

IN THE MATTER OF THE PETITION OF LUIS YAP FOR ADMISSION AS CITIZEN OF THE PHILIPPINES. LUIS YAP, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-19649. April 30, 1965

Ponente: ZALDIVAR. J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cfd6ffc78ca9/>

ZALDIVAR. J.:

This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Iloilo, granting the petition for naturalization filed by Luis Yap, a Chinese citizen.

The records show that the requirements to confer jurisdiction on the lower court to hear the petition had been complied with. The evidence shows that the petitioner was born in the city of Iloilo on May 27, 1937, the legitimate son of Ho Ye and Yap Peng, both citizens of the Republic of Nationalist China; that the petitioner has been residing in the city of Iloilo although he is employed in Cebu City as a teacher in the Samantabhadra Institute; that he finished his elementary and secondary education at the Sun Yat Sen High School of Iloilo City, a school that is open to any race or nationality and where Philippine history, Philippine government and civics are taught; that as a teacher in the Samantabhadra Institute he received a monthly salary of P200.00 from June 1, 1958 to March 31, 1959; P220.00 monthly from June 1, 1960 to March 31, 1961; and P200.00 monthly from June 1, 1961 to March 31, 1962; that while in Cebu he is living in the house of his cousin, another Chinese, for being a tutor to the children of his host; that he is single, and that aside from his salary as a teacher he has no other source of income; that he owns no real property; that he has resided in the Philippines continuously since his birth. The evidence further shows that the petitioner speaks the English language and the Ilongo dialect that he believes in the principles underlying the Philippine constitution and has conducted himself properly during the entire period of his residence in the Philippines in his relations with the duly constituted authorities and the community where he lives, and that he had mingled socially with the Filipinos; that he has no criminal record; that he is in good health; that he paid his taxes to the government; that he is not opposed to any organized government nor is he affiliated with any association that upholds and teaches the doctrine of opposition against organized government and that he does not believe in the necessity of violence, intimidation, personal assault or assassination for the success and predominance of his ideas; and that he is not a polygamist.

The petitioner presented two character witnesses, namely: Mr. Jose Villanueva Mapa, an instructor in the Iloilo City Colleges; and Mrs. Ramona Fuentes, a teacher in the Sun Yat Sen School in Iloilo City. Both witnesses testified that they had known the petitioner closely for over ten years and they vouched for his good conduct and good moral character.

Upon the evidence presented during the hearing, the lower court declared that the petitioner has all the qualifications and none of the disqualifications to become a Filipino citizen as provided in the Naturalization Law. The court thereby declared the petitioner eligible for naturalization as Filipino citizen and that he may qualify as such after the lapse of two years after the promulgation of said decision.

In this appeal the Solicitor General points out that the lower court committed errors in its decision: (1) in finding that the petitioner-appellee has all the qualifications and none of the disqualifications provided in the naturalization law; (2) in not finding that the petitioner-appellee's conduct is not irreproachable; and (3) in finding that the two attesting witnesses have established that the petitioner-appellee is qualified and not disqualified to a citizen of the Philippines.

The Solicitor General discussed jointly the three errors that he has assigned.

The Solicitor General contends that the petitioner is not qualified for admission to Philippine citizenship because at the time of the hearing of this petition he did not have a lucrative employment. We find the contention of the Solicitor General to be meritorious. The evidence shows that at the time of the hearing in December 1961, the petitioner was employed as teacher in the Samantabhadra Institute in Cebu City with a monthly salary of P200.00. It was established that as such school teacher he was paid his salary only during the school year; that is, from June 1 of each year to March 31 of the following year. It can be said, therefore, that the petitioner was actually getting paid only for a period of ten months every year. It results that the annual income of the petitioner as of the time when this case was heard in the court below was only P2,000.00, or at the rate of P166.00 a month. Even if it is to be considered, as the petitioner had tried to prove, that as such teacher he was living with a cousin in Cebu and was not paying for board and lodging because he was at the same time a tutor of the children of his cousin, still it cannot be considered that petitioner had a lucrative income as would qualify him for admission to Philippine citizenship.

Considering the high cost of living that has been prevailing, which cost of living had tended to increase rather than to decrease, and considering further the low buying Power of the Philippine currency, this Court has, in recent decisions, adopted a higher standard in determining whether a petitioner for Philippine citizenship has a lucrative income as would qualify him for admission to Philippine citizenship. Two cases that had been decided by Court recently are squarely applicable to the present of the petitioner. In the case of *Albert Ong Lin Chuan vs. Republic of the Philippines*, G. R. No. L-18550, February 28, 1964, this Court denied the petition for Philippine citizenship of petitioner who was single and was employed in the Cosmos Industrial Co. with a salary of P200.00 a month with free board and lodging. Again, in the case of *Koh Chet alias Hianchit S. Chua vs. Republic of the Philippines*, G. R. No. L-17223, June 30, 1964, this Court denied the petition for Philippine citizenship of the petitioner who was single and was employed as purchaser and salesman in the store of his mother with a monthly salary of P200.00.

On the ground, therefore, that the petitioner, Luis Yap, did not have a lucrative income as of the time the petition was heard in the court below, We agree with the Solicitor General that the lower court erred in finding that the petitioner had all the qualifications and none of the disqualifications to become Filipino citizen.

We do not consider it necessary to discuss the other points raised by the Solicitor General in the discussion of his assignment of errors.

IN VIEW OF THE FOREGOING, the decision appealed from is reversed, with costs against the petitioner-appellee.

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

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.