

DOMINGO TIONG, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.

G.R. No. L-6274. February 26, 1954

Ponente: BENGZON, J.

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BENGZON, J.:

The office of the Solicitor General questions the correctness of the Manila court's decision granting Domingo Tiong's request for naturalization, arguing that the petitioner lacks the essential qualification of having real estate worth at least P5,000, or a "known lucrative trade, profession or lawful occupation."

On this point the judge a quo found that Domingo Tiong, was employed in the business of his father, receiving an annual salary of P3,000. This is a mistake, says appellant, insisting that Domingo Tiong merely "worked as helper in his father's establishment but does not receive any salary, and such occupation cannot be considered lucrative," as he and his wife and child "are presently living with his parents who support them."

The applicant testified without contradiction that he was employed in his father's establishment, helping his brothers in office work, at a yearly salary of P3,000. When asked, he answered:

Q.

How much salary do you receive at present?

A.

Three thousand pesos.

Q.

How much a month do you receive?

A.

Not exactly. When I need money I get.

Q.

Do you mean to say that that is not your salary, but it is a sort of advances given to you?

A.

Yes, sir.

Q.

You are not in the regular payroll of that company?

A.

No, sir.

Q.

You are living with your parents?

A.

Yes, sir.

Q.

And it is your parents who maintain you?

A.

Yes, sir.

From the above it may be gathered that he did not receive regular monthly pay; but that he could get, when needed, advances on account of his annual compensation. And the fact that he and his family were living in the parental home only means that, in addition to salary, he was given free board and lodging.

Under the circumstances applicant's situation falls within the purview of our ruling in the application of Mateo Lim[1] wherein a son working under similar conditions was declared to have a lucrative "trade, profession or lawful occupation".

Except in the matter of employment, there is no question that the petitioner was born "on July 20, 1924 in the City of Manila of Chinese parents; that he is married to Pacita Gotianuy, who was born in Cebu City and now resides with him at 940 Santol, Santa Mesa, Manila; that he is an employee at his father's business firm and as such he derives an annual income of P3,000; that he has been employed as such since 1945; that he has resided continuously in the Philippines for a period of more than twenty-seven years and in the City of Manila, for a year at least immediately preceding the date of his petition; that he is able to speak and write English and Tagalog; * * * that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, in his relation with the constituted Government, as well as with the community in which he lives; that he has mingled socially with the Filipinos, and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; * * * that he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments; that he does not defend or teach the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude; that he is not suffering from any incurable contagious disease and that the nation which he is a citizen: or subject is not at war with the Republic of the Philippines; and that it is his intention in good faith to become a citizen of the Republic of the Philippines and renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, sovereignty, and particularly to the Government of

China, of which at this time he is a citizen or a subject thereof; and

"The petitioner presented as his witness Vicente Carino and Pascual A. Veron Cruz, who testified that they have known the applicant since 1940; that to their personal knowledge the petitioner has resided in the Philippines continuously preceding the date of filing of his petition; that the petitioner has resided in the City of Manila, continuously for more than a year; that they have personal knowledge that the petitioner is and during all such periods has been a person of good repute and morally irreproachable, attached to the principles underlying the Philippine Constitution and well disposed to good order and happiness of the Philippines and that in their opinion, the petitioner has all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of Commonwealth Act No. 473".

Wherefore, in the absence of any other valid objection by the Government, the appealed decision should be, and is hereby affirmed. So ordered.

Paras, C. J., Pablo, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo, Labrador, Concepcion, and Diokno, JJ., concur.

[1] Lim vs. Republic, 92 Phil., 622.

See also Republic vs. Lim L-3030 January 31, 1951.

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