

**IN THE MATTER OF THE PETITION OF ANTONIO YU TO BE
ADMITTED AS A CITIZEN OF THE PHILIPPINES. ANTONIO YU,
PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR AND AP...**

G.R. No. L-19110. July 30, 1966

Ponente: DIZON, J.

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DIZON, J.:

This is an appeal taken by the Government from the judgment of the Court of First Instance of Masbate granting Antonio Yu's application for Philippine citizenship filed on June 26, 1957.

The evidence shows that appellee, a citizen of Nationalist China, was born in Masbate, Masbate, on February 10, 1929 and has been a resident of Palanas, Masbate, until 1947 when he left Masbate for Manila to pursue his studies and where he also took employment as assistant manager of the Gung Ho Bakery with a monthly salary of P180.00 He resigned from said employment in 1957 to establish a watch repair shop at No. 321 P. Gomez, Manila, from which he derived an annual, income of P2,400.00. Together with his wife and two children, appellee resided at 240 Chica St., Manila until January 1959 when he transferred his residence to No. 354 Craig, Sampaloc, Manila. The evidence also discloses that he can speak and write English and the Visayan Dialect.

Appellant seeks the reversal of the appealed judgment on the following grounds: (1) that the trial court did not acquire jurisdiction over the petition as appellee did not reside in the province of Masbate for at least one year immediately preceding the filing thereof; (2) that appellee did not have any lucrative trade, profession or occupation: and (3) that appellee failed to allege in his petition all his former places of residence, as required by law.

Upon the facts of record the appealed judgment must be reversed.

In the first place, although appellee was born in Masbate, Masbate, he appears to have moved his residence to Manila since 1947 where he had sought employment and where in 1957 he established a watch repair shop. Consequently, his petition for citizenship should have been filed in the Court of First Instance of Manila and not in that of Masbate (Sec. 8, Revised Naturalization Law, as amended).

In the second place, his own evidence shows that his annual income did not amount to more than P2,400.00. Considering that he is a married man with two children, it is obvious that he can not be said, under repeated rulings of this Court, to be engaged in a lucrative business.

Lastly, the record likewise discloses that he failed to disclose in his petition the fact that aside from Palanas, Masbate, he had resided at two different places in the City of Manila prior to the filing of his petition.

Wherefore, the decision appealed from is reversed, with the result that appellee's petition for citizenship is hereby dismissed, with costs.

Concepción, C. J., Reyes, J. B. L., Barrera, Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

Judgment reversed.

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