

IN THE MATTER OF THE PETITION OF PEDRO T. UY ALIAS DODONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES, PEDRO T. UY ALIAS DODONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHI...

G.R. No. L-19573. October 27, 1964

Ponente: BENGZON, J. P., J.

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BENGZON, J. P., J.:

Pedro T. Uy alias Dodong was born in Dumaguete City on August 1, 1930, and has resided therein since birth. A citizen of Nationalist China, he filed on January 23, 1961 a petition for naturalization in the Court of First Instance of Negros Oriental.

The evidence presented at the hearing would show that petitioner married a Filipina, Petra Mores, on July 26, 1953 (Exh. M-1); that they had three children, who were below school age when the petition was filed (Exhs. N, N-1 and N-2); that petitioner had been since 1947 a salesman of Eng Suy Huat Co., and received as such a salary of P130.00 a month, with free board and lodging, and further received commissions in the amount of P30 to P50 a month or an average of P40 per month; that he owned and operated seven pedicabs, for a net average income of P140.00 a month; that his wife owned inherited coconut lands from which she derived an average of P110.00 monthly.

Presented as character witnesses were Paterio Torres and Jose Pro. Teves, city treasurer and city mayor, respectively, of Dumaguete. They testified to having known petitioner since 1941, and to his possession of the qualifications for naturalization, including good moral character, and the absence of any disqualification therefor on his part.

The Court of First Instance of Negros Oriental granted the petition on December 28, 1961. The Republic has appealed.

Naturalization being an act of adopting a foreigner and clothing him with privileges! of a native citizen, the judicial process through which the same may issue is, quite understandably, attended with such prudence and care. The Court is called upon to minutely analyze and assess the evidence adduced, and the Court must be satisfied that there is reasonable assurance not only that the applicant will not be a social burden or liability but that he is a potential asset to the country he seeks) to adopt for himself and quite literally, for his children and his children's children.

Reviewing the evidence in this case, We find it rather obvious that petitioner has failed to prove sufficiently his good moral character as required by law. The character witnesses presented by him were not in a position to vouch for him in this regard. By their own accounts, their knowledge of him was derived principally from the occasions when petitioner went to their public offices to transact business (Tsn., p. 7) or to accomplish certain papers (Tsn., p. 24). Such occasional business dealings afford little room for personal matters and do not provide a

reliable basis for gauging a person's moral character. Character witnesses must have an intimate knowledge of the applicant (Cucki Tan Si vs. Republic, L-18006, October 31, 1962). Persona] observation of his conduct and behavior during the period required is indispensable (Lim vs. Re- public, 111 Phil., 211).

On another qualification required by law, petitioner appears to have no lucrative trade, profession or occupation. His monthly salary of P130.00, commissions of P40.00 and pedicab-business income of P140.00 give a total of P310.00 a month or P3,720.00 a year. He testified that he was receiving from his employer free board and lodging worth "from P30.00 to P40.00 a month" (Tsn., p. 61), or at most P480.00 a year. This may bring his income to P4,200.00 a year. But in Koa vs. Republic, L-13717, July 31, 1962, an income of P5,980 a year was held not lucrative for a married applicant with three children. And in Tan vs. Republic, L-16013. March 30, 1963, an income of P6,300.00 per annum was likewise found not lucrative for a married applicant with one child.

As to the income of petitioner's wife from her coconut lands, it will suffice to mark that the same is not from petitioner's "trade, profession or lawful occupation". (Sec. 2, par. 4. Revised Naturalization Law.) Petitioner, not his wife, is the applicant.

The judgment appealed from is hereby reversed and the petition for naturalization denied.

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

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