

**IN THE MATTER OF THE PETITION FOR NATURALIZATION OF
OSMUNDO TAN ALIAS MUNDO TO BE ADMITTED A CITIZEN OF THE
PHILIPPINES. OSMUNDO TAN ALIAS MUNDO, PETITIONER, VS.
REPUBLIC OF THE...**

G.R. No. L-14861. March 17, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by the Government from a decision of the Court of First Instance of Leyte, granting the petition for naturalization of Osmundo Tan alias Mundo.

Appellant assails the decision appealed from upon the ground that petitioner does not have the moral character, and has not observed the irreproachable conduct essential to qualify him for naturalization, and that neither does he have a lucrative trade, profession or occupation.

It appears that from 1950 to 1957, petitioner and one Ludivina Geraldo lived, in the same house, as husband and wife, without the benefit of marriage, and that, in consequence of their extra-marital relations, Ludivina Geraldo bore him two (2) children. The lower court considered these facts insufficient to bar petitioner's naturalization inasmuch as both petitioner and Ludivina Geraldo were single and there was no legal impediment to their marriage and neither she nor her parents with whom she is staying since the birth of her second child, on June 6, 1957, several days before the hearing of this case (on May 18, 1957) or almost a year after the filing of the petition herein (July 3, 1956)—have complained against him or objected to his naturalization, aside from the fact that his father had given her an employment as a salesgirl, and that petitioner had proposed marriage to her.

However, petitioner merely promised to marry Ludivina Geraldo and he did not fulfill his promise, although she wanted him to do so. It would seem, therefore, that the promise of marriage was only a means to seduce her and that the job as salesgirl was no more than a muzzle to silence her and her family. At any rate, having kept her in his house, openly and publicly, for several years, as his paramour, he cannot claim to have conducted himself "in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation * * * with the community in which he is living", as required by our Revised Naturalization Law (Commonwealth Act No. 473, section 2, third subdivision). As stated by this Court, in *Yu Lo vs. Republic* 92 Phil., 105; (48 Off. Gaz. 4334); "openly cohabiting with a woman and maintaining with her what the law considers illicit relations can hardly be regarded proper and irreproachable." (See also, *Sy Tiam Lai vs. Republic*, 94 Phil., 836; *Sy Kiam vs. Republic*, 102 Phil., 575; *Lo Kio vs. Republic*, 106 Phil., 224; *Tak Ng vs. Republic*, 106 Phil., 727; *Deotuanka vs. Republic*, G. R. No. L-12981, January 29, 1960.)

Regardless of the foregoing, it appears that petitioner, appellee claims to have an average yearly income of P1,500.00 as a driver and copra buyer for his father Tan Vu Chin. Considering the present high cost of living and low purchasing power of our currency and that petitioner's alleged employment is in the business of his own father, we find the evidence of record insufficient to show that petitioner had a "known lucrative trade, profession

or lawful occupation." which is one of the requisite qualifications for naturalization (Commonwealth Act No. 473, section 2, fourth subdivision; Swee Din Tan vs. Republic, 109 Phil., 287; Charm Chan vs. Republic, 108 Phil., 882; Velasco vs. Republic, 108 Phil., 234).

Wherefore, the decision appealed from is reversed, and the petition herein hereby dismissed, with costs against petitioner-appellee. It is so ordered.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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