

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES CASIANO KING, PETITIONER AND APPELLANT, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.**

G.R. No. L-19082. September 29, 1966

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal by the petitioner from a decision of the Court of First Instance of Manila denying his petition for naturalization.

In support of his application, petitioner presented in the lower court evidence which established the following: That petitioner was born in Manila on August 13, 1933, and has been residing therein since birth; that he is a sales supervisor of the Pacific Glass Company with a basic monthly salary of P500.00 and an annual income of about P10,000.00; that he is at present a citizen of Nationalist China under whose laws Filipinos may be admitted as naturalized citizens thereof; that he is married to Ko Le Tin, a Chinese national, who was born in Hongkong on June 12, 1939 and by whom he has one child, Cary King, who was born in Manila on September 13, 1960 and lives with the petitioner at 825 Salazar Street, Manila; that he can speak and write English and Tagalog; that he believes in the principles underlying the Philippine Constitution; that he has mingled socially with Filipinos, has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos, is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments, is not defending or teaching the propriety of violence, personal assault or assassination for the success and predominance of man's ideas, is not a polygamist or a believer in the practice of polygamy; has not been convicted of any crime involving moral turpitude, nor suffering from any incurable contagious disease; that it is his intention to become in good faith a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any other state, particularly to the Republic of China and to reside continuously in the Philippines from the date of the filing of this petition until his admission to Philippine citizenship; and that he had not heretofore filed any other petition for citizenship in any court.

The petition was denied, however, in a decision rendered on August 29, 1961, on the ground that the two witnesses, Angelina Baluyut and Dr. Jose Velasco, did not sufficiently prove that petitioner had conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines.

On September 19, 1961, petitioner filed a motion for reconsideration and/or new trial which the trial court denied in its order dated September 23, 1961. Hence this appeal.

The issue before Us is whether or not the character witnesses should attest that in his relation with the constituted government as well as with the community in which he is living, petitioner has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines.

The applicable provisions are Section 2, paragraph 3, and the second sentence of Section 7 of the Revised Naturalization Law. Section 2, paragraph 3 provides:

"Third. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community he is living."

The second sentence of Section 7 reads:

"x x x The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act. x x x."

Petitioner insists that the phrase "period of time required by this Act" refers to the ten (10) or five (5) years period of residence required in Section 2, paragraph 2, or Section 3, respectively of the Revised Naturalization Law, and not to paragraph 3 of Section 2 of the same law requiring "entire period of his residence in the Philippines," unless naturally both periods coincide.

This Court has recently held that the character witnesses presented by an applicant in naturalization cases, in order to qualify as "insurers of the latter's conduct and behaviour," must have known petitioner during his entire period of residence in the Philippines (*Lim v. Republic*, G.R. No. L-22437, June 21, 1966; *Republic v. Hon. Andres Reyes*, G.R. No. L-20602, December 24, 1965; *Vy Tian @ Si Un v. Republic*, G.R. No. L-19918, July 30, 1965). Since the witnesses in this case came to know petitioner only in 1939 and 1947, whereas petitioner has been residing in the Philippines since his birth in 1933, it is obvious that the witnesses are not in a position to vouch for petitioner's irreproachable conduct for the period required by law. (*Ng v. Republic*, G.R. No. L-21179, January 22, 1966)

Furthermore, We notice from petitioner's income tax return for 1960 that his salary plus representation and travel allowance is P5,165.00 and his bonus and commission is P5,000.00. For purposes of determining whether petitioner's occupation is lucrative, bonuses and commissions cannot be taken into consideration for they are contingent, speculative and precarious. (*Tse v. Republic*, G.R. No. L-19642, November 9, 1964; *Tochip v. Republic*, G.R. No. L-19637, February 26, 1965; *Sia v. Republic*, G.R. No. L-20290, August 31, 1965; *Ng v. Republic*, supra; *Ong Tai v. Republic*, G.R. No. L-19418, December 23, 1965; *Ong So v. Republic*, G.R. No. L-20145, June 30, 1965; *Lim v. Republic*, G.R. No. L-22437, June 21, 1966) Petitioner's bonus and commission which amount to P5,000.00 should be excluded. Therefore, even granting that his annual salary is P5,165.00 (the records do not show how much of this amount is for representation and travel allowance), still petitioner, who is married and has one minor child to support lacks the aforesaid qualification. We have held in *Tan v. Republic*, G.R. No. L-16013, March 30, 1963, that an annual income of P6,300.00 cannot be considered lucrative for a married applicant with one child to support.

WHEREFORE, the decision appealed from is hereby affirmed with costs against appellant.

Reyes, J.B.L., Dizon, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Concepcion, C.J., and Makalintal, JJ., in the result.

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