

LUIS SANCHO ALIAS GO GAM, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLEE.

G.R. No. 13429. April 30, 1960

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for naturalization filed, before the Court of First Instance of Camarines Sur which, after hearing, was denied on the ground that petitioner lacks some of the qualifications required by law. In due time, he appealed.

Petitioner was born in Amoy, China on November 6, 1907. He arrived in Manila in 1919 on board the vessel "S. S. TAN SING." Three months thereafter, he transferred to Guinobatan, Albay, where he stayed for three years. In 1923, he went to Albay, Albay, where he stayed for two years and began training, as a cook. Then he moved to Naga where he worked as a cook. From 1926 to 1927, he worked as a laborer in some government projects and from 1927 to 1929, he was employed as a "survey boy" by the Manila Railroad Company. In 1930, he married Anselma Abengosa, a Filipina, residing at Sipocot, Camarines Sur, where he has continuously resided with his wife and their six children, who were all born in Sipocot. These children have all studied in public or private institutions recognized by the government.

Petitioner testified that his entire family, with the exception of Milagros and Felicitas, who have elected to become Filipino citizens upon reaching the age of majority, were registered with the Bureau of Immigration and issued individual alien certificates of registration. He is not opposed to, organized government, nor affiliated with any group of persons or associations who uphold and teach doctrines opposed to organized government. He does not believe in polygamy. In 1936, his wife acquired a lot in Sipocot on which now stands a commercial building and that the value of said property is more than P5,000.00.

Petitioner further testified that he had entrusted the management of his business to his wife because he usually goes places and cannot personally manage the business or take care of the books, and because he was already quite old. His counsel submitted in evidence various official receipts evidencing payment of business license fees and a copy of income tax return for 1955 showing a net income of P606.58, all in the name of his wife. He admitted in open court that he does not understand English and showed his utter inability to write simple sentences dictated by the trial court in English and in Bicol dialect.

Counsel contends that the lower court erred in holding that petitioner does not own real estate in the Philippines worth not less than P5,000.00, or that he has no known lucrative trade, profession or lawful occupation, which served as one of the grounds for the denial of his petition.

This contention is untenable, for while petitioner stated that his trade or occupation is that of a merchant to which, he has been engaged since 1938 and from which he derives an average annual income of more than P6,000.00, and that he and his wife are owners of a commercial building in Sipocot, Camarines Sur, worth not less than P5,000.00, no evidence was submitted by him to support such allegations other than his testimony to the effect

that he worked as a cook, laborer and a "survey boy" from 1923 to 1929 which is far from sufficient to show that he had some lucrative trade or occupation as required by law. As a matter of fact, he has not presented in evidence any income tax return which would at least show that he has an average annual income of P6,000.00 since 1938. It is true that he submitted the income tax return filed by his wife for 1955 showing that they realized in that year a joint net income of P606.58, but such amount is so meager as to substantiate the claim that he had a lucrative trade or occupation.

On the other hand, petitioner's claim that he owns a house and lot worth more than P5,000.00 in Sipocot, Camarines Sur, is also untenable. He testified that his wife acquired said lot in 1936 and that said property with the building standing thereon is worth more than P5,000.00, but no documentary evidence has been presented to support his statement. As the trial court well said: "He did not present any documentary evidence to prove that he owns a house and lot worth P5,000.00. The best evidence on this matter would be the tax declaration or the deed of acquisition of the property. His uncorroborated oral testimony is not satisfactory."

Even supposing that petitioner has a lucrative trade or occupation or has property worth more than P5,000.00 as he claims, still he falls short of being qualified, because the evidence is clear that he does not know how to speak and write English and the Bicol dialect as required by law. Thus, the trial court found that while he was able to speak Bicol he cannot, however, write in said dialect, and he does not know at all how to speak and write English. This was shown when in open court he was asked by the court to reply to questions propounded to him in English and he stated four times in Bicol that he cannot understand English nor can he answer the questions propounded to him. As a matter of fact, he was frank enough to admit that he does not understand English.

The trial court, therefore, did not err in holding that he does not possess the fourth and fifth qualifications required in Section 2 of our Naturalization Law.

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

Paras, C. J., Montemayor, Labrador, Concepcion, Endencia, and Gutierrez David, JJ., concur.

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