

GO BON THE, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-16813. December 27, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition filed by Go Bon The before the Court of First Instance of Cebu seeking to become a Filipino citizen. After hearing, the petition was granted subject to the provisions of Republic Act No. 530 which requires the lapse of two years before the decision may become executory and after showing that petitioner has complied with the requirements therein provided. The government has appealed.

Petitioner was born in China on November 15, 1914, being a citizen of the Republic of Nationalist China. He arrived in the Port of Cebu on December 14, 1923 and was issued an alien certificate of registration and an immigration certificate of residence. He has continuously resided in the Philippines, except for short visits in China, for more than 36 years, during which period he resided in various places, to wit: in Tres de Abril and C. Padilla streets before the war, then in Camiguin, Oriental Misamis, where he evacuated during the Japanese occupation, then he returned to Cebu City after liberation and resided in Comercio street from 1948 to 1956, and transferred to Espeleta street, where he is now staying. His changes of address were duly reported to the immigration office of the Port of Cebu.

Petitioner claims that he is a merchant by occupation being engaged in buying and selling hogs from which he nets an annual income of around P6,000.00. He filed his income tax return for 1958 showing that his net income for that year was P7,133.29. He has no pending tax obligation with the government, he speaks and writes the English language and the Cebu dialect. He has never been charged with any crime, and is not suffering from mental alienation or from any incurable contagious disease.

Petitioner is married to Lo Tin who was born in China and from their marriage the following children were born: Eden Go alias Be Hua born in Cebu City on July 20, 1940; Roberto Go alias Ho Pin born in Cebu City on August 4, 1944; Beatriz Go born in Cebu City on June 22, 1946, and Jackson Go alias Han Lim born in Cebu City on January 26, 1948. These children are studying in schools where Philippine history, government and civics are taught.

Petitioner also claims that he is of good moral character having conducted himself in a proper and irreproachable manner during the entire period of his stay in the Philippines. He has socially mingled with the Filipinos and evinced a desire to learn and embrace Filipino customs, traditions and ideals. He is not opposed to organized government and is not affiliated with any association upholding or teaching doctrines opposed to organized government. He does not defend or teach the use of violence, personal assault or assassination for the success or predominance of his ideas. And he is not a polygamist or a believer in polygamy.

Two residents of Cebu City vouched for petitioner's character and irreproachable conduct by declaring that they had known him for more than ten years. They also declared that he is law abiding, friendly, just and fair to his

neighbor. And in their opinion he possesses all the qualifications to become a Filipino citizen. In this appeal, the government raises the following; issues: (1) petitioner does not have lucrative trade or occupation; and (2) he failed to state in his petition all the places where he resided in the Philippines.

With regard to the first issue, petitioner admitted that he does not own real estate. He claims, however, that his business or occupation which gives him an annual income of about P6,000.00 constitutes a lucrative trade for the same is sufficient to support himself and his family composed of five members. The government disagrees with this view.

We are of the opinion that this view is not well-taken, for the occupation in which petitioner is engaged cannot constitute lucrative trade within the meaning of the law even admitting what is reflected in the income tax return he submitted for 1958 that his net income was P7,133.29, for such would give him at most a monthly income of P594.44. Since petitioner's family consists all in all of six members, including himself and his wife, on the basis of the monthly income above-stated, what belongs to each per capita would be only P99.07. This amount can hardly be considered lucrative considering the present high cost of living and the low purchasing power of the peso. Thus, in *Keng Giok vs. Republic*, G.R. No. L-13347 (August 31, 1961), wherein the income of petitioner in 1956 was P8,687.50, this Court held that such income could not be considered substantial or lucrative since petitioner had five minor children as dependents and as such their monthly income per capita was only P103.42. The per capita income of each member of the family of herein petitioner being lower, a portion, his trade cannot be considered sufficient to satisfy the requirement of our Naturalization law.

We also find tenable the contention that petitioner has not stated in his petition all his former places of residence as required by law. Thus, in his petition petitioner stated that his present place of residence is Espeleta street, Cebu City, where he has resided since August, 1956; that he has previously resided at Comercio street, of the same city; and that during the Japanese occupation he evacuated to Camiguin Island, Misamis Oriental. However, in the testimony he gave before the court a quo he stated that he previously resided in Tres de Abril and C. Padilla streets of the City of Cebu, which he failed to mention in his petition. This omission is a violation of Section 7 of Commonwealth Act 473 which provides that a petition for naturalization should state not only the present residence but also all other places where petitioner had formerly resided.

The contention that the omission of Tres de Abril and C. Padilla streets in the petition is not serious because he honestly believed that to mention them was not necessary in view of the fact that he had already stated that he resided in Comercio street which is very near the streets that were omitted, is untenable, for the same cannot be considered as an excuse from complying with the law. This is because such requirement has a definite purpose, which is to enable the government or its agents to check up on the different activities of petitioner and make such appropriate inquiries as may be necessary to determine his character and moral fitness to become a Filipino citizen.

“x x x The reason for such a requirement is, as pointed out by the Solicitor General, to ‘facilitate checking up on 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 or investigations thereon.”Needless to say, by such omission, appellant, in effect, falsified the truth, indicating lack of good moral character on his part, which disqualifies him from admission to Philippine citizenship (Sec. 2 [3] Rev. Nat. Law).” (*Keng Giok vs. Republic*, supra)

Wherefore, the decision appealed from is reversed. Costs against petitioner.

Bengzon, C.J., Padilla, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, RegalaMakalintal, JJ., concur.

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