

IN THE MATTER OF THE PETITION FOR ADMISSION AS CITIZEN OF THE PHILIPPINES, ANTONINO UY, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-20208. June 30, 1965

Ponente: REGALA, J.

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REGALA, J.:

The Government appeals the decision of the Court of First Instance of Cebu granting Philippine citizenship to the herein petitioner-appellee Antonino Uy.

The evidence for petitioner tends to show that he was born in Cabalalan, Leyte, on June 12, 1937, of Chinese parents; that he finished his elementary and high school education in the University of Southern Philippines that he is single and has no tax obligations to the Government ; that he speaks and writes English, Cebu and Visayan dialects; that he has never been charged or convicted of any crime whatsoever; that he is not sick of any incurable contagious disease; and that he is a traveling salesman of the Glory Commercial Co. from which he derives an income of P300 a month.

Upon the evidence thus submitted, the lower court declared the petitioner entitled to naturalization as a Filipino citizen.

In this appeal, the Solicitor-General, in his first assignment of error, contends that the petitioner has failed to prove that he has a lucrative income. While it is stated in the petition that his income is P6,600 per annum, his income tax returns for 1959 shows that he had a salary of P2,400.00 a year; for 1960 his salary was P2,075.00 and for 1961, P3,600.00 There is showing that tho petitioner had received bonuses during these years, but the amounts that he received as such were not uniform. As a matter of fact, they fluctuate, only to show that the amount of bonus each year depends upon the profits or income of the employing company. It is for this reason that bonuses should not be taken into consideration in determining the lucrativeness of an alien's income. With the high cost of living—the low purchasing value of the peso—these days, We agree with the Solicitor General that the yearly income of petitioner, the highest income of which is P3,600.00 (P300.00 a month) for the last three years, is not lucrative. Of course, this Court has held (see Republic vs. Yap, G- R. No. L-11187, April 23, 1958) that P250.00 a month income is lucrative, but the petitioner in that case received free board and lodging, and that was several years ago, when the standard of living was not yet so high. There is no showing that petitioner herein is being given free board and lodging by his employer.

The other ground for the Solicitor-General's opposition is the petitioner's failure to allege all his former places of residence.

Section 7 of the Revised Naturalization Law requires that the petition for citizenship set forth not only the present but also the former places of petitioner's residence. The reason for such a requirement is, as stated in the case of Keng Giok vs. Republic, G.R. No. L-13347, August 31, 1961, "to facilitate checking up of the different activities of the petitioner bearing on his petition for naturalization (especially as to his qualifications and moral character)

either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries on investigation thereon." The evidence for petitioner shows that he was born in Cabalia-an, Leyte; that before the war he resided in Tagbilaran, Bohol and then transferred to Echague Street, Cebu City, then to Colon and finally to Tres de Abril Streets, all of said city. The petition, however, states only that petitioner's former place of residence was Cabaliaan, Leyte, without mentioning Tagbilaran, Bohol, and the different places in Cebu City where he had resided. This failure is in violation of the law and renders the petition incomplete and fatally defective.

IN VIEW OF THE FOREGOING, the petition for naturalization is hereby dismissed. Decision appealed from is reversed, with costs against the petitioner-appellee.

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

Petition dismissed.

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