

**IN THE MATTER OF THE PETITION OF JOSE T. UY TO BE ADMITTED
A CITIZEN OF THE PHILIPPINES. JOSE T. UY, PETITIONER AND
APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND
APPE...**

G.R. No. L-20799. November 29, 1965

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal from the decision of the Court of First Instance of Negros Oriental, granting the application for naturalization of petitioner, Jose T. Uy.

As a background, it can be stated that the petitioner Filed his application before the court on April 18, 1961. Among other things, he claimed:

1. That he is the son of Ogim Uy, a Chinese citizen, and Martina Tan, a native born Filipino Citizen;
2. That he registered with the Embassy of the Republic of China as a citizen thereof, and likewise registered as a Chinese citizen with the Bureau of Immigration;
3. That he had his education at the Bais Elementary School, a public school, where he finished his elementary course and at the Foundation College where he completed his secondary course. He attended the Silliman University to pursue the four-year course in business administration but reached only the first semester of the senior year;
4. That he is single, and has always resided in the Philippines since his birth, and in the city of Dumaguete since 1950;
5. That he is employed as salesman-cashier at the Uy Ching Ho Store, owned by his uncle, at a starting salary of P140.00 per month, with free board and lodging, which was increased in 1961 to P250.00 per month;
6. That he speaks and writes English and the local Cebu-Visayan dialect;
7. That, having been born in the Philippines, and having completed his elementary education in the public school, he is exempt from filing any declaration of intention to become a Filipino citizen.

The petitioner also declared that he believes in the principles underlying the Constitution of the Philippines, and that he had conducted himself in a proper and irreproachable manner in his dealings with the duly constituted authorities as well as with the community in which he lives.

Two witnesses were presented, namely, Eleuterio Katada, 44 years of age, married, businessman, native born citizen of the Philippines, and former City Councilor of Dumat; and Espiridion S. Adiong, 48 years of age, married, Administrative Officer, Office of the Governor of Negros Oriental.

Both Eleuterio Katada and Espiridion S. Adiong testified in favor of the applicant

The Solicitor General made four (4) Assignments of Error, to wit:

1. The trial court erred in finding that petitioner has a lucrative income.
2. The trial court erred in failing to rule that character witness Eleuterio Katada was not a credible person within the meaning" of the Revised Naturalization Law.
3. The trial court erred in finding that petitioner has all the qualifications and none of the disqualifications specified by law to become a citizen of the Philippines.
4. The trial court erred in granting the petition.

This Court need not discuss, all the assignments of error referred to above. It is sufficient to say that we are satisfied that the income of petitioner, which is P250.00 per month, with free board and lodging, is not lucrative income or trade within the purview of the Naturalization Law. While in a former decision of this Court, as in *Republic vs. Lim*, L-3030, Jan, 31, 1951, 88 Phil. 789, an income of P250.00 was considered profitable, however, today, the value of the peso has declined considerably, and the cost of living has kept on increasing. In *Tan vs. Republic*, L-16013, March 30, 1963, the income of P6,300.00 per annum was likewise found as not lucrative for a married applicant with one child. In the case of *Uy vs. Republic*, L-20208, June 30, 1965, an income of P3,600.00 per annum for a single person, is also not regarded as lucrative.

We feel that the income of petitioner herein is not lucrative within the meaning of the Revised Naturalization Law. Furthermore, it does not appear that he is a member of the Social Security System as stated by the Solicitor General, which makes his employment extremely doubtful, if not fictitious. It is easy for petitioner to connive with his uncle, who is his father's brother, to make it appear that petitioner meets with this important requirement of the naturalization law.

In view of the foregoing, the decision appealed from is REVERSED, with posts against petitioner.

Bengzon, C. J., Bautista Angelo, Concepción, Dizon, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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