

IN THE MATTER OF THE PETITION TO BE ADMITTED AS CITIZEN OF THE PHILIPPINES. CHUA TIONG SENG ALIAS RICARDO SIMTOCO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPP...*G.R. No. L-21422. December 18, 1967*

Ponente: DIZON, J.

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Appeal taken by the Republic of the Philippines from an order issued by the Court of First Instance of Samar in Civil Case No. R-25 allowing Chua Tiong Seng, alias Ricardo Simtoco, to take his oath of allegiance as a citizen of the Philippines. It is the claim of the State in this instance that: (1) the trial court did not acquire jurisdiction over the proceeding because of appellee's failure to mention in his petition his other aliases or names by which he was known; (2) appellee did not possess all the qualifications required by law and has failed to prove compliance with the additional requirements of Section 1 of Republic Act 530; and (3) appellee's oath-taking was premature because it took place before the expiration of thirty days from notice to appellant of the order allowing appellee's oath-taking, within which period an appeal therefrom could be taken.

Briefly stated, the facts relevant to this appeal are the following:

On December 24, 1960, the Court of First Instance of Samar, in Civil Case No. R-25, rendered a decision granting appellee's petition for naturalization. No appeal was taken therefrom. On January 7, 1963, after the lapse of more than two years, appellee, invoking Section 1 of Republic Act No. 530, filed a petition to be allowed to take his oath of allegiance as a Filipino citizen. After due hearing, with the Provincial Fiscal of Samar, in representation of the Solicitor General, present, the court, on March 14, 1963, issued the appealed order allowing appellee to take his oath of allegiance, and he took said oath on the same day, and the corresponding certificate of naturalization was issued to him the following day.

It appears from the record that appellee's name and alias given in his petition for naturalization - which were the ones set forth in the notice of hearing published in accordance with law - are Chua Tiong Seng, alias Ricardo Simtoco. The record also discloses indubitably, that aside from these two names appellee had extensively made use of the following names: Casing Sim (Exhibits L, L-1, pp. 21-22, record of Exhibits) and Casing C. Simtoco (Exhibit L-2, p. 23, Idem). This is a fatal defect, because applicants for naturalization are required to give their names and all aliases that they had used prior to the date of filing of the application in order to give the State and other parties ample or reasonable opportunity to make the necessary investigations regarding applicant's qualifications and possible disqualifications. Evidently, this purpose of the law is frustrated at least in those places and regions of the country where the applicant was known under a name or alias not disclosed by him in his petition and not set forth in the notice of hearing published.

Moreover, the evidence also shows that at the time of the rendition of the decision appellee was an employee of Lu Tay Company with a yearly salary of P3,000, which constituted his only income. At the time of the final

hearing, however, appellee testified that he had ceased to be working for Lu Tay Company since August 1961; that since then he had been employed as clerk with the Ramon Lao Hoo Estate at a monthly salary of P200, excluding bonus, and that for the year 1962 he had received the sum of P1,400.00 as bonus.

In previous decisions We have held that a monthly income of P200 is not sufficient to justify the conclusion that an applicant for naturalization has a lucrative occupation, especially in a case like that of appellee who has a wife and several children to support.

The alleged bonus which appellee claims he could earn every year is clearly contingent and speculative in nature, and can not be considered as part of his yearly fixed income.

Having arrived at the foregoing conclusions, We deem it unnecessary to pass upon the other issues raised in appellant's brief.

WHEREFORE, the appealed order is reversed and set aside and, as a consequence, the oath of allegiance taken by appellee and the certificate of naturalization issued to him on March 15, 1963 are ordered cancelled. With costs.

Concepcion, C.J., Reyes, JBL, Makalintal, Bengzon, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

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