

IN THE MATTER OF THE PETITION OF UY TIAO HONG, ALIAS JESUS LIM TO BECOME A CITIZEN OF THE PHILIPPINES. UY TIAO HONG, ALIAS JESUS LIM, PETITIONER AND APPELLEE, VS. REPUBLIC OF TH...

G.R. No. L-8862. April 22, 1957

Ponente: REYES, A., J.

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REYES, A., J.:

This is a petition for naturalization.

There is no dispute as to the main facts. It is agreed that petitioner was born of Chinese parents in Amoy, China, on December 24, 1928 and is at present a Chinese . citizen; that he landed in Manila in 1937; that after staying for some time in Cebu, he and his parents moved to Mambajao, Misamis Oriental, where they are now residing; that he is studying medicine in the University of Santo Tomas, Manila; that he. speaks and writes English as well as Visayan; that he believes in the principles underlying the Philippine Constitution and has conducted himself in an irreproachable manner during the entire period of his residence in this country; that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace their customs, traditions and ideals; and that he is not in the class of persons barred from acquiring Filipino citizenship by section 10 of the Revised Naturalization Law.

From the evidence presented, the trial judge also found that, though studying in Manila, petitioner is, receiving a salary of P1,440 a year as commercial agent of his father and that he owns a refreshment parlor which gives him a net profit of about P400 every quarter.

With nothing to rebut petitioner's evidence, the trial judge granted the petition.

Appealing from this decision, the Government now contends that it was a mistake to grant petitioner Philippine citizenship when he did not have either real property in the Philippines worth not less than P5,000 or some lucrative trade or profession, as required in section 2 of paragraph 4 of the Revised Naturalization Law. With nothing to support it the assertion is made that the salary of P120 a month paid to petitioner by his father is "not really a salary but an allowance for his studies in Manila" and is a mere "camouflage."

Petitioner for sure does not' pretend to have any real property. But that he has a lucrative trade is we think beyond dispute. Beside being a salaried agent in Manila of his father's copra business in Mambajao, he appears to be in business for himself, for he is an operator of a refreshment parlor—which gives him a net profit of about P400 every quarter—and has been paying the corresponding internal revenue and municipal licenses as certified to by the municipal.treasurer of Mambajao. And it is not reasonable to suppose that the salary given to petitioner by his father is a mere "allowance for his studies" when apart from that salary petitioner also receives P200 for his expenses on "books, board and lodging."

The fact that petitioner is a student does not necessarily prevent him from having a gainful occupation. As we

observed in the case of *Mateo Lim vs. Republic of the Philippines* (92 Phil., 622), it is common knowledge that there are in this country as in other parts of the world many students who work their way through school.

In view of the foregoing, the decision appealed from is affirmed. No costs.

Bengzon, Padilla, Montemayor, Bautista Angela, Labrador, Concepcion, Reyes, J. B. L., Endencia and Felix JJ., concur.

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