

## LI TONG PEK, PETITIONER AND APPELLEE VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

*G.R. No. L-20912. November 29, 1965*

Ponente: BAUTISTA ANGELO, J.

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### BAUTISTA ANGELO, J.:

Petitioner was born on August 8, 1921 in Ching kang, China. He arrived at Manila on August 12, 1930 where he resided until 1931. Sometime in 1931, he left the Philippines for Amoy, China, where he studied for about three years. In 1934, he returned to the Philippines and resided in Manila for about a year, while in 1935 up to the present he resided in Naga City. He married one Josefa Dy Liaco Chua-Unsu, a Chinese citizen, with whom he begot eight children, namely, Peter, Josefina, Lily, Andrew, John, Tenny, James and Philip, who were all born in Naga City. Peter, Josefina and Lily are at present enrolled in the Anglo-Chinese School, while his son Andrew is enrolled in the Hope Christian School, both schools being recognized by our government where Philippine history, government and civics are taught.

Petitioner and his family are all living in a house which they built in 1961 on the property of petitioners' mother-in-law situated in Naga City. In 1947, he was employed in the Naga Ricemill which was owned by his brother with a salary of P80.00 a month. In 1957, he began to receive a daily wage of P10.00 from the same employer, but was paid his wage only when he worked and he usually worked only for six days a week. On the average, the monthly compensation he received ranges from P240.00 to P260.00. In 1957, he also became the cashier and bookkeeper of said employer where from then on up to 1959 he received an average salary of P3,000.00 per annum. In February, 1962, his brother raised his daily compensation to P15.00 and whenever his employer realized profits he was given bonus at the end of the year. In 1958, his wife worked as a cashier for one Yu Ya Koh, a distributor of the La Perla Cigar and Cigarette Company, who was paid a compensation of P250.00 a month in addition to a possible annual bonus of P1,000.00 at the end of the year.

Petitioner knows how to speak and write English and the Bicol dialect, having obtained the Degree of Bachelor of Science in Commerce from the University of Caceres where he also took some courses leading to the Degree of Civil Engineering. He is a person of good moral character. He believes in the principles underlying our Constitution. He has conducted himself during the entire period of his residence in the Philippines in an irreproachable manner. He has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs and ideals of the Filipino people.

He is not opposed to organized government nor affiliated with any association or group of persons whose oppose and teach doctrines hostile to organized government. He does not defend or teach the necessity of violence, personal assault or assassination for the success and predominance of his ideas. He is not a polygamist nor a believer in the practice of polygamy. He has not been convicted of any crime involving moral turpitude.

He is not suffering from any incurable disease. He is a citizen of Nationalist China under whose laws a Filipino may become a citizen thereof. Petitioner's application for naturalization is supported by the affidavits of Joventino

S. Prado, Justice of the Peace of Milaor, Camarines Sur, and Domingo Escante, a Municipal Councilor of Naga City, who expressed their opinion that petitioner is a person of good moral repute and of irreproachable character. Besides acting as affiant, Prado testified in court with regard to the behavior and conduct of petitioner during his residence in the Philippines, as well as one Joaquin Cleofe who claimed to be an Assistant Treasurer of Naga City

The petition having been granted by the Court of First Instance of Camarines Sur in a decision rendered on September 27, 1962, the government took the present appeal contending that the court erred in granting the petition notwithstanding the fact that petitioner does not have a lucrative income that would give him a stable economic situation as provided by law and that he did not place his children of school age in schools recognized by our government where the students are predominantly Filipinos.

We find merit in the contention that petitioner does not possess a lucrative income to give him the economic sufficiency within the purview of the law for it appears that considering the wages he was given during the Period he was employed in the Naga Ricemill it can be said that his average monthly salary would only amount to P390.00. In the light of the long line of decisions rendered by this Court on this matter, such income is indeed far from being lucrative not only because petitioner us a big family, being a father of eight children, but especially considering the high cost of living and the low purchasing value of our currency during the present time.[1]

It is true that petitioner's wife, as the record shows also works as cashier of a certain Yu Ka Koh, a distributor of the La Perla Cigar and Cigarette (Company from which she is given a salary of P250.00 a month, but such additional Income would appear to be immaterial here for under the law the petitioner should be the one to possess "some known lucrative trade, profession or lawful occupation" to qualify him to become a Filipino citizen (Section 2, par. 4, Commonwealth Act No. 473).

We also take note of the claim that the four children of school age of petitioner named Peter, Josefina, Lily and Andrew were only enrolled by him either in the Anglo-Chinese High School or in the Hope Christian School, operated in Naga City, which, though recognized by our government are however run by Chinese mentors. The least that can be said is that said institution being predominantly, if not exclusively, attended by Chinese students are operated primarily for the education of Chinese children, since they are being supervised by Chinese citizens. This is an indication that by enrolling his children in said schools petitioner has not evinced a sincere desire to become a Filipino citizen as should be expected from one who desires to embrace our citizenship. This circumstance is in our opinion enough to disqualify him to become a Filipino citizen.

Wherefore, the decision appealed from is reversed. Costs against petitioner.

Bengzon, C. J., Concepcion, Reyes, J. B. L., Dizon, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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[1] Yap Bun Pin vs. Republic, L-19577, October. 30, 1964; Uy Chmg Ho vs. Republic, L-19582, March 926, 1965; Go Bon The v. Republic, L-20169, February 26, 1965.

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