

NANIKRAM SEHWANI (NANKI HIRANAND), PETITIONER AND APPELLANT VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. L-18219. December 27, 1963

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Petitioner seeks to become a Filipino citizen in a petition he filed on May 20, 1959 before the Court of First Instance of Manila.

The Solicitor General, after hearing, filed an opposition alleging: (1) petitioner has not proved his exemption from filing a declaration of intention; (2) his character witnesses were not shown to be credible persons within the meaning of the law; (3) their testimony is insufficient to show petitioner's continued residence in the Philippines for the period required by law, nor his good reputation and moral irreproachability; and (4) petitioner is a tax evader showing that he is not morally irreproachable. On December 24, 1960, the court a quo rendered decision denying the petition for naturalization.

Petitioner assigns now the following errors supposedly committed by the court a quo: (1) in holding that petitioner did not sufficiently prove that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines; (2) in finding that petitioner does not have a lucrative profession, trade, or occupation; and (3) in concluding that there is no evidence that petitioner's witnesses are credible persons.

Petitioner was born on March 3, 1936 in Silay, Negros Occidental and is married to Rajni N. Hiranand. The couple has no children. He is a citizen of India and has resided continuously in the Philippines since his birth up to the present time. He studied at the Saint Paul College, Manila up to grade three, and finished his elementary and high school course at the San Beda College. He took a commercial course at the same college. He speaks and writes English and Tagalog. He believes in the principles underlying the Philippine Constitution; mingled with the Filipinos; evinced a desire to learn and embrace the customs, traditions and ideals of the Filipinos; is not opposed to organized government; is not affiliated with any association or group of persons who uphold and teach doctrines opposed to organized government; is not defending or teaching the necessity or use of violence, personal assault or assassination for the success or predominance of his ideas; is not a polygamist or a believer in the practice of polygamy; has not been convicted of any crime involving moral turpitude, and is not suffering from any incurable or contagious diseases. He is a merchant engaged in wholesale and general merchandise business from which he derived a net income of P4,585.33 in 1956; P4,213.15 in 1957 and P1,746.51 in 1959.

1. There is no merit in this error, for what the court a quo pointed out is that the testimony of the two witnesses presented by petitioner does not sufficiently prove that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, which is not entirely groundless, for it really appears that Rodolfo Gonzales, one of the two witnesses, stated "that before 1948 he did not have any knowledge about his behavior and conduct, while David Abella, the second witness, testified that he did not likewise know anything about such conduct or behavior prior to May 1949, contrary to what our law provides that one who desires to be a Filipino citizen must prove that he has conducted himself in a proper and irreproachable manner during his entire residence in the Philippines in his relation to the constituted government as well as in the community in which he lives in (Commonwealth Act No. 473, Section 2,

paragraph 3). While the two witnesses averred that they can vouch of their own personal knowledge for the good reputation and moral character of petitioner during the period of ten years that they had known him, such testimony is not sufficient, though it may meet the requirement of Section 2 of the same Act, as regards the period of residence required of him before he could file his petition for naturalization. The failure of the petitioner to prove that he has conducted himself in a proper and irreproachable manner during the entire period of his residence is a flaw that disqualifies him from becoming a Filipino citizen.

2. It is not controverted that for the year 1959 petitioner's net income was only P1,746.71 although he claims that in other years his income was more. That income can hardly be said to be an indication that his trade or occupation is lucrative considering that he has a wife to support and the value of our peso is low while our cost of living is high. In a long line of decisions this Court declared that such trade or occupation is not lucrative within the meaning of the law.^[1] True, petitioner might be a graduate of commerce who can easily find employment that may net him a greater income, but such claim is at most speculative. What is important is to determine his present earning or income and not what he expects to earn in the future.

3. We also find that the two character witnesses of petitioner were not proven to be credible persons as found by the court a quo. The mere fact that they are both members of the bar does not make them trustworthy for, as this Court has intimated, to be credible the witness "must have a good standing in the community; that he is known to be honest and upright; that he is reputed to be trustworthy and reliable; and that his word may be taken on its face value, as a good warranty of the worthiness of the petitioner" (*Ong vs. Republic*, 55 O.G. No. 18, p. 3290). This qualification must be proven by sufficient evidence.

To what we have stated as grounds for denying the petition for naturalization, we may add that, as well expounded by the Solicitor General in his brief, petitioner is a tax evader and has failed to state in his petition all his former places of residence as required by law.

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

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] *Swee Din Tan vs. Republic*, 109, Phil., 287; *Tiong vs. Republic*, 54 Phil., 54 O.G., No. 3, p. 1025; *Uy Tiao Hong vs. Republic*, 54 O.G.; No. 3 O.G., No. 3, p. 629; *Republic vs. Yap*, L-11187, April 23, 1958; *Keng Giok vs. Republic*, L-13347, August 31, 1961.

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