

**IN THE MATTER OF THE PETITION FOR ADMISSION TO PHILIPPINE
CITIZENSHIP. CARMEN DY ALIAS DY GIOK KHA,
PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES,
OPPOSITOR-APPELLANT.**

G.R. No. L-20814. November 29, 1966

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal by the Solicitor General from a decision of the Court of First Instance of Misamis Occidental granting the petition for naturalization, as citizen of the Philippines, of appellee Carmen Dy. Upon a review of the record, we are satisfied that said petition should be dismissed, for:

- Petitioner has no lucrative occupation, it being alleged in her petition that her income is P2,400 a year, or P200 a month, which is far from being "lucrative" within the purview of the Naturalization Law, considering that she has six (6) children, five (5) of them dependent upon her and of school age.[1] In fact, her gross receipts in 1959 amounted to P1,713.16 only.

- In her declaration of intention, as well as in her petition herein, petitioner stated that her name is Carmen Dy alias Dy Giok Kha; but her birth certificate, dated May 13, 1924, shows that she was born and baptized with the name Carmen Dy. This is confirmed by her alien certificate of registration dated November 28, 1945. However, her immigration certificate of residence, issued in 1951, shows that she then began to use the "alias Dy Giok Kha". It is not disputed that petitioner had secured no previous judicial authority for the use of said alias. In other words, she has violated the Anti-Alias-Law, which is sufficient ground to deny her application for naturalization.[2]

- Petitioner has not evinced a sincere desire to embrace the customs and traditions of the Filipinos, she having enrolled everyone of her six (6) children in Chinese schools. Although, after the filing of her petition for naturalization, petitioner transferred two (2) of them to a Catholic school, this circumstance—apart from having been obviously influenced by the present proceedings—does not detract from the fact that her behavior, at the time of the commencement thereof and prior thereto, showed a lack of earnest intention to identify herself and her children with the Filipino community.[3]

WHEREFORE, the decision appealed from should be, as it is hereby reversed, and the petition for naturalization herein dismissed, with costs against petitioner Carmen Dy.

IT IS SO ORDERED.

Reyes, J.B.L., Barrera, Regala, Makalintal, Bengzon, J.P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.
Dizon, J., took no part.

[1] Keng Giok vs. Republic, L-13347, August 31, 1961; Justo Tan @ Li Sui vs. Republic, L-16013, March 30, 1963; Uy Ching Ho vs. Republic, L-19582, March 26, 1965; Yu Tiu vs. Republic, L-19844, June 30, 1965; Ong Hock Lian @ Julian Ong vs. Republic, L-21197, May 19, 1966; Hui Eng vs. Republic, November 24, 1966.

[2] Cosme Go Tian vs. Republic, L-19833, August 31, 1966; Joseph Soglou vs. Republic, L-20318, May 19, 1966; Kock Tee Yap vs. Republic, L-20992, May 14, 1966; Lee Tit vs. Republic, L-21446, April 29, 1966; Wayne Chang vs. Republic, L-20713, April 29, 1966; Leoneio Dy vs. Republic, L-20152, February 28, 1966.

[3] Hui Eng vs. Republic, L-20714, November 24, 1966; Chan Kiat Huat vs. Republic, L-19579, February 28, 1966; Lim Yuen vs. Republic, L-21218, December 24, 1965; Ti Tong Pek vs. Republic, L-20912, November 29, 1965.

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