

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

*G. R. No. L-17622. May 29, 1962*

Ponente: LABRADOR, J.

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**LABRADOR, J.:**

Appeal from a decision of the Court of First Instance of Cagayan, Honorable Guillermo Dacumos, presiding, declaring that Fernando Uy, petitioner for naturalization, has all the qualifications and none of the disqualifications to become a Filipino citizen and, therefore, may be given a certificate of naturalization.

The evidence of record shows that Fernando Uy is a citizen of Nationalist China; was born in Tuguegarao, Cagayan in March 29, 1931; is single and an employee of the Cagayan Times Trading with a monthly salary of one hundred forty pesos, and owner of shares in the said Cagayan Times Trading to the value of P5,000. He resided in the Philippines continuously, finished primary education at the Chinese Ke Bing High School at Tuguegarao, Cagayan, which is recognized by the Government. Later he studied in the Chiang Kai Shek High School in Manila. He speaks and writes English and Ibanag, believes in the principles underlying the Philippine Constitution, and has conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines. He has mingled socially with the Filipinos and desires to embrace their customs, traditions and ideals. He has all the qualifications and none of the disqualifications and is not opposed to organized government nor affiliated in any association or any group of persons who uphold and teach doctrines against organized government, etc.

Two character witnesses testified for petitioner, namely Jose T. Frogoso and Catalino M. Guzman, the former being an accountant and the latter a clerk in the office of the municipal treasurer of Tuguegarao, Cagayan. Frogoso testified that he is an accountant of the Cagayan Times Trading store in Tuguegarao, Cagayan and came to know the petitioner when the latter was only seven years old; that he saw him attending the Chinese Ke Bing High School in Tuguegarao; that the petitioner is law abiding and is qualified to become a Filipino citizen; that he knows how to speak and read English and the local dialect; that he is always with Filipino friends, he is not suffering from any sickness and he is not a communist, etc. On cross examination he testified that after petitioner graduated from the Chinese Ke Bing High School in Tuguegarao, petitioner went to Manila to study and came back to the province only during vacation time; that the livelihood of the petitioner is that of an employee of the Cagayan Times Trading store with a salary of P140 a month.

Catalino Guzman corroborated the testimony of Frogoso as to the fact that petitioner had studied in the Chinese Ke Bing High School in Tuguegarao, later studied in Manila and thereafter went back to Cagayan to work in his father's store; that petitioner is of a good character, has never been guilty of any offense, attends Filipino social affairs, like weddings, and joins many civic activities.

Petitioner himself also took the witness stand and declared that he is a citizen of the Republic of China under Chiang Kai Shek; that he writes and speaks English and Ibanag; that he had lived in the Philippines all his life; that after finishing at the local school he went to Manila and enrolled in the Chiang Kai Shek High School where he reached the second year; etc.

Upon the above evidence, the Government having presented no evidence against the petitioner except Exhibit "1", which is the specimen of the handwriting of petitioner, the Court below granted the petition for naturalization. Against this decision the Government has appealed, assigning as errors of the court below (1) that petitioner has not the necessary property nor income qualification, the supposed salary of P140 a month of petitioner not being sufficient, and (2) that the witnesses for the petitioner had no sufficient knowledge of the conduct of the petitioner so as to be able to testify thereto.

We agree with the Government that the court below committed the two errors above indicated. We have said in various decisions of this Court that a salary of P140 a month is not sufficient to constitute a lucrative trade, profession or lawful occupation within the meaning of Section 2 of the Naturalization Act (Commonwealth Act No. 473). Such has been our ruling in *Velasco vs. Republic*, (108 Phil., 234).

Besides, the fact that the petitioner is employed by his parents themselves does not fully convince us that he in fact has been actually working with his parents at the salary mentioned, there being no other evidence except petitioner's own statement, from the books or records of the business of his parents that he was actually working and receiving the salary mentioned.

The second error is also well-founded. The witnesses testified that they had seen the petitioner while attending in the local school; but could not testify as to the conduct of the petitioner while he was attending high school in the city of Manila, the witnesses for petitioner only seeing petitioner during vacation time. Consequently they are not in a position to testify to his conduct after finishing the local school. When he was in high school petitioner was in the city of Manila, so his witnesses could not have observed his conduct during a long period of time.

Wherefore, we find that the petitioner has failed to prove that he has a lucrative trade or profession and has further failed to introduce competent witnesses who could testify as to his conduct during all the time that he has been in the Philippines. The decision of the court below is, therefore, hereby set aside and the petition for naturalization denied. Costs against petitioner.

Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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