

GAVINO LAO, PETITIONER AND APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPONENT AND APPELLANT.

G. R. No. L-17053. October 30, 1962

Ponente: PADILLA, J.

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PADILLA, J.:

The Government appeals from a decree entered on 2 March 1959 by the Court of First Instance of Leyte granting the petition of Gavino Lao alias Dowa to become a naturalized citizen of the Philippines.

In a verified petition filed on 22 April 1958 and amended on 21 June 1958 in the Court of First Instance of Leyte, Gavino Lao alias Dowa avers that he possesses all the qualifications and none of the disqualifications to become a naturalized Filipino citizen and prays that he be admitted as such (case No. N-39). On 1 July 1958 the Provincial Fiscal of Leyte objected to the admission of the amended petition on ground of jurisdiction. After trial, as above stated, on 2 March 1959 the court entered a decree holding that the petitioner is qualified to become a Filipino citizen by naturalization.

The Government contends that the appellee Gavino Lao alias Dowa has not properly and irreproachably conducted himself during the entire period of his residence in the Philippines and lacks good moral character, because for almost eight years since 1949 he, without benefit of clergy, lived with and begotten by Ricarda Javier three children, namely, Ediltrudes, born 19 June 1950, Joaquin Cornelios, 16 November 1952 and Margarita, 9 June 1958, all surnamed Lao, and it was only on 18 April 1958, or four days before filing on 22 April 1958 the petition for naturalization, that he married her in a civil ceremony. The appellee maintains that his common-law relationship with Ricarda Javier did not create scandal in the community where they lived as everybody there believed that they had been legally married and that his marriage to her solemnized four days before filing his petition for naturalization only proves his intent desire to comply with the requirements of the Revised Naturalization Law.

The appellee's eight-year cohabitation with his wife without benefit of clergy and begetting by her three children but of lawful wedlock is a conduct far from being proper and irreproachable as required by the Revised Naturalization Law.[1] Besides this improper and reproachable conduct, it appears that his annual income as a businessman is only P1,600, which is not lucrative.[2] For these reasons, the appellee is not qualified to become a Filipino by naturalization.

The decree appealed from is reversed and the petition for naturalization denied, with costs against the appellee.

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

[1] *Sy Kiam vs. Republic of the Philippines*, 102 Phil., 575; and *Tak Ng vs. Republic of the Philippines*, 106 Phil., 727.

[2] Koa Gui vs. Republic of the Philippines, G.R. No. L-13717, 31 July 1962.

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