

IN THE MATTER OF THE PETITION OF SIMEON CHUAH TAK SENG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. SIMEON CHUAH TAK SENG, PETITIONER-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES,...*G. R. No. L-21599. October 29, 1966*

Ponente: ZALDIVAR. J.

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On July 13, 1959, petitioner filed a petition for naturalization before the Court of First Instance of Manila alleging, among other things, that his name is Simeon Chuah Tak Seng; that he was born in the City of Manila on June 19, 1938 of Chinese parents; that he is single, and an employee with average annual income of P2,300.00, more or less; that he can speak and write English and Tagalog; and that he had completed his elementary and secondary education in schools recognized by the Government. In short, he averred that he has all the qualifications and none of the disqualifications provided for by law.

After the requisite publication, trial was held, and on October 20, 1960, the lower court granted the petition subject to petitioner's compliance with the provisions of Republic Act 530. No appeal was interposed from said decision.

On November 26, 1962, petitioner filed with the same court his petition to take the oath of citizenship, stating that during the intervening two-year period after the decision was rendered he had fulfilled all the conditions prescribed by Section 1 of Republic Act 530. On April 23, 1963, the court a quo issued an order denying the petition, the pertinent portions of which read as follows:

"It appears, however, from the records of the case that, aside from the name Simeon Chuah Tak Seng, the petitioner was also known as Simeon Chua while he was studying in the elementary grades at the San Beda College (Exhibit F) and as Simeon S. Chua while he was taking up his high school course at the University of Sto. Tomas High School (Exhibit F-1). "The names Simeon Chua and Simeon S. Chua do not appear in the petition for naturalization, nor in the publication of the notice of the filing of said petition. Such omission, to the mind of the Court, constitutes a serious impediment to the validity of these proceedings and to the grant of the petition for naturalization. x x x x

"Even granting that the petitioner only used the names Simeon Chua and Simeon S. Chua in school, the omission of such names in the petition and in the publication adversely affects the validity of these proceedings and granting of the petition for naturalization. Needless to say, while studying, the petitioner could have committed certain act or acts which may disqualify him from becoming a Filipino citizen. x x x The publication of the filing of the present petition in the name only of Simeon Chuah Tak Seng does not afford sufficient notice of the filing of the petition and is misleading to the public. It is, therefore, the opinion of this Court that, in the light of the recent ruling of the Supreme Court in the Yu Seco case, the omission of the names Simeon Chua and Simeon S. Chua in the petition as well as in the publication of the notice of the filing thereof invalidates and vitiates the entire proceedings in this case."

Petitioner filed a motion for reconsideration and rehearing contending that since the name published was Simeon Chuah Tak Seng, his true name, and that the other two which he used in school (Simeon Chua and Simeon S. Chua) were included in the first, the public was sufficiently apprised of his application and identity, hence the Yu Seco case can not be cited as authority against his petition. This motion having been denied, petitioner appealed to this Court.

We find no merit in the appeal. Petitioner admits that while he was enrolled at the San Beda College he adopted the name Simeon Chua, and in his high school days at the University of Santo Tomas he used the name Simeon S. Chua, allegedly for the convenience of his teachers. However, when he filed his petition for naturalization he did not reveal all the names by which he had been known, so in the publication of his petition for naturalization only the name Simeon Chuah Tak Seng appeared. We believe that notwithstanding the contention of petitioner to the contrary, the non-inclusion of his other names in the publication of the petition is fatal, for it has deprived persons who knew him by those names, to come forward and inform the authorities of any legal objection which might adversely affect his application for citizenship. In other words, the publication being incomplete and insufficient, the trial court did not validly acquire jurisdiction over the case. [[1]]

Thus, in the case of *Lee Ng Len v. Republic*, G. R. No. L-20151, March 31, 1965, which is on all fours with the case at bar, We declared:

"The trial court also overlooked petitioner's failure or refusal to disclose in the petition that petitioner was also known by the names of 'Allen N. Lee' and 'Allen Ng Lee', as shown in his school certificates, leading to the publication of his petition under the name of 'Lee Ng Len', exclusively, that being the sole-appellation revealed in the petition. As ruled in *Yu Seco vs. Republic*, L-13441, June 30, 1960, failure to disclose the other names alternatively used by the petitioner taints the publication of his application, and warrants reversal."

Again, in the case of *Alexander Lim Uy v. Republic*, G. R. No. L-19916, June 23, 1965, this Court said:

"We believe that it has been shown that the appellee Alexander Lim Uy in the present case is also known by the name of Alejandro Lim Uy. It appearing that in the petition for naturalization as well as in the notice of hearing it was not stated that the petitioner Alexander Lim Uy is also known as Alejandro Lim Uy alias Alexander Lim Uy x x x We believe that one vital requirement of the law had not been complied with, and this circumstance has rendered invalid the proceedings had in the court below. This Court in a long line of decisions ruled that the failure on the part of the petitioner to state in his petition for naturalization all the names by which he is known constitutes a fatal defect of the petition and is a sufficient ground to deny the petition. (*Yu Seco vs. Republic*, G. R. No. L-13441, June 30, 1960; *Kwan Kwock How vs. Republic*, G. R. No. L-18521, Jan. 30, 1964; *Ong Khan vs. Republic*, G. R. No. L-19709, Sept. 30, 1964; *Go vs. Republic*, G. R. No. L-20558, March 31, 1965."

Another reason that may be advanced to justify the denial of the petition is that petitioner does not have a lucrative trade or profession. It should be noted that in his petition for naturalization he stated that he is single and an employee with an average salary of P2,300.00 per annum, although in his testimony he added that he did not have to pay for his board and lodging. Considering the several decisions of this Court wherein We held that an applicant who is single and who receives a monthly salary of P200.00 or P2,400.00 annually, excluding board and lodging,[2] or P250.00 a month, which is equivalent to P3,000.00 yearly, also free from board and lodging,[3] cannot be said to have a lucrative trade or occupation that would warrant the grant of his petition for naturalization, it follows that the income of herein petitioner would not qualify him for admission to Philippine citizenship.

WHEREFORE, the order appealed from is affirmed. The petition for naturalization is denied, with costs against petitioner-appellant.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon J. P., Sanchez and Ruiz Castro, JJ., concur.

[1] *Saw Cen v. Republic*, G.R. No. L-20310, April 30, 1965; *Ang Tee Yee v. Republic*, G.R. No. L-29305, March 31, 1965, citing *Celestino Co v. Republic*, 55 O. G., 9224, and *Ong Khan v. Republic*, G.R. No. L-19709, September 30, 1964; *Republic v. Reyes*, G.R. No. L-20602, December 24, 1965.

[2] *Chuan v. Republic*, G.R. No. L-18550. February 28, 1964; *Chua v. Republic*, G.R. No. L-19695, October 31, 1964; *Yap v. Republic*, G.R. No. L-19649, April 30, 1965.

[3] *Uy v. Republic*, G.R. No. L-20799, November 29, 1965.

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