

IN THE MATTER OF THE PETITION FOR NATURALIZATION OF ONG CHIAN SUY, ONG CHIAN SUY, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

G.R. No. 21739, May 30, 1967

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

On petition for naturalization.[1] The trial court found that petitioner Ong Chian Suy possesses all the qualifications and none of the disqualifications set forth in the Revised Naturalization Law.

The Republic appealed.

On two grounds the judgment must be reversed.

First, the petition states that petitioner's present place of residence is San Roque, Iriga, Camarines Sur, and one other former place of residence - Amoy, China. But petitioner testified that he also "stayed in Naga City" and "attended school in Tabaco," Albay where he "finished second year high school." [2] Naga City and Tabaco are, therefore, two places of petitioner's former residence. Section 7 of the Revised Naturalization Law requires that a petition for naturalization state petitioner's "present and former places of residence." Residence contemplated in Section 7 "encompasses all places where petitioner actually and physically resided." [3] The philosophy behind the rule requiring recital in the petition of former places of residence is that "information regarding petitioner and objection to his application are apt to be provided by people in his actual, physical surrounding." [4] The established jurisprudence in this jurisdiction is that failure to allege a former place of residence is fatal. [5]

Second. The petition avers that petitioner, a merchant, has "an average annual income of P5,000.00, more or less." His income tax return for 1960 [6] records a net income of P5,593.75. For 1961 (he filed his application for naturalization on March 28, 1961), he estimates his net income to rise to "around P6,000.00." [7] Petitioner's witness Felix G. Corporal, however, in answer to a question by the court, declared: "[h]is (petitioner's) income is around P2,000.00 a year." [8] His other witness, Rufino S. Llagas, also testified that: "[i]n one of our conversations, I happened to ask him (petitioner) and he said that by now his income is around P2,000.00." [9] Petitioner has a wife and three (3) minor children to support. Therefore, whichever version we consider, the fact remains that petitioner cannot be regarded as one with a lucrative income. [10]

The judgment appealed from is accordingly reversed, and the petition of Ong Chian Suy for Filipino citizenship is hereby denied.

Costs against petitioner.

SO ORDERED.

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

[1] Naturalization Case No. 141, Court of First Instance of Camarines Sur, entitled "In the Matter of the Petition for Naturalization of Ong Chian Suy."

[2] T.S.N., February 9, 1962, pp. 14, 16.

[3] Tan vs. Republic, L-22207, May 30, 1966, citing Qua vs. Republic, L-19834, October 27, 1964.

[4] Qua vs. Republic, supra.

[5] Tan vs. Republic, supra.

[6] Exhibit M.

[7] At the time he testified on February 9, 1962, his income tax return was still in the process of preparation. T.S.N., February 9, 1962, p. 5.

[8] T.S.N., December 15, 1961, p. 18.

[9] T.S.N., December 15, 1961, p. 40.

[10] See cases cited with approval in Law Tai vs. Republic, L-20623, April 27, 1967.

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