

**IN THE MATTER OF THE PETITION OF FELICIANO T. TAN, TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, PETITIONER, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR.**

G.R. No. L-26327. October 16, 1970

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Republic of the Philippines from a decision of the Court of First Instance of Oriental Negros granting the petition for naturalization filed by Feliciano T. Tan on June 16, 1961 which alleged, inter alia, the following:

That petitioner was a Chinese citizen born on June 9, 1931, in Larena, Oriental Negros, which place had since then been his residence; that he was single, working as a salesman at the Motor Supply located at 1032-36 Reina Regente Street, Manila, with a monthly salary of two hundred pesos; that he had all the qualifications and none of the disqualifications provided by law; that he was exempt from filing a declaration of intention; that Esperidion G. Heceta and Cornelio Padayhag, both Filipinos of legal age, whose joint affidavit was attached to the petition, would appear and testify as his character witnesses.

The State prays for the reversal of the appealed decision claiming that the following errors were committed by the trial court:

"I

THE LOWER COURT ERRED IN ASSUMING JURISDICTION OVER THE CASE DESPITE THE FACT THAT PETITIONER HAS NOT RESIDED IN NEGROS ORIENTAL AT LEAST FOR ONE YEAR IMMEDIATELY BEFORE THE FILING OF THE PETITION.

II

THE LOWER COURT ERRED IN ALLOWING WITNESSES OTHER THAN THOSE WHO WERE ENUMERATED IN THE PETITION TO TESTIFY ON THE QUALIFICATIONS AND MORAL CHARACTER OF THE PETITIONER.

III

THE LOWER COURT ERRED IN NOT DISMISSING THE PETITION FOR FAILURE OF THE PETITIONER TO STATE IN THE PETITION ALL HIS FORMER PLACES OF RESIDENCE.

IV

THE LOWER COURT ERRED IN NOT FINDING THAT PETITIONER DOES NOT HAVE A LUCRATIVE INCOME."

The first, third and fourth assignments of error are meritorious.

The record shows that petitioner had been residing at 1036 Reina Regente Street, Manila, since March 1960, up to and during the hearing of the petition. Since the petition was filed on June 21, 1961, it is clear that petitioner did not have the requisite one year residence in Oriental Negros immediately preceding the filing of his petition in violation of the provision of the revised naturalization law to the effect that the Court of First Instance of the province in which the petitioner had resided at least one year immediately preceding the filing of his petition has the exclusive original jurisdiction to hear his petition for naturalization. Consequently, the court below had no jurisdiction over petitioner's case (*Chin Cuan Go vs. Republic*, G.R. L-15794, December 29, 1962; *Cheng Yen vs. Republic*, G.R. L-18885, January 31, 1964; *Lim vs. Republic*, G.R. No. 9999, December 24, 1957).

In connection with the third assignment of error the record also shows that petitioner had resided at different times in the following places:

1. At Larena, Negros Oriental from birth on June 9, 1931 until 1947 when he finished his Elementary grades (p. 28, tsn.);
2. At Dumaguete, Negros Oriental from 1947 to 1949 (pp. 28, 33-34);
3. In Manila from 1949-51 (pp. 28, 34, 35, tsn.);
4. In Dumaguete City from 1951 to 1952 (p. 34, tsn.);
5. In Cebu City, from 1952 to 1954 (p. 34, tsn.); and
6. In Manila at 1036 Reina Regente from March 1960 up to the time of the hearing of the Petition (pp. 22, 40, tsn.).

His petition for naturalization (Record on Appeal, page 2), however, simply alleges that he had resided continuously in the Philippines for a term of not less than thirty years immediately preceding the date of his petition, and at the municipality of Larena, Oriental Negros. This makes petitioner's application fatally defective, it having been consistently held by this Court that petitioner's failure to state in his petition all his residences affects the authority of the Court to act upon his case (*Yap vs. Republic*, G.R. L-19832, August 23, 1966; *Nerio Tan vs. Republic*, G.R. L-22207, May 30, 1946; *Agueda Go vs. Republic*, G.R. L-21895, April 29, 1960; *Tan vs. Republic*, G.R. L-13224, April 24, 1960; *So vs. Republic*, G.R. L-20558, March 31, 1965).

Anent the fourth assignment of error, the evidence shows that petitioner's income at the time when he filed his petition for naturalization was only two hundred pesos per month - an amount which, according to the standard set in previous decisions of this Court, cannot be considered lucrative.

PREMISES CONSIDERED, the decision appealed from is hereby reversed, and the petition for naturalization filed by petitioner is dismissed, with costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

Concepcion, C.J., on official leave.

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