

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP. NILDA TSE @ NIL, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-19642. November 09, 1964

Ponente: BARRERA, J.

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BARRERA, J.:

In the decision of the Court of First Instance of Southern Leyte, granting; the petition for naturalization of Nilda Tse, alias Nil, it appears that said petitioner was born in Danao, Cebu on April 25, 1935, of Chinese parents; that her father was admitted to Philippine citizenship, but she was no longer a minor when he took his oath as a Filipino citizen; that petitioner was employed as a purchasing agent of the Evergreen Grocery, an establishment owned by her father, with a monthly salary of P250.00; that at the time at the hearing, she was on her fifth year as pharmacy student at the University of San Carlos. Two witnesses testified to her good moral character, and behavior. Eased on said evidence, the court found petitioner as possessing all the qualifications and none of the disqualifications to become a citizen of the Philippines. The Solicitor General appealed from said decision, contesting the finding of the lower court that petitioner has a gainful or lucrative d or occupation.

Petitioner's claim that she has a lucrative occupation is not supported by the records. She testified during the hearing that as an employee of her father, in his establishment at Maasin, Leyte, she receives a monthly salary of P130.00, aside from commission and bonus, which give her a total income of P300.00 a month, fn the first place, a salary of P120.00 a month cannot be considered lucrative. We cannot take into consideration the alleged bonuses and commissions because they are, by their nature, indefinite and unsteady.

Secondly, as certified to by the Registrar of the University of San Carlos, she was in June, 1961 a fifth year student in Pharmacy of said institution. It is indeed incredible that she could be employed by her father as a purchasing agent for the store in Leyte when she was, during the same period, a student of the University of San Carlos in Cebu. There is even no showing that she has ever paid the necessary tax for such alleged income. Other than her bare assertion, there is really no evidence that petitioner has a lucrative trade or employment.

We also found that petitioner failed to satisfy the requirement of the law on proof of good moral character. In support of her allegation, of good moral character and behavior, petitioner put up two witnesses, Reymundo Gonzales, who declared that he had known petitioner since 1953 when petitioner's father set up a store in Maasin, Leyte; from where he "used to buy cigarettes", and Vicente Kangleon, who testified that he is a neighbor and meets petitioner almost everyday. Kangleon, however, failed to specify the length of time that they had been neighbors.

It cannot be said that the first witness" casual acquaintance with petitioner, as such customer of their store, qualified him to vouch for the good moral character and behavior of petitioner. Neither the fact that one is a neighbor and meets her everyday make of said witness competent to testify on her morality and character. Witnesses in naturalization proceedings are required to vouch on their good moral character during the entire

period that they had known applicant and this certainly needs more than a mere nodding acquaintanceship with the latter.

For the foregoing reasons, the decision of the lower court granting the petition for naturalization of Nilda Tse is hereby reversed and set aside. No costs. So ordered.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Regala, Makatintal, Bengzon, J. P. and Zaldivar, JJ., concur.

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