

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

G. R. No. L-21077. June 30, 1966

Ponente: REGALA, J.

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REGALA, J.:

Appeal by the Government from the decision of the Court of First Instance of Pampanga granting the petitioner-appellee's application for naturalization.

Adelaido de Guzman, a citizen of Nationalist China, single, applied for Philippine citizenship. After due hearing, the lower court, finding that he has all the qualifications and none of the disqualifications, granted the petition on July 30, 1962. The Solicitor General, who opposed the petition in the lower court, interposed this appeal on the issue that petitioner has no lucrative trade or profession.

Petitioner alleged in his petition and oral testimony that he is employed as cashier in the Snow White Ice Cream Factory located at 1687 Franco St., Tondo, Manila, with a salary of ₱200.00 a month plus free board and lodging. In addition, he tutors the four children of his employer where he receives a teaching fee of ₱160.00 a month. This fact was attested by a certificate of employment signed by his employer. The oppositor-appellant contends that the occupation of petitioner is not lucrative.

It is believed that the contention of the Solicitor General is meritorious for this Court has already ruled in the case of *Sia vs. Republic*. G. R. No. L-20290, August 31, 1965, that:

**** Considering, that this Court has already ruled that a monthly income of ₱200.00 with free board and lodging (*Albert Ong Ling Chuan vs. Republic*, L-18850, February 28, 1964; *Luis Yap vs. Republic*, L-19649, April 30, 1965), or even an annual income of ₱2,000.00 to ₱3,000.00 aside from bonus and allowances, is not lucrative for an applicant who is single because of the high cost of living and the prevailing low value of the peso (*Leonidas Tan vs. Republic*, L-19694, March 30, 1965), it is evident that the petitioner has not satisfied the requirement of lucrative income or occupation under our Naturalization law."

Even an annual income of ₱3,600.00 (₱300.00 a month) for an applicant who is single has been considered not lucrative in the case of *Uy vs. Republic*. G. R. No. L-20208, June 30, 1965.

Granting that petitioner has an additional income of ₱160.00 a month as a private tutor, although this was not attested to by the witnesses, this cannot be considered in determining gainful employment, it being unsteady, contingent and irregular (*Dy vs. Republic*, L-20348, December 24, 1965).

WHEREFORE, the decision appealed from is hereby reversed and the petition for naturalization dismissed.

Concepcion, C.J., Reyes, J.B.L., Barrera, Makalintal, Bengzon, J. P., Zaldivar and Sanchez, JJ., concur.

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