

IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE CITIZENSHIP, SERAPION LIM, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-20711. December 24, 1965

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

Serapion Lim, a citizen of the Republic of China, was born in Damiao, Bohol, on November 14, 1928. From 1936 he has resided in Ozamiz City. On May 6, 1961 he filed a petition for naturalization, in the Court of First Instance of Misamis Occidental. The petition stated inter alia that Lim is married; that he has two children, one born on August 15, 1957 and another on January 30, 1959; and that his occupation is salesman of Chuan Seng Corn Mill, with a salary of P300.00 monthly.

After publication and trial, the court rendered on October 4, 1962 its decision granting the petition for naturalization. The Republic appealed, raising two questions: First, did petitioner's character witnesses establish the allegations in their supporting affidavit? Second, does petitioner have a lucrative occupation?

The record shows that petitioner's character witnesses —Maximo Lago and Jose Nunez—failed to testify that petitioner possesses each of the requisite qualifications as possessed by him, and rounded up their testimonies by stating in general terms that he has all the qualifications and none of the disqualifications.

Specifically, the witness Maximo Lago testified merely that petitioner has been continuously residing in the Philippines; has a good reputation, good moral character; believe in the principles underlying the Philippine Constitution and is well disposed to the good order and happiness of the Philippines. (Tsn., 4). The witness Jose Nunez stated that petitioner continuously resided in Ozamiz City; is good in mixing with Filipinos; believes in the principles underlying the Philippine Constitution, and believes in the good order and happiness of the Philippines (Tsn., 6). Said witnesses did not establish, for instance, that petitioner had a lucrative employment; is able to speak and write or Spanish and any of the principal Philippine is not suffering from mental alienation or incurable contagious diseases. Such deficiency is fatal because character witnesses must attest in court that petitioner has each of the requisite qualifications (*Cuaki Tan Si vs. Republic*, L-18006, October 31, 1962).

Apart from this, however, petitioner's application cannot prosper even on the requisite alone of lucrative occupation. Petitioner, as stated, is a salesman with a salary of P300 monthly (See also, Tsn., 11). Such income amounts only to P3,600 per annum, and petitioner is married and has two children. In *Tan vs. Republic*, L-16013, March 30, 1963, this Court ruled that an occupation giving an income of P6,300 per annum is not lucrative, for a married applicant with one child.

Wherefore, the judgment appealed from is reversed and the petition for naturalization denied, without costs. So ordered.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal and Zaldivar,

JJ., concur.

Judgment reversed.

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