

IN THE MATTER OF THE PETITION FOR PHILIPPINE CITIZENSHIP; FRANK YU TIU, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-19844. June 30, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Frank Yu Tiu seeks to be a Filipino citizen in a petition filed before the Court of First Instance of Misamis Occidental. The petition is supported by the affidavits of Eugenia Laguna, a public school teacher, and Pastor C. Sumagang, a resident of Jimenez, Misamis Occidental.

After hearing, the court a quo granted the petition ordering that petitioner be accorded Philippine citizenship after he had complied with the requirements of the Pa-redes Law. From this decision the Government has appealed.

Petitioner was born in Jimenez, Misamis Occidental on December 16, 1929. He finished first year high school at the Jimenez Bethel Institute, a school recognized by our Government. He married Lim Giok Song on February 2, 1952. He resided continuously in the Philippines until the present time. He is the storekeeper of Jose Lim Tin Tia Hardware store where he receives a salary of P5,000.00 a year. With his wife his combined income in 1959 was P6,760.00, while in 1960 and 1961 their joint income was P7,080.00 a year.

He speaks, reads and writes English and the Cebu Visayan dialect as borne in the dictation made on him during the trial. He has five minor children, namely, Roberto born July 18, 1954 at Cagayan de Oro City; Susan born December 30, 1955 in the same city; Victor born July 17, 1957 in the same place; Benjamin born on November 30, 1958, also in the same place; and Gloria born April 11, 1961, also in the same place. Robert was a grade one pupil in 1961 in Lourdes College, Cagayan de Oro City, an institution recognized by the Government.

He claims that he believes in the principles underlying our Constitution; that he has conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines in relation with the government as well as the community where he is living; that he is not opposed to organized government, nor affiliated with any association which upholds and teaches doctrines opposed to organized government; that he is not a polygamist nor a believer in the practice of the same; that he has not been convicted of any crime involving moral turpitude; and that he is not suffering from any incurable contagious disease, he further claims that he has attended parties and dances concurred in by Filipinos and has mingled socially with them.

Eugenia Laguna, a public school teacher, testified that she had known petitioner since he was a boy. According to her, his relation with the constituted authorities and the community where he lives is good. She pledged that petitioner would be a good Filipino citizen. She usually goes to Jimenez during the anniversary of the death of his father and during vacation when she meets him.

Pastor C. Sumagang also testified that he has known petitioner since he was a child. According to him, petitioner's conduct is good. He does not remember any incident where petitioner was involved or subjected to criminal

prosecution. He can guarantee that he will be a good Filipino citizen.

Section 9 of the Revised Naturalization Law, as amended, explicitly requires that immediately upon the filing of a petition for naturalization copies thereof and the notice of hearing shall lie posted in a public or conspicuous place in the office of the clerk of court or in the building where said office is located. Feltg forth in such notice the name, birthplace and residence of the petitioner, the date and place of his arrival in the Philippines, the names of witnesses whom the petitioner wishes to introduce in support of his petition and the date of hearing of the petition, which petition shall not be heard within six months from the date of the last publication of the notice. No proof of such posting was presented in this proceeding for which reason the Government now opposes the granting of the instant petition contending that such requirement of the law is essential and mandatory.

We concur in this view for the evident purpose of the law is to give publicity to the petition in order to inform the people of the place where petitioner is a resident of his desire to become a Filipino citizen so that they may inform the authorities of whatever objection they may have against him since this matter is one that involves public interest. That being the evident purpose of the law such requirement should be complied with and if the same is not observed it will have the effect of affecting the validity of the petition.

Another ground on which the Government bases its opposition is the lack on the part of petitioner of a lucrative occupation that may give him enough economic stability to be an asset in the community where he lives, for the evidence shows that his yearly income as storekeeper in the business where he is employed is only P5,120.00, which, added to the income of his wife in the amount of P1,640.00, would amount to a total of P6,660.00. This income is hardly sufficient to give him and his family a decent living considering that he has five minor children, one of whom is already of school age. In a few years the other four children will also have to study and their education will necessarily be an additional burden to the earning of petitioner. Petitioner, therefore, lacks this economic qualification.

"There is some weight in the trial court's observation that due to the present high cost of living (in Manila) and the low purchasing power of the peso, petitioner's annual income of P8,687.50 (1960) 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 school) to support. He owns no real estate, and has no other source of livelihood other than his salary as manager of a store. As such manager, however, his income appears to be declining every year. If the trend continues, it may reach the state where he would find it very difficult to support his family decently or continually, he may become a public charge. (*Keng Giok vs. Republic of the Philippines*, No. L-13347, August 31, 1901)."

The two witnesses who testified in support of the petition are not also qualified to be so because they had not known petitioner well enough to attest to his behavior and moral character. This matter is well explained in the brief submitted by the Government.

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

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

Decision reversed.

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