

IN THE MATTER OF THE PETITION OF BONIFACIO SY @ SY KIM TAH TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND A...

G.R. No. L-19713. September 18, 1967

Ponente: DIZON, J.

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DIZON, J.:

On May 25, 1961, Bonifacio Sy alias Sy Kim Tah filed a petition for naturalization with the above-named court alleging: that he was born on June 5, 1924 in Jaro, Leyte, of China parentage; that he had lived in the Philippines since birth and particularly in the City of Cebu from 1936; that he was married to Zoila T. Po, also a Chinese national born in Cebu City on June 27, 1928; that they (the spouses) and their six children were residing at No. 41 Plaridel Street, Cebu City, that only his first two children, namely, George and Henry, were of school age and were enrolled at the Cebu Gospel School a private institution recognized by the Philippine Government not limited to any particular race or nation where Philippine civics, history and government were taught as part of the school curriculum; that he derived an annual income of P7,000 more or less, from his profession as an employee; and, lastly that he possessed all the qualifications necessary to become Filipino citizen and none of the disqualifications. Accompanying the petition was the joint affidavit of character witness Juan Causing and Celestino Go.

After the requisite publication and hearing, the lower court rendered the appealed judgment which the Solicitor General now urges us to reverse upon the following grounds:

“I. The lower court erred in not dismissing the petition for naturalization on the ground that it is fatally defective for failure to comply with the mandatory provisions of Sec. 7 of the Revised Naturalization Law relative to the allegations of the petition.

“II. The lower court erred in not holding that petitioner has no lucrative income.

“III. The lower court erred in not holding that petitioner's character witnesses are un-reliable and not qualified to act as such.

“IV. The lower court erred in not holding that petitioner's evidence is insufficient and inadequate to prove that he has conducted him-self in a proper and irreproachable manner during the period of his residence in the Philippines.

“V. The lower court finally erred in not holding that the testimonies of petitioner's character witnesses are insufficient to establish his qualifications and absence of dis-qualifications on his part for Philippine citi-zenship.”

Upon general consideration of the pertinent facts and the applicable law, we believe that only the second assignment of error need be considered, for if the lower court really committed it, there would be sufficient jus-tification for reversing the decision appealed from.

On the matter of appellee's monthly income, he contends that the same consists of a monthly salary of P300.00 that he received as salesman of the Asiatic Commercial and a similar monthly amount he received, also as salesman of the Silver Cup Wine Factory. We are inclined to doubt the veracity of this claim in view of the fact that it has not been established by indubitable evidence, and his alleged employers are his close relatives; the Asiatic Commercial was owned by his own mother-in-law, while the Silver Cup Wine Factory was owned by his uncle. To this must be added the circumstance that appellee does not seem to have filed any income tax return in relation to his alleged income from both entities.

In view of the foregoing, the State's contention that the evidence does not show that appellee has a lucrative income derived from a lawful profession must be sustained.

WHEREFORE, the decision appealed from is reversed, with costs.

Concepcion, C.J., Reyes, Makalintal, Bengzon, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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