

LEONCIO NGO ALIAS GO LIONG SIU, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-18319. May 31, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Leoncio Ngo alias Go Liong Siu seeks his naturalization as Filipino citizen before the Court of First Instance of Manila. His petition is supported by Clarita B. Guarin and Makiling C. Buenaventura who were both employees in the office of the Fil-American Sino Development Co., Inc. in the capacity of bookkeeper and secretary, respectively.

Petitioner was born on September 12, 1930 in the City of Manila of Chinese parents. He is registered as a Chinese citizen in the Chinese embassy in Manila. He was a cashier of the La Perla Cigar and Cigarette Factory from 1956 to 1957 with a salary of P250.00 a month. He is at present the cashier of the Fil-American Sino Development Co., Inc. with a salary of P350.00 a month. His average annual income from 1956 to 1958 was P3,300.00.

He is married to Soledad Chan, a Chinese citizen. He has four children with her, namely Elizabeth Chan Ngo born on September 10, 1957; Ramon Ngo born on January 21, 1959; Vicky Chan Ngo born on August 24, 1956; and Rosita Chan Ngo born on September 13, 1955. These children are not yet of school age. He did not file his declaration of intention to become a Filipino citizen because he was born in the Philippines and had received his elementary and secondary education in schools recognized by the government.

He testified that he believed in the principles underlying the Philippine constitution; had conducted himself in a proper and irreproachable manner during the period of his residence in the Philippines; and had mingled socially with the Filipinos. He is not a polygamist. He is not suffering from any incurable disease, and he has all the qualifications and none of the disqualifications to acquire Philippine citizenship.

After hearing, the government filed an opposition to the petition on the ground that the witnesses who testified and supported the petition were unworthy of credence. However, the trial court granted the petition, and so the government has appealed.

The appeal is well-taken. There are several reasons why the petition cannot be granted which were advanced by the government and which were overruled by the court *a quo*. We believe that these reasons are weighty enough to warrant its dismissal.

To begin with, it appears that petitioner does not have sufficient income to show that he has a lucrative occupation that may qualify him to be a Filipino citizen for it appears that from 1956 to 1958 his average annual income was only P3,300.00, while his income in 1950 was only P3,000.00, and he had no other source of revenue. This shows that his average monthly salary only amounts to P300.00 a month. In our opinion, this income is insufficient considering that petitioner has a wife and four children to support even if the latter have not yet reached the school age for, as the evidence shows, he is renting a house where he is living with his family for which he is paying a

rental of P200.00 a month. With such income it cannot be said that petitioner has a lucrative occupation considering the present value of the peso and the high cost of living that at present prevails in the Philippines (Keng Giok vs. Republic, L-13347, August 31, 1961; Ngo Hun Ho vs. Republic, L-15518, November 29, 1961).

Another circumstance that appears in the record is that petitioner has failed to allege in his petition the different places of residence he had had prior to the filing of his petition. Thus, while the petition alleges that petitioner's present residence is 927-B Oregon, Manila, and his former place of residence was 505 Magdalena, Manila, from his testimony it was elicited that he had also lived at 528 T. Pinpin, Alvarado Extension, and at 927 Magdalena St., Manila, and lastly in Mindoro where he was assigned by his office from 1956 to 1958. Failure to allege the last-mentioned residences is a violation of the law for such is a requirement which aims at giving the government the necessary clue or basis to determine his fitness or qualification to become a Filipino citizen (Section 7, Revised Naturalization Law).

But the important flaw we find in the evidence of petitioner is that the witnesses he presented to support his petition do not possess the qualification necessary to entitle them to attest to his character and behavior in a manner that the law requires. Firstly, they were merely employees in the company wherein he also is an employee and his father holds an interest as a stockholder and, secondly, their association with him was such that they were not in a position to assure that he is really worthy to become a Filipino citizen.

Thus, witness Clarita Guarin declared that in April, 1948, when she was still residing in Candelaria, Quezon, she took a two-month vacation in the house of her aunt; that petitioner used to accompany his sister to her aunt's house to have a manicure treatment and there she met him; that during that period of time his sister went there four times accompanied by him for the same purpose having stayed there for an hour or more each time; and that since then witness Guarin used to meet petitioner at a record store where she bought records once a month from 1949 to 1955 and where petitioner in turn used to play records.

On the other hand, witness Makiling C. Uuenaventura stated that she met petitioner for the first time in 1948 during her graduation when she was introduced to him by a friend; that since then petitioner started visiting her once a week or twice a month until petitioner got married in 1954. According to this witness, when she was employed by the Fil-American Sino Development Co., Inc. in 1956 petitioner was already assigned to the branch office of the company in Mindoro where he worked from 1956 to 1958, and during these two years she used to meet him once a month because he was required to report once a month in the home office. She said that petitioner came back to Manila by the end of 1958 to act as cashier of the company.

As may be noted, these two witnesses, even admitting what they stated regarding their acquaintance with petitioner, cannot be said to be in a position to attest to his character and behavior during the period of his residence for one can easily observe that such acquaintance is merely superficial or casual that can hardly qualify them to be insurers of his conduct and behavior as required by law. There is every reason to believe that if these witnesses were prevailed upon to testify in behalf of petitioner it is only because they were employed in a company where he is holding a relatively high position and where his father holds an interest in the stock of the company. They cannot, therefore, testify with such independence of mind as is required of character witnesses (Calvin K. Lo vs. Republic, L-15919, May 19, 1961).

WHEREFORE, the decision appealed from is reversed. Petition is dismissed with costs against appellee.

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

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