

**IN THE MATTER OF THE PETITION OF FELIX TAN TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES; FELIX TAN,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-19580. April 30, 1965

Ponente: ZALDIVAR. J.

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ZALDIVAR. J.:

This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Negros Oriental declaring petitioner Felix Tan qualified for admission to Philippine citizenship.

The records show that all requirements to confer jurisdiction on the court below to hear the petition had been complied with. The evidence shows that the petitioner is a subject of the Republic of Nationalist China under whose laws Filipinos may be granted the right to become naturalized citizens; that the petitioner was born on February 25, 1932, in the City of Dumaguete; that the petitioner is still unmarried; that since birth he had never gone to China; that he speaks and writes the English language and the Visayan-Cebuano dialect; that he does not own any real estate in the Philippines; that he acquired his elementary, secondary and first year college education in the public schools and in private schools recognized by the Government and not limited to any race or nationality and wherein Philippine history, government and civics are part of their curricula; that the petitioner was regularly employed as a salesman in the Sin Chu Huat Store in the City of Dumaguete from which derived annual salaries amounting to P1,560 in 1958, P1,680 in 1959 and P1,740 in 1960 with free subsistence and lodging estimated to be valued at P50.00 a month. petitioner declared that in 1961 when the hearing of petition for admission to Philippine citizenship was he was earning P180.00 a month. The evidence further shows that the petitioner has been regularly paying his personal taxes and he had no tax liability with the Government; that he was duly registered as an alien and been paying the registration fees therefor; that he is in good health and is not suffering from any incurable or contagious disease; that corresponding clearance certificates were issued by different government officers in his favor, certifying to his good and irreproachable character and that he had never been accused nor convicted of any crime involving moral turpitude; that he had been giving contributions to civic and religious organizations; that the petitioner believes in the principles underlying the Philippine Constitution; that he had been conducting himself in a proper and irreproachable manner during the entire period of his residence in the Philippines; that he had been mingling freely and associating socially with the Filipinos; that he is not opposed to organized government nor is he affiliated with any associations or group of persons who uphold and teach doctrines opposed to organized governments; that he is not defending or teaching the necessity or propriety of violence, personal assaults or assassination for the success and predominance of man's ideas; that he is not a polygamist nor a believer in the practice thereof; that it is his intention in good faith to become a citizen of the Philippines and for that matter he renounces all the allegiance and fidelity that he had to any foreign sovereignty, particularly to the Republic of Nationalist China, of which he is a citizen or subject; that he had resided continuously in the Philippines from the date of the filing of his petition for naturalization and would

reside therein up to and after the time of his admission to Philippine citizenship.

After hearing, the lower court declared that the petitioner has all the qualifications and none of the disqualifications under Philippine laws to become a Philippine citizen by naturalization, and it thereby ordered that naturalization certificate be issued to him after the expiration of two years from the promulgation of the decision upon satisfactory proof that he had complied with requisites prescribed by Republic Act 530. In the present appeal, the Solicitor General, in behalf of the Republic of the Philippines, maintains that the lower court erred in finding that the petitioner has all the qualifications and none of the disqualifications to become a Philippine citizen by naturalization. The Solicitor General particularly points out that the petitioner does not have a lucrative trade or profession, which is one of the conditions required by law for aliens to be admitted to Philippine citizenship. As a matter of fact, the city Attorney of Dumaguete City, in representation of the Solicitor General, had opposed the petition in the lower court precisely on the ground that the petitioner did not have a lucrative trade or profession.

Considering the salary received by the petitioner during the three years prior to the hearing of this case, that is, P1,560.00 in 1958, P1,680.00 in 1959, P1,740.00 in 1960, or an average of P1,660.00 a year during the said three years, it results that the petitioner had an average monthly salary in the sum of P138.00 during the three years prior to the hearing of this case. At the hearing, which took place on September 7, 1961, an unsworn statement of Tan Chu Eng, who claimed to be the manager of Chin Shu Huat Store, was presented; and in said certificate it was stated that the petitioner was employed in the said store as salesman with the salary of P180.00 a month with free board and lodging. This Tan Chu Eng was not presented as a witness. The Solicitor General maintains that the certificate of Tan Chu Eng is a very unreliable piece of evidence to prove that the petitioner was receiving a salary of P180.00 a month with free board and lodging. We agree with the Solicitor General that it was not satisfactorily established that the petitioner was receiving a salary of P180.00 a month.

On the basis of the highest salary received by the petitioner during the three years prior to the hearing of this case, which was P1,740.00 a year in 1960, it can be said that his monthly salary as of the time he filed his petition for citizenship on January 23, 1961 was P145.00 a month. If to this monthly salary of P145.00 is added the free board and lodging at the rate of P50.00 a month, then it may be said that the highest monthly income of the petitioner was around P195.00 a month. The petitioner did not own any real property or had other source of income. The petitioner had not filed any income tax return but he had paid additional residence taxes on the basis of his yearly income for the years 1958, 1959 and 1960.

Lucrative employment means a gainful 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 appreciable margin of his income over his expenses as to be able to provide for an adequate support in the event of unemployment, sickness, or disability to work and thus avoid one's becoming the object of charity or a public charge. We believe that the petitioner-appellee in the present case, who earns only around P145.00 a month with a free board and lodging estimated to cost P60.00 a month, does not have an employment that is lucrative enough as to consider him not subject to the hazards of penury in the event of unemployment, sickness or disability.

Considering the high cost of living that has been prevailing, which cost of living has tended to increase rather than decrease, and the low buying power of the Philippine currency, this Court has in recent decisions adopted a higher standard in determining whether a petitioner for Philippine citizenship has a lucrative trade or profession that would qualify him for admission to Philippine citizenship.

In the case of Koh Chet alias Hianchit S. Chua vs. Republic of the Philippines, G.R. No. L-17223, June 30, 1964,

this Court denied the petition for Philippine citizenship of the petitioner who was single and had an employment as a purchaser and salesman in the store of his mother with a monthly salary of P200.00.

In the case of *Alberto Ong Lin Chuan vs. Republic of the Philippines*, L-18550, Feb. 28, 1964, the petitioner for Philippine citizenship was single and was employed at the Cosmos Industrial Company with a salary of P200.00 a month with free board and lodging. This Court held that the petitioner did not have a lucrative trade or profession that would qualify him for admission to Philippine citizenship.

The situation of the petitioner-appellee in the present case, as far as income is concerned, is not any better than that of the petitioners in the two cases that We have mentioned in the two preceding paragraphs.

WHEREFORE, the decision appealed from is reversed, and another one is entered denying the petition of petitioner-appellee for admission to Philippine citizenship. With costs against petitioner-appellee.

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

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