

IN THE MATTER OF THE PETITION OF ANG DIT KUE, ALIAS ATCHAY ANG, TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, ANG DIT KUE, ALIAS ATCHAY ANG, PETITIONER AND APPELLEE, REPUBLIC OF ...

G. R. No. L-15795. June 20, 1966

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal by oppositor Republic of the Philippines from the decision of the Court of First Instance of Sulu granting, in its naturalization case No. 16, the petition for citizenship of Ang Dit Kue, alias Atchay Ang, filed therein on 31 May 1958.

Applicant-appellee's testimonial evidence showed that -

Ang Dit is single and was born on 17 June 1936 in Bilaan, Jolo, Sulu, where he has since resided; that beginning 1 May 1958, he was employed as a bookkeeper with a monthly salary of P250 at the Wah Pin Pawn Shop, which, however, closed its business at the end of the year; that from 1 January 1959, he was employed in a temporary capacity by his aunt, Liu Kim Ang, in her sari-sari store at a monthly salary of P120; that he did not file any income tax returns; that he can speak and write English and the Tausug dialect; that he finished his elementary education at the Jolo Central School and his secondary education at the Notre Dame of Jolo; that he has never left the Philippines, has socially mingled with Filipinos, has a sincere desire to embrace and learn our customs; is not opposed to organized government; is not a polygamist or a believer in polygamy; had not been convicted of any crime involving moral turpitude, nor is suffering from any incurable or contagious disease; had conducted himself in a proper and irreproachable manner; and is a believer in the principles underlying the Constitution.

The lower court, satisfied that the petitioner, Ang Dit Kue, met the requirements of the Naturalization Law, granted his petition, as aforesaid. Whereupon, the government interposed this appeal.

The oppositor-appellant is correct in challenging the reliability, credibility and sufficiency of the testimonies of petitioner-appellee's vouching witnesses, Luisa Roldan, a housewife, and Tomas Paredo, a retired government employee. In their affidavit, Exhibit "E", attached to the petition for naturalization, they deposed as follows:

"That we have personal knowledge that the petitioner is and during all such periods has been a person of good repute and morally irreproachable, attached to the principles underlying the constitution of the Philippines; and that it is our opinion that the petitioner has all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of Commonwealth Act No. 473, according to our best belief and information."

On the witness stand, however, Luisa Roldan admitted, on cross-examination, that she did not know what are the qualifications and disqualifications of an applicant for citizenship; and, as for Tomas Paredo, he stated merely that they are that one must not have committed any crime or wrong, violated no law, not a drunkard or gambler and

can vote (t.s.n., 17 January 1959, pp. 6-7, 18-19).

The admitted absence of knowledge by witness Roldan of the qualifications and disqualifications of an applicant for naturalization totally incapacitates her as a vouching witness, for how could she vouch, as she did in her affidavit, for what she did not know?

The knowledge by Paredo of the qualifications and disqualifications of an applicant for citizenship is superficial. The statements of these witnesses in their joint affidavit so vary from their testimonies in court that their words can not be taken at their face value and they have thus given themselves away as unqualified to rate as "credible persons" within the meaning of the naturalization law (V. Ong vs. Republic, L-10642, 30 May 1958).

Neither is petitioner's employment lucrative. His non-filing of an income tax return, because he is "not liable for income tax yet", confirms that his income is low. Precedents are numerous^[1] that an income of P250 a month is not sufficient to satisfy the statutory requirement of a lucrative calling or occupation. Besides, petitioner's employment by his own aunt is uncertain (in his own words "temporary"), and the likelihood of his becoming a public charge is not far-fetched, his savings of P1,600 and his college education notwithstanding.

For the foregoing reasons, the appealed decision should be, as it is hereby, reversed, with costs against the petitioner-appellee, Ang Dit Kue. Petition for naturalization is ordered dismissed.

Concepcion, C. J., Barrera, Dizon, Regala, Makalintal, Bengzon, Zaldivar and Sanchez, JJ., concur.

[1] Hua vs. Republic, L-21400, 31 May 1966; Seng Giok vs. Republic, L-13547, 31 Aug. 1961; Tan vs. Republic, L-16013, 30 March 1963; Ong vs. Republic, L-15764, 19 May 1961; Ong Tai vs. Republic, L-19418, 23 Dec. 1964; Uy Tian vs. Republic, L-19918, 30 July 1965.

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