

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP.

G.R. No. L-20021. June 23, 1965

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal from the decision of the Court of First Instance of Misamis Occidental granting the petitioner appellee, Sergio Tan, his application for Filipino citizenship.

On February 2, 1960, the petitioner-appellee filed with the above-named court a petition for naturalization wherein he alleged, among others, that he was residing at the corner of Burgos and Blumentritt Streets, Ozamis City; that he was operating a store from which he was deriving an annual income of some one thousand four hundred and forty pesos; that he was a Chinese citizen born on February 17, 1938 in the City of Ozamis, Philippines; that he could speak and write English and Visayan and a substantial Tagalog; that he believed in the underlying principles of the Philippine Constitution and that he had deported himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with both the Government and the community in which he was living. The said petition was complete in all the allegations that the law requires should be affirmed in such petitions.

After due publication and notice, hearing was had on the said petition. The petitioner himself took the stand to testify that he was born in Ozamis City of Chinese parents on February 17, 1938; that he was then working at the Sing Den Trading as assistant manager with a monthly salary of P200.00, previous to which he was a mere salesman at P120.00 a month; that he was a bachelor with no dependents and that his sole source of income was his salary. The rest of his testimony pertained to affirming the main allegations of his petition.

The petitioner also presented two character witnesses Maximo Lago and Herminio Cuieb, who gave testimony to his alleged good moral conduct and qualification to become a Filipino citizen. Maximo Lago testified that he had known the petitioner since birth while Herminio Cuieb attested that the applicant was well known to him because he, Cuieb, was his teacher in the grade school and even in the high school where he was enrolled because he, Cuieb, was then a physics instructor and the principal of the said school.

After the trial, the lower court granted the petition and found the applicant entitled to become a Filipino citizen. It is from this decision that the Solicitor General's Office appeals.

Two grounds are invoked for the reversal of the above decision, namely: (1) that the petitioner's income is too meager and insufficient to justify an award of citizenship; and (2) that the petitioner's character witnesses are both unreliable.

Upon a review of the records and the evidence presented, We find the appeal to be meritorious.

The petitioner filed his income tax for the years 1958, 1959 and 1960. In the said returns, it appears that his income for the said years were P664.90, P1,531.45 and P2,269.40, respectively. Even if We consider, therefore,

his last income alone, still the appeal must be sustained for We have already ruled in a number of cases that an applicant with a monthly income of less (than P250.00) can not be considered as possessing the lucrative occupation that the law contemplates. (Ong vs. Republic, 111 Phil., 1034; Koh Chet alias Chun vs. Republic, G. R. No. L-17223, June 30, 1904; Chuan vs. Republic, G. R. No. L-18550, February 26, 1964).

In view of the above finding, We find the discussion of the second ground no longer necessary.

WHEREFORE, the decision appealed from is hereby reversed, with cost against the petitioner.

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

Judgment reversed.

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