

IN THE MATTER OF PETITION FOR NATURALIZATION OF TY ENG HUA, TY ENG HUA, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. 20897. May 30, 1967

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Petitioner Ty Eng Hua, a subject of Nationalist China, seeks to be admitted as citizen of the Philippines, by naturalization.[1] The judgment below found that petitioner "has all the qualifications required" by the Revised Naturalization Law and "none of the disqualifications specified" therein, and declared him "eligible to be admitted a citizen" of this country.

The Republic appealed.

For the reason alone that applicant does not have a lucrative income, the petition should be denied. Income, for purposes of naturalization, is to be reckoned as of the time of the filing of the application. Here, that application for naturalization was filed on March 28, 1961. Paragraph 3 thereof avers that from his trade as merchant, "he derives an income of P3,600.00, more or less." His 1960 income tax return, however, shows a net income of P4,739.32.[2] Going by a long line of judicial pronouncements, neither the one figure nor the other represents income lucrative for one who - as is the case of petitioner - has a wife and four (4) minor children to support. Even on the assumption that, as petitioner testified,[3] he "can get around P6,000 more or less" for the year 1961, this income does not come up to the standard required in the Naturalization Law.[4]

The judgment under review must be, as it is hereby, reversed, and petitioner's petition for naturalization, denied.

Costs against petitioner.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Castro, JJ., concur.

[1] Naturalization Case No. 142 of the Court of First Instance of Camarines Sur, entitled "In the Matter of Petition for Naturalization of Ty Eng Hua to be Admitted a Citizen of the Philippines, Ty Eng Hua, petitioner."

[2] Exhibit M.

[3] T.S.N., December 14, 1961, p. 53.

[4] Law Tai vs. Republic, L-20623, April 27, 1967, and cases cited.

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