

VY TIAN ALIAS SI UN, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-19918. July 30, 1965

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b0d1cd42cd04/>

BAUTISTA ANGELO, J.:

Vy Tian alias Si Un seeks to become a Filipino citizen through a petition filed before the Court of First Instance of Cebu. The petition is supported by the joint affidavit of Vicente Villanueva, Sr. Fausto Lim, Jr. and Pablo Hisoler, all residents of Cebu City.

Petitioner was born in VY Chu, China, on December 11, 1918, having arrived in the Philippines on July 27, 1936. Upon his arrival he resided at Teresa St., Sampaloc, Manila until 1939 when he transferred to Dipolog, Zamboanga del Norte. During the war he evacuated to Malantao, a barrio of Dipolog, and stayed there until 1946 when he again transferred to Cebu City and resided at Tuti Street. In 1949, he again transferred to Plaridel St. of the same city where he is now presently residing. He has continuously resided in the Philippines for a period of 25 years and has never gone back to China since his arrival.

Petitioner is married to Conchita Que, a Chinese citizen, with whom he has eight children, namely: Rosa born on November 29, 1949; Junior born on April 19, 1951; Dionisio born on July 31, 1952; Loreta born on December 13, 1953; Alex born on February 27, 1955; Nelson Cue born on July 4, 1957; Philip Cue born on March 27, 1960; and Elten Cue born on September 25, 1961. All these children were registered as aliens in the Bureau of Immigration. He enrolled in a school all his children of school age, namely: Rosa, Junior, Dionisio, Loreta and Alex at the Cebu Kian Kee High School, which is a school duly recognized by the government and where Philippine history, civics and government are taught. He is a businessman, being the sole owner of the firm Sen Chuan Hong Trading wherein he invested a capital of P50,000.00 and through which he derives an income of P6,000.00 to P7,000.00 a year. He has filed his income tax return for the year 1960. He has no tax obligations with the government.

He has never been charged with any offense nor convicted of any crime involving moral turpitude, and has conducted himself in a proper and irreproachable manner. He is not suffering from any mental illness or incurable disease. He mingled socially with the Filipinos by attending parties and programs attended by Filipinos and possesses many Filipino customs, habits and traditions, like hospitality, neighborliness, respect for the authorities, respect for women, and he used to visit friends during town fiestas. He speaks and writes English, Chinese and the Cebuano dialect. He believes in the principles underlying our Constitution. He wants to become a Filipino citizen because he has raised his family here and has acquired many Filipino habits. He is not a communist nor opposed to organized government. He does not teach doctrines opposed to organized government nor is he affiliated with persons or associations with subversive doctrines or ideas. He does not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success of his ideas. He is not a polygamist or a believer in the practice of polygamy. He is applying for Philippine citizenship in good faith and if the same is granted to him he will renounce forever his allegiance to any foreign prince, potentate or sovereignty, particularly Nationalist China.

As the petition was granted in spite of the opposition of the Solicitor General, the Government interposed the present appeal.

It is contended that the lower court erred in granting petitioner's petition for citizenship despite the fact that he does not have a lucrative income within the meaning of the law. Indeed, it is admitted that petitioner has eight children five of whom are already studying at the Cebu Kian Kee High School, and yet the income that he derives from his business every year only amounts to P6,000.00 or P7,000.00, which is barely sufficient to give him the necessary income that may accord him a lucrative occupation in contemplation of law. And this situation is not affected by the fact that petitioner is the sole owner of the business from which he derives the above income and wherein he invested a capital of P50,000.00 for what is important is that the business gives him an income which may be considered lucrative considering his present needs, and, in our opinion, such income cannot come to this standard bearing in mind the size of his family. As this Court has properly said, "due to the high cost of living * * * and the low purchasing power of the peso," an annual income of P8,687.50 "cannot be considered lucrative especially if we take into account the fact that he has a wife and five children (all of school age and actually attending schools) to support." (Keng Giok vs. Republic, 112 Phil. 986; See also See Ho Kiat vs. Republic, 121 Phil. 1357.

A factor that may be considered in connection with petitioner's qualification is the fact that he is not using his true name, but an alias name, like Si Un, which is contrary to Commonwealth Act 142 which provides that no alias name may be used without prior permission of the court, and here such permission has not been obtained.

Finally, we take note that the witnesses who testified in support of the petition have declared that they had only known petitioner for about ten years during which period they had known him to be a person of good repute, which we find to be insufficient to qualify them to attest to the conduct and demeanor of petitioner during the twenty-five years of his residence in the Philippines, for our law requires that one who desires to be a Filipino citizen must establish that he has observed a proper and irreproachable conduct during the entire period of his residence in the Philippines. Hence, it cannot be said that petitioner has all the qualifications and none of the disqualifications required by law.

Wherefore, the decision appealed from is reversed. The petition for naturalization is dismissed with costs against petitioner.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.