

**IN RE: PETITION FOR NATURALIZATION OP ALEJANDRO TAN TIU.  
ALEJANDRO TAN TIU, PETITIONER-APPELLEE, VS. REPUBLIC OF  
THE PHILIPPINES, OPPOSITOR-APPELLANT.**

*G.R. No. L-21018. November 29, 1966*

Ponente: BENGZON, J.P., J.

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**BENGZON, J.P., J.:**

From a decision of the Court of First Instance of Surigao del Norte, rendered on January 15, 1962, granting petitioner Alejandro Tan Tiu's application for naturalization, the Republic has appealed.

The petitioner is single, and derives a total income of P230 a month or P2,760 annually, as storekeeper of his brother. In his petition for naturalization, he mentioned only one place of residence, that is, his present residence, at Numancia, Surigao. (Petition, par. 2) As to his place of birth, he alleged that on February 27, 1929 he was born in Dapa, Surigao, Philippines (Petition, par. 1). Further alleging that he has resided in the Philippines since birth, he claimed to be exempt from the requirement of making a declaration of intention under Section 5 of the Revised Naturalization Law.

The Solicitor General contends that the applicant is not exempt from a declaration of intention; that he fatally omitted to state in his petition all his places of residence; and that he has no lucrative trade, profession or occupation.

Appellant rightly argues that the petitioner's application cannot be granted. During the trial, petitioner testified that from the time of his birth on February 27, 1929 until 1948—for a period of almost twenty years—he resided in Dapa, Surigao del Norte, his place of birth (Tsn., p. 47). Yet, as stated, he did not allege Dapa as one of the places of residence in his petition. Such defect is fatal to the application as it violates the mandatory requisite of Section 7 of the Naturalization Law providing that not only the present address but former places of residence should also be stated in the petition.[1] Anent the contention that the mention of Dapa as a place of birth amounts to mention thereof as a place of residence, the same is obviously untenable. For place of birth and place of residence are two different concepts. Thus, Section 7 of the Naturalization Law requires that the petition set forth inter alia "x x x his present and former places of residence; his occupation; the place and date of his birth; x x x", thereby showing that the two notions abovementioned are distinct, so that the data for one cannot supply omission of the other.

Secondly, petitioner's income, as employee of his brother's store, is about P230 a month, consisting of salary of P150 a month plus free board and lodging equivalent to P80 a month (Tsn., pp. 48-50). This is clearly not lucrative. As this Court pointed out, an applicant having a total income of P250 a month,[2] or even an unmarried applicant earning P300 a month,[3] does not meet the lucrative trade, profession or occupation requirement for naturalization.

There is thus no further need for Us to dwell on the Solicitor General's other assignment of error.

WHEREFORE, the decision appealed from is reversed and the instant petition for naturalization is hereby denied.

Costs against appellee.

**SO ORDERED.**

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Zaldivar and Sanchez, JJ., concur.

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[1] *Lo v. Republic*, L-15919, May 19, 1961; *Dy Pek Long v. Republic*, L-18758, May 30, 1964; *Qua v. Republic*, L-19834, Oct. 27, 1964; *Ong Peng Seng v. Republic*, L-19575, February 21, 1965; *Yu Ti v. Republic*, L-19913, June 23, 1965; *Koa Heng v. Republic*, L-21079, February 28, 1966; *Chi v. Republic*, L-18207, June 20, 1966, and authorities therein cited.

[2] *Uy v. Republic*, L-20799, November 29, 1965; *Sy v. Republic*, L-19581, April 29, 1966.

[3] *Uy v. Republic*, L-20208, June 30, 1965.

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