

GO A. LENG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G. R. No. L-19836. June 21, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Go A, Leng seeks Filipino citizenship through a petition filed on November 16, 1960 before the Court of First Instance of Iloilo. Attached to the petition, among others, is his declaration of intention to become a Filipino citizen and the affidavits of his witnesses Luis G. Hofilena and Patricio M. Miguel. The petition was later amended in view of the death of Hofilena, who was substituted by Venancio Velasco.

The court a quo granted the petition and in due time the government took the present appeal.

Petitioner is a citizen of the Republic of China having been born in Amoy, China. He was married to Perla Pama How on January 12, 1961, with whom he has no children. He arrived in the Philippines on October 6, 1938, having resided there continuously since then, except only in 1947 when he went to China for a visit.

He is the Dean of Discipline and Assistant Property Custodian of the Iloilo Chinese Commercial School from which he receives a salary of P200.00 a month. He is working also on a part-time basis at the La Paz Bijon Factory which is owned by his brother-in-law for which he receives a salary of P100.00 a month. His wife is also teaching at the Iloilo Chinese Commercial School where she receives a salary of P140.00 a month.

He filed his income tax returns jointly with his wife for the year's 1960 and 1961 and has paid the corresponding tax thereon. He resides at the house of his brother-in-law where he is given free board. He has a bank deposit of P6,000.00. He is registered as an alien with the Bureau of Immigration and is the holder of an immigrant certificate of residence.

Upon his arrival in the Philippines, he stayed in Manila for a few months and subsequently went to Iloilo City where he has resided continuously up to the present. He finished his primary and elementary education at the Iloilo Commercial School and took up his secondary course at the Central Philippine University. He can speak and write the local Visayan dialect and the English language.

He believes in the principles underlying the Philippine Constitution has conducted himself in a proper and irreproachable manner during his entire period of residence in the Philippines; maintained cordial relations with the members of the community where he is living; mingled socially with the Filipinos and has embraced their customs, traditions and ideals. He is not opposed to organized government, nor is he affiliated with any subversive group which upholds and teaches doctrines opposed to organized government. He is not a member of the communist party or of any other association which intends to overthrow the Government of the Philippines. He does not defend or teach the necessity of violence for the success or predominance of his ideas. He is not a polygamist nor a believer in the practice of polygamy. He has not been convicted of any crime involving moral turpitude.

The government opposes the petition on the ground that petitioner does not have a lucrative income sufficient enough to give him economic stability as a Filipino citizen. Indeed, petitioner only receives a salary of P200.00 a month from the Iloilo Chinese Commercial School as Dean of Discipline and Assistant Property Custodian which can hardly be considered lucrative even taken in its liberal sense and even if we bear in mind that he has so far no child to support considering the low value of the peso and the ever increasing cost of living that now beset our people.

It is true that, as petitioner claims, he also works on a part-time basis at the La Pas Bijon Factory where he receives a salary of P100.00 a month, but he cannot derive much comfort from such claim considering that the factory belongs to his brother-in-law, a circumstance which gives the impression that he was given that employment merely to accommodate him for the purposes of this petition. Thus, it appears that he was employed in that factory only after filing his original petition on March 15, 1960 and a few days before he filed the amended petition on January 16, 1961, which, as the Solicitor General has aptly remarked, "indicates unmistakably that petitioner's so-called part-time employment was merely a devise to make it appear that he has a sufficient lucrative income." If we disregard this part-time income, petitioner's income and that of his wife would only be P340.00 a month, which is a far cry from what this Court has regarded as lucrative within the meaning of the law.

"* * * Does petitioner's salary of P200.00 a month, assuming that he does receive it, satisfy the requirement? Recent decisions have ruled Negatively on this question, considering the present purchasing value of our currency (Cf. *Ong Ling Chuan vs. Republic*, L-18550, February 28, 1964)." (*Koh Chet vs. Republic*, L-17223, June 30, 1964)

"* * * Considering the low buying power of the peso at presents a salary of P200 .00 a month is not lucrative (*R. Ong v. Republic*, G. R. No. L-1576A., May 19, 1961; *Kong Giok vs. Republic*, G. R. Ho. L-13347, Aug. 31, 1961)." (*Ong Ling Chuan vs. Republic*, L-18550, February 28, 1964)

"Besides, appellee's annual income of P3,000 only is not lucrative within the meaning of the Revised Naturalization Law, as amended. Even if added to his wife's annual income of P3,300 still their total income of P6,300 falls short of the requirement of the law, considering that they have a child to support and the already present high cost of living continues to go up," (*Tan vs. Republic*, L-16013, March 30, 1963)

Another ground on which the government predicates its opposition is the use by petitioner of an alias name without obtaining the authority required by law (Commonwealth Act 142, Section 2), and his failure to secure the permission of the Minister of Interior of China for his change of nationality and renunciation of Chinese citizenship as required by the Chinese Law of Nationality, matters which do not appear satisfactorily explained in the record. There is, on the other hand, sufficient evidence that gives validity to these objections.

Wherefore, the decision appealed from is reversed. Costs against petitioner.

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

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