable prospects of an increase in his earnings obviously do not suffice to bring it within what is deemed lucrative for a married man,[4] he would be forced to stay single in order not to be a burden to society. A person so financially handicapped as to be able to contract marriage and raise a family, in the ordinary course of human events, only at the risk of introducing liabilities to society, is not the asset to the country that an applicant for naturalization should be.

Aside from said lack of lucrative employment, we also find petitioner's character witnesses not qualified to vouch for his good moral character and irreproachable conduct. As stated, petitioner resided in Bacolod City from 1952 to 1957. On the other hand, his character witnesses— Ernesto Uy Kimpang and Felixberto Celiz—claimed to be residents of Iloilo City only. Petitioner, therefore, spent a good portion of his time in Bacolod City, during which period his character witnesses had no opportunity to observe him in the personal, close and intimate manner required of them. It follows that said witnesses cannot attest that petitioner "conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living".[5] As a result, petitioner's character witnesses not having the requisite qualification,[6] the application must be denied.

We should once more point out, in concluding, that naturalization is a privilege granted only to aliens who have proved worthy of it. It bestows on an alien, not the protection of the State already given aliens under international law and practice, but practically all the rights and privileges of a natural born citizen.

It is not surprising that the Legislature provided for stringent requirements in our Revised Naturalization Law. So strict is the legislative policy in naturalization that no judgment granting naturalization becomes executory until after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied that the applicant has met further requirements of conduct.[7]

Following such policy, the Judiciary has interpreted naturalization laws in such way as to give them life and meaning, resulting in our rulings, inter alia, that character witnesses must be able to personally vouch for applicant's irreproachable conduct during his entire residence in the Philippines[8] and that an applicant's income from his profession, trade or occupation should reasonably assure that he will be an asset, not be a burden, to the Philippines.[9]

WHEREFORE, the judgment appealed from is reversed and the petition hereby denied, with costs against petitioner. It is so ordered.

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

Judgment reversed.

[1] Ong vs. Republic, L-111 Phil. 1034; Yu vs. Republic, 116 Phil-930.

[2] Ong vs. Republic, supra Note 1; Ong Ling vs. Republic, L-18550, Feb. 28, 1964.

[3] Yu vs. Republic, supra Note 1; Koh Chet vs. Republic, L-17223, June 30, 1964.

[4] P525.00 a month has been deemed not lucrative for a married applicant with but one child. Tan vs. Republic, 117 Phil. 533.

[5] Sec. 2, Par. 3, Revised Naturalization Law.

[6] De Lara vs. Republic, L-18203, May 29, 1964.

[7] Republic Act 530.

[8] De Lara vs. Republic, supra Note 6.

[9] Uy vs. Republic, L-19578, October 27, 1964.

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