

IN THE MATTER OF THE PETITION OF MANUEL TO ALIAS MANUEL TOH TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. MANUEL TO ALIAS MANUEL TOH, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PH...*G.R. No. L-20156. December 29, 1967*

Ponente: MAKALINTAL, J.

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In his petition for naturalization in the Court of First Instance of Rizal (Pasay City), filed January 6, 1961, Manuel To alias Manuel Toh alleges that he was born on June 6, 1937 at Cotabato, Cotabato, although he has been residing in the City of Pasay since 1955; that he is single and a citizen or subject of the Republic of China; that he speaks and writes English and Tagalog; that he is an employee of Elite Textile Company with an average annual income of P3,600.00; that he is exempt from filing a declaration of intention because he was born in the Philippines and received his primary and secondary education in schools recognized by the Philippine Government and not limited to any race or nationality. Petitioner further alleges that he believes in the principle underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines; that he has mingled socially with the Filipinos and evinced a sincere desire to embrace their customs, traditions and ideals; that he is not opposed to organized government nor does he uphold and teach any doctrine opposing all organized governments; that he is not a polygamist nor a believer in polygamy; that he has never been convicted of any crime involving moral turpitude; that he is not suffering from mental alienation or any incurable contagious disease. In short, petitioner claims that he has all the qualifications and none of the disqualifications to be a Filipino citizen as provided in the Naturalization Law.

The petition is accompanied by the joint affidavit of two character witnesses, namely Florencio M. Mauleon and William C. Limos. After the required publication of the petition in the Official Gazette and in a newspaper of general circulation (Daily Mirror), trial on the merits was held. On January 9, 1962 the court a quo rendered judgment finding petitioner qualified for Philippine citizenship and granted his prayer to be admitted as a citizen of the Philippines.

In due time the Solicitor General interposed the present appeal and submits, among others, that the court a quo erred: (a) in not finding that petitioner does not have a lucrative occupation; and (b) in not finding that the two character witnesses have not sufficiently known petitioner.

Upon careful examination of the record, we find this appeal to be meritorious.

To establish his financial qualifications, petitioner claims to be receiving an average annual income of P3,600.00, more or less. In his income tax return for the calendar year 1961 (Exh. H-5), it appears that P1,000.00 of that amount is in the nature of a bonus. It has been repeatedly held by this Court that for purposes of determining whether or not applicant has a lucrative occupation bonuses cannot be taken into consideration, since they are by

nature indefinite and contingent (Ng vs. Republic L-21179, January 22, 1966; Pe vs. Republic, L-20375, January 31, 1966; Kong vs. Republic, L-20505, February 28, 1966; Book vs. Republic, L-20712, February 28, 1966; Sam vs. Republic, L-20812, September 22, 1967). Accordingly, petitioner's average annual income should properly be considered as P2,600.00 only. This smaller amount cannot be considered lucrative, considering the present high standard of living and the low purchasing power of money.

"Lucrative employment means a gain-ful employment. It is not only that the person having the employment gets enough for his ordinary necessities in life. It must be shown that the employment gives one an income such that there is an ap-preciable margin of his income over his expenses as to be able to provide for an adequate support in the event of unemploy-ment, sickness, or disability to work and thus avoid one's being becoming the object of charity or public charge." (Tan vs. Republic, L-19580, April 30, 1965).

Besides, in Tan vs. Republic (G. R. No. L-22077, February 18, 1967) we did not consider an unmarried man earning P300.00 a month, plus an annual bonus of P1,000.00 from his employer, as having satisfactorily established possession of lucrative income as required by law.

The attesting witnesses here, Atty. Florencio M. Mauleon and Mt. William C. Limos, say they have known petitioner since 1951, and testified as to his good behavior thereafter. One of the requisite qualifications for naturalization is that petitioner "must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines" (Sec. 2, CA 473).

The attesting witnesses must be in a position to establish this circumstance. In this case, petitioner's witnesses admit that their contact with him consisted of isolated meetings during vacation time, when petitioner would spend a day or two with them. Such occasional meetings are not sufficient to enable them to observe petitioner's behavior, or to know his character, his beliefs, his social contacts and associations. In other words, they are not in a position to know whether or not petitioner has the qualification of pro-per and irreproachable conduct "during the entire period of his residence." (See Seng vs. Republic, G. R. No. L-23936, September 13, 1967.)

WHEREFORE, the judgment appealed from is reversed and the petition is denied with costs against petitioner.

Concepcion, C.J, Reyes, JBL, Bengzon, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando JJ., concur.
Dizon, J., did not take part.

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