

**IN THE MATTER OF THE PETITION OF QUE TEE TIAO TO BE
ADMITTED A CITIZEN OF THE PHILIPPINES, QUE TEE TIAO,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-22497. July 31, 1970

Ponente: CASTRO, J.

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CASTRO, J.:

This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Palawan, in its civil case 55, granting the petition for naturalization of Que Tee Tiao.

The statement of facts made by the Solicitor General, which the petitioner Que accepts as "substantially correct," is hereunder reproduced in full:

"The evidence presented in this case shows that petitioner was born on August 11, 1915 in Sua-Tao, Ankoy, China; that he is a citizen of the Republic of China; that his wife is Concepcion Lim, with whom he has 8 children, namely, Cesar, Delia, Merlinda, Alonso, Elvira, Corazon, Jesus and Yolanda, all surnamed Tan; that he was baptized in the Roman Catholic Church under the name Enrique Loza Tan; that he has resided in the Philippines continuously since 1931.

"The evidence further shows that petitioner is a merchant, and from his occupation he derived a net income of P6,353.95 in 1959; P5,228.06 in 1960; and P4,333.35 in 1961, the year when he filed the instant petition. The above figures represent the joint income of petitioner and his wife during the periods aforesated.

"Tirso Ponce de Leon, a witness for petitioner, stated in his affidavit attached to the petition that he knows personally petitioner Que Tee Tiao @ Enrique Tan. The other witness, Ramon Austria, likewise stated in his affidavit attached to the petition that he knows personally petitioner Que Tee Tiao Enrique Tan. These witnesses, in their respective affidavits, alleged that petitioner has all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of the Naturalization Laws of the Philippines."

The Republic asks this Court to reverse the judgment a quo on the grounds that the petitioner (1) "does not have a lucrative income," and (2) "is disqualified for admission for Philippine citizenship because he uses an alias name without proper authority."

"We uphold the Republic of the Philippines.

1. The income tax returns of the petitioner show a net income of only P5,228.06 for 1960 and P4,333.35 for 1961, the year when he filed the present petition for naturalization. Considering that he has a wife and 8 children to support, 7 of whom are schooling, the mentioned net incomes are clearly not lucrative and therefore disqualify him for Philippine citizenship.

2. The petitioner used the name Enrique Loza Tan when he was baptized on July 11, 1963, as well as when he

contracted marriage. In the certificates of baptism of his children he registered his name as Enrique Tan. In the certificate of clearance issued to him by the Anti-Dummy Board, the petitioner represented himself as Que Tee Tiao alias Enrique Tan. His own character witness Tirso Ponce de Leon, averred in his affidavit of February 3, 1961, "that I have known and have been acquainted with the said Mr. Que Tee Tiao alias Enrique Tan." His failure to state in his petition that he was also known as Enrique Tan is, in virtue of this Court's consistent ruling, a sufficient ground of itself for denial of his petition for naturalization.

ACCORDINGLY, the judgment appealed from is reversed, and the present petition for naturalization is hereby dismissed, at petitioner's cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, and Villamor, JJ., concur. Barredo, J., did not take part.

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