

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF CHUA BOK, CHUA BOK, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. L-24286. April 25, 1968

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Petitioner, a citizen of the Republic of (Nationalist) China, and a merchant by occupation, filed on June 24, 1963, in the Court of First Instance of Negros Occidental, a petition for naturalization.[1] After due hearing, the trial court granted the petition.

The State appealed. Grounds therefor are:

1. Failure to state in the petition petitioner's previous or former places of residence; and
2. Petitioner's lack of lucrative trade or occupation.

We find merit in the appeal.

1. The petition merely stated that petitioner's residence is Sipalay, Negros Occidental. However, his Alien Certificate of Registration (Exh. J) as well as his Immigrant Certificate of Residence (Exh. J-1) and the Alien Certificate of Residence of his wife, Adela Sia (Exh. K), all evidence a previous residence of his at 492 Nueva St., Manila. Petitioner also had taken up residence at the corner of Smith and Taft, Bacolod City, as manifested in the ACR of his children, Jesse (Jesus) Chua and Tessie Chua (Exhs. L & L-1, respectively). Needless to state, such failure to state in the petition the former places of residence is fatal.[2] The philosophy behind the rule requiring recital in the petition of former places of residence is that "information regarding petitioner and objection to his application are apt to be provided by people in his actual, physical surrounding." [3]

2. We next go into the question of petitioner's income. His petition for naturalization states that from his occupation as merchant, he "derived an average annual income of P4, 359.28 in the last three years." His income tax returns show that for 1961, 1962 and 1963, his gross income were: P5,623.15, P9,978.10 and P8,291.00, respectively. These amounts include bonus and meal allowances, which do not figure in the assessment of income. His net income for said years in the same order were P2,960.47, P7,228.63, and P4,286.95. With three of his four children already studying, and a wife to support, we are constrained to state that his income does not measure up to the standard of lucrative income.[4]

For the reasons given, the judgment under review is hereby reversed; and the petition for naturalization of Chua Bok, petitioner, is hereby denied.

Costs against petitioner.

SO ORDERED.

Reyes, J.B.L., (Acting C.J.), Dizon, Makalintal, Bengzon, J.P., Zaldivar, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] Civil Case 7021.

[2] *Burca vs. Republic*, L-24252, January 30, 1967; *Tan Tian vs. Republic*, L-19899, March 18, 1967; *Law Tai vs. Re-public*, L-20623, April 27, 1967; *Ong Chian Suy vs. Re-public*, L-21739, May 30, 1967; *Chua Eng Go vs. Republic*, L-21054, July 18, 1967; *Ao San vs. Republic*, L-21128, August 19, 1967; *O Ku Phuan vs. Republic*, L-23406, August 31, 1967; *Tan Khe Shing vs. Republic*, L-22390, February 29, 1968.

[3] *Burca vs. Republic*, *supra*, citing cases; *Ong Chian Suy vs. Republic*, *supra*, citing cases.

[4] In the following cases, it was held that the income of applicants with a wife were adjudged not lucrative: P5,980.00 with three children, *Koa Gui vs. Republic*, L-13717, July 31, 1962; P3,300.00 with one child, *Tan vs. Republic*, L-16013, March 30, 1963; P3,130.00, with four children, *Go Bon The vs. Republic*, L-16813, December 27, 1963; P5, 000.00 with four children, *Tan Kong Kiat vs. Republic*, L-19915, June 23, 1965; less than P6,000.00 with three children, *Hock Lian vs. Republic*, L-21197, May 19, 1966; around P6,000.00 with four children, *Ty Eng Hua vs. Republic*, L-20897, May 30, 1967; around P6,000.00, with three children, *Ong Chian Suy vs. Republic*, *supra*. See also other cases cited in *Law Tai vs. Re-public*, *supra*.

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