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[No. L-20718. August 30, 1972]

In The Matter Of The Petition For Admission To Philippine Citizenship. ROY B. WATT, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-25693. August 30, 1972]

In The Matter Of The Petition For Naturalization, LIM CHING BIO *alias* OSCAR LIM, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-26952. Agust 30, 1972]

In The Matter Of The Petition To Be Admitted A Citizen Of The Philippines, ANG TO, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, movant and appellant.

[No. L-27734. August 30, 1972]

In The Matter Of The Petition Of Damian Pe To Be Admitted A Citizen Of The Philippines, DAMIAN PE, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-28496. August 30, 1972]

In The Matter Of The Petition To Be Admitted A Citizen Of The Philippines, LIM SENG BE, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

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[No. L-28579. August 30, 1972]

In The Matter Of The Petition Of Uy Giok Chiu *alias* Manuel V. Uy Giok Chiu To Be Admitted A Citizen Of The Philippines, UY GIOK CHIU *alias* MANUEL V. UY GIOK CHIU, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-28861. August 30, 1972]

In The Matter Of The Petition To Be Admitted A Citizen Of The Philippines, NGO TIOK, Also known as Lorenzo Wu, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-28941. August 30, 1972]

In The Matter Of The Petition To Be Admitted A Citizen Of The Philippines, SY BON PIN *alias* LUIS SY, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-29063. August 30, 1972]

In The Matter Of The Petition Of Chiao Sun Tan *alias* Renato Tan To Be Admitted A Citizen Of The Philippines, CHIAO SUN TAN *alias* RENATO TAN, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

[No. L-31450. August 30, 1972]

In Re Petition For Acquisition Of Philippine Citizenship, ANTONIO CHIU, petitioner and appellee, *vs.* REPUBLIC OF THE PHILIPPINES, oppositor and appellant.

1. POLITICAL LAW; NATURALIZATION; STRICT COMPLIANCE WITH NATURALIZATION LAW ESSENTIAL.- Strict

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compliance with the requirements of our Naturalization Law is essential to the acquisition of Philippine citizenship by an alien.

2. ID.; ID.; RULE ON EXEMPTION FROM FILING OF DECLARATION OF INTENTION.– In connection with the exemption from the requirements of filing a declaration of intention, it has been ruled that, aside from proof of birth, the petitioner should establish that he received his primary education in public schools or in private schools recognized by the Government, not limited to any race or nationality.

3. ID.; ID.; ID.; FAILURE TO MAKE STATEMENT ON THE FILING OR EXEMPTION FROM FILING OF DECLARATION OF INTENTION IS FATAL DEFECT.– Exemption from filing said declaration of intention is an "essential particular" of said law and that "failure * * * of the petitioner * * * to make a statement in his petition about his having filed, or his being exempt from filing, a declaration of intention constituted a fatal defect in his petition and rendered the same void * * *."

4. ID.; ID.; FAILURE TO STATE PRESENT AND FORMER PLACES OF RESIDENCE OF PETITIONER IS JURISDICTIONAL DEFECT.– The petition for naturalization must state the "present and former places of residence" of the petitioner. Failure to do so affects the jurisdiction of the court to entertain the petition and nullifies the proceedings in connection therewith.

5. ID.; ID.; ID.; CASE OF PETITIONER ANG TO. In L-26952, Ang To alleged, in his petition for naturalization, filed with the Court of First Instance of Rizal, on January 7, 1958, that his present and past place of residence is and has been No. 1051 Rizal Avenue Extension. Yet, in a petition for naturalization filed by him with the Court of First Instance of Nueva Ecija, on January 12, 1957, he averred that his residence was San Jose, Nueva Ecija, where he has his business and main source of income, namely the San Jose Lumber & Hardware. In fact, his residence certificate for the year 1958 was secured in San Jose, Nueva Ecija. This failure to state his former place of residence nullified the proceedings in the case at bar.

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6. ID.; ID.; ID.; CASE OF PETITIONER LIM SENG BE.– In his petition for naturalization, filed on September 13, 1965, Lim Seng Be alleged in L-28946, that he then resided at No. 2265 Legarda St., Sampaloc, Manila, and that his former residence was No. 621 Caballeros St. Manila. It appears, however, that petitioner had also resided at 414 Elcano St., and then at No. 400 Sto. Cristo St., both at Manila, apart from having resided for 10 years at Cavite City, as attested to by his own records in the Bureau of Immigration. The lower court had, therefore, no jurisdiction to favorably entertain said petition.

7. ID.; ID.; EFFECT OF FAILURE TO STATE IN PETITION ALL THE NAMES BY WHICH PETITIONER IS KNOWN.– The failure to state in the petition for naturalization the other names by which petitioner is known, affects the jurisdiction of the court to hear and decide the case and invalidates the proceedings for naturalization.

8. ID.; ID.; PUBLICATION OF PETITION IS JURISDICTIONAL REQUIREMENT.– The failure to publish the petition for naturalization affects the jurisdiction and invalidates the proceedings for naturalization. Notice of the filing of the petition is not enough to validate the naturalization proceedings.

9. ID.; ID.; ID.; CASES AT BAR.– Since the petitions for naturalization in L-28579, L-28941, and L-29063 have not been published, as required in section 9 of Commonwealth Act No. 473, the lower court had no jurisdiction to grant the petitions for naturalization and the decision of the lower court should be reversed and set aside and the petitions dismissed.

10. ID.; ID.; NOTICE TO SOLICITOR GENERAL ESSENTIAL TO THE VALIDITY OF PROCEEDINGS.– Notice to the Solicitor General of the naturalization proceedings, of the orders and decision therein, as well as of the proceedings leading to the oath taking, is essential to the validity of such proceedings.

11. ID.; ID.; ID.; CASE OF PETITIONER DAMIAN PE.– Where the notice of the motion for the introduction of evidence prior to the taking of the oath of allegiance, and the notice of hearing therefor were *not* served on the Solicitor General, who

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accordingly, was unaware of said motion and hearing, as well as of the oath of allegiance taken by the petitioner and of the certificate of naturalization issued to him, the oath of allegiance taken by petitioner Damian Pe on October 14, 1963 should be annulled, and the certificate of naturalization issued to him on the same date, as well as the registration of said certificate in the local civil registry should be cancelled.

12. ID.; ID.; REQUIREMENT OF POSSESSION OF GOOD MORAL CHARACTER BY PETITIONER; USE OF OTHER NAMES AND ALIASES WITHOUT PRIOR JUDICIAL APPROVAL THEREFOR REFLECTS ABSENCE OF GOOD MORAL CHARACTER.– The use of other names or aliases without prior judicial approval therefor, is unlawful and hence, reflects the absence of a good moral character. In the language of this Court, it is "anything but proper and irreproachable."

13. ID.; ID.; ID.; CASES AT BAR.– The following facts and circumstances reveal that the petitioners concerned lack the required good moral character and have far from conducted themselves in a proper and irreproachable manner: a) The testimony of the municipal mayor that petitioner falsified certificates of ownership of large cattle on several occasions and had offered him P500 for the repeal of a municipal ordinance; b) False averment in the petition that petitioner had "not heretofore made petition for citizenship to any court; c) The admission in the witness stand that petitioner had not revealed in his income tax return the full amount of his earnings; and d) Being administratively fined several times for late registration of the wife and children of the petitioner, in violation of government regulations.

14. ID.; ID.; MEANING OF THE QUALIFICATION AS TO "LUCRATIVE TRADE, PROFESSION, OR LAWFUL OCCUPATION".– It is not enough for an applicant for naturalization not to be a financial burden upon the community. He must, also, have a "lucrative trade, profession, or lawful occupation." And this qualification has been construed to mean, not only that he is not a beggar, a pauper or indigent, but, also, that his financial condition must be such as to permit him and the members of his

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family to live with reasonable comfort, in accordance with the prevailing standard of living, and consistently with the demands of human dignity, at this stage of our civilization.

15. ID.; ID.; ID.; CASES AT BAR.– The qualification as to the possession of a "lucrative trade, profession, or lawful occupation" is lacking in the cases of the following petitioners: Roy B. Watt who alleged in his petition that he had an annual income of P1,800; Lim Ching Bio who alleged in his petition that he had an annual income of P2,439.39; Damian Pe who had an average annual income of P1,970 even if at the hearing he testified that his salary had increased to P2,500 yearly; Uy Giok Chiu whose average annual income is P3,000; Ngo Tiok who alleged in his petition that he is an employee with an average annual income of not less than P4,600 a year and later testified that he had a monthly salary of P800, or P9,600 annually, petitioner being married with five children all of them in a private high school; Sy Bon Pin, who is married with three children and a fourth having been born before the case was heard in the lower court, whose average annual salary is P3,000 which he testified to have been increased to P5,000.

16. ID.; ID.; ID.; INCREASE IN INCOME AFTER FILING OF PETITION CANNOT CURE ABSENCE OF QUALIFICATION AS TO LUCRATIVE INCOME.– The circumstance that the income as alleged in the petition has increased *after* the filing of the petition cannot be availed of by petitioners to cure the absence of the qualification as to lucrative income, since this qualification must be determined *as of the time* of the filing of the petition.

17. ID.; ID.; ID.; WEIGHT OF EVIDENCE ON INCOME OF APPLICANTS WORKING IN BUSINESS ENTERPRISE OPERATED BY THEIR PARENTS OR RELATIVES.– Our jurisprudence has regarded with caution or skepticism and attaches very little weight to evidence concerning the income of applicants allegedly working in business enterprises operated by their relatives, if not their own parents.

18. ID.; ID.; ID.; ID.; CASES AT BAR. - The evidence as to the

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income of the following petitioners is of dubious value or weight: The testimony of Lim Ching Bio to the effect that his monthly salary in the Li Yu Auto Supply Hardware increased, considering that the said firm belongs to his *mother* and that he does not have any idea as to the volume of the business of the store, despite his claim that he is its present assistant manager; Damian Pe's testimony that his salary as an employee of his uncle has increased; The testimony of Sy Bon Pin as to the increase in his salary in the Ng Sa Store which belongs evidently to his mother; The allegation in the application of Antonio Chiu that he is the administrator of a farm leased to his brother, earning P600 a month as such administrator.

19. ID.; ID.; QUALIFICATIONS OF ATTESTING WITNESSES.- The attesting witnesses must be, not only citizens of the Philippines, but, also, "credible persons". This means that they must be well known in the community and enjoy therein such a high reputation for probity that their word may be taken on its face value. The character witness must have known the applicant for the period prescribed by law and had the opportunity to observe him personally during such period, as well as the ability to attest to the possession by him of the requisite qualifications.

20. ID.; ID.; ID.; CASE OF PETITIONER LIM SENG BE.– The record shows that one of petitioner Lim Seng Be's attesting witness had come to know him in 1932 when they became neighbors in Magalang, Pampanga until 1939 when said witness transferred to Manila, at age of 15, and petitioner was barely 10 years of age. Upon the other hand, the other attesting witness came to know the petitioner in 1952 at a party held by said witness. Thereafter he claimed to have seen the petitioner herein twice a week for about three years, as the former allegedly taught English and Tagalog to the latter. Apart from not knowing him sufficiently, for the period of time required by law, these attesting witnesses have not been shown to enjoy the reputation for honesty and integrity necessary to be the "credible persons" required therefor by our naturalization laws.

21. ID.; ID.; ID.; CASE OF PETITIONER NG TIOK.– As regards petitioner Ng Tiok, his attesting witnesses have not been shown

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either to have a general reputation for probity, essential to be "credible persons," or to have known him sufficiently to vouch for his qualifications for naturalization as citizen of the Philippines. Jovencio Abadilla claimed to have met the petitioner in 1939. Thereafter, Abadilla visited the petitioner, but the former could not even remember what the latter's occupation was at that time. The other attesting witness was Dr. Luciano Dizon, a medical practitioner whose only contact with the petitioner was during the professional visits made by the former, about 10 times a year. In short, neither witness was sufficiently qualified to express his opinion on the possession by the petitioner of the requisite qualifications and none of the statutory disqualifications.

22. ID.; ID.; ID.; CASE OF PETITIONER CHIAO SUN TAN.– As far as Chiao Sun Tan is concerned, there is no evidence that his attesting witnesses namely, Dr. Francisco Tan and Dr. Benecio Torralba, had the reputation for probity or good standing in the community necessary to be characterized as "credible persons", as required by law for such witnesses, and their testimony consisted mainly of general statements in answer to leading questions propounded by counsel for the petitioner, without particulars as to specific facts to indicate that they are reasonably posted on the possession by the petitioner of the requisite qualifications and none of the disqualifications prescribed by law.

23. ID.; ID.; ID.; CASE OF PETITIONER ANTONIO CHIU.– Where aside from the dubious nature of the testimony regarding petitioner's income, his attesting witnesses do not appear to have had sufficient opportunity to be posted on his qualifications and the absence of any of the statutory disqualifications, the decision of the trial court granting the petition for naturalization should be reversed and the petition should be dismissed.

24. ID.; ID.; ID.; EMPLOYEES OR PERSONS IN THE SERVICE OF PETITIONER, OR OF BUSINESS ENTERPRISE OWNED OR OPERATED BY HIM OR HIS FAMILY, NOT COMPETENT TO BE ATTESTING WITNESSES.– Employees or persons in the service of the petitioner, or of the business enterprise owned or operated by him or his family, are not competent to be attesting

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witnesses in the proceedings for his naturalization. Thus the attesting witnesses of Lim Ching Bio, one of whom was the accountant of his mother's store and the other was the private tutor of his sister Lily, cannot be considered as competent attesting witnesses.

L-20718

APPEAL from a judgment of the Court of First Instance of Palawan. Tividad, *J.*

The facts are stated in the opinion of the Court.

Mitra, Tolentino, Gregorio & Associates and *Delos Reyes, Lagrosa & Gacott* for petitioner and Appellee.

Solicitor General Antonio P. Barredo, Assistant Solicitor General Isidro C. Borromeo and *Solicitor Ricardo L. Pronove, Jr.*, for oppositor and appellant.

L-25693

APPEAL from a judgment of the Court of First Instance of Laguna and San Pablo City. Reyes, *J.*

The facts are stated in the opinion of the Court.

Manuel A. Alvero for petitioner and appellee.

Solicitor General Antonio P. Barredo, Assistant Solicitor General Isidro C. Borromeo and *Solicitor Octavio R. Ramirez* for oppositor and appellant.

L-26952

APPEAL from a judgment of the Court of First Instance of Rizal. Reyes, *J.*

The facts are stated in the opinion of the Court.

Aruego, Mamaril & Associates and *Jose T. Nery* and *Constante A. Ancheta* for petitioner and appellee.

Solicitor General Arturo A. Alafriz and *Solicitor Sumilang V. Bernardo* for movant and appellant.

L-27734

APPEAL from a judgment of the Court of First Instance of Palawan. Tividad, *J.*

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The facts are stated in the opinion of the Court.

Delos Reyes & Abueg for petitioner and appellee.

Solicitor General Felix V. Makasiar and *Solicitor Bernardo P. Pardo* for oppositor and appellant.

L-28496

APPEAL from a judgment of the Court of First Instance of Manila. Cloribel, *J.*

The facts are stated in the opinion of the Court.

Enrique A. Joaquin for petitioner and appellee.

Solicitor General Antonio P. Barredo, Assistant Solicitor General Isidro C. Borromeo and *Solicitor Sumilang V. Bernardo* for oppositor and appellant.

L-28579

APPEAL from a judgment of the Court of First Instance of Quezon. Del Rosario, *J.*

The facts are stated in the opinion of the Court.

Francisco Omaña for petitioner and appellee.

Solicitor General Felix V. Makasiar, Assistant Solicitor General Conrado T. Limcaoco and *Solicitor Jaime M. Lantin* for oppositor and appellant.

L-28861

APPEAL from a judgment of the Court of First Instance of Manila. Domingo, *J.*

The facts are stated in the opinion of the Court.

Gaudioso T. Antaran for petitioner and appellee.

Solicitor General Felix V. Makasiar, Assistant Solicitor General Isidro C. Borromeo and *Solicitor Sumilang V. Bernardo* for oppositor and appellant.

L-28941

APPEAL from a judgment of the Court of First Instance of Negros Oriental. Santos, *J.*

The facts are stated in the opinion of the Court.

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Cristino V. Pinili for petitioner and appellee.

Solicitor General Felix V. Makasiar, Assistant Solicitor General Antonio A. Torres and *Solicitor Raul I. Goco* for oppositor and appellant.

L-29063

APPEAL from a judgment of the Court of First Instance of Manila, Geronimo, *J.*

The facts are stated in the opinion of the Court.

Flores, Macapagal, Ocampo & Balbastro for petitioner and appellee.

Solicitor General Felix V. Makasiar and *Solicitor Bernardo P. Pardo* for oppositor and appellant.

L-31450

APPEAL from a judgment of the Court of First Instance of Negros Occidental. Alampay, *J.*

The facts are stated in the opinion of the Court.

Hilado, Hagad & Hilado for petitioner and appellee.

Solicitor General Felix Q. Antonio, Actg. Assistant Solicitor General Hector C. Fule and *Solicitor Santiago M. Kapunan*

CONCEPCION, *C. J.:*

This is a joint decision in the above-entitled cases, owing to the main points in common therein, although they were heard and decided, in the first instance, separately and independently of one another.

L-20718 Roy Watt vs. Republic

Decision having been rendered, on June 28, 1960, granting Roy Watt's application to be naturalized as citizen of the Philippines, he filed, on July 5, 1962, a motion praying that he be allowed to take his oath of allegiance after the hearing and reception of the evidence required therefor.

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The motion having been granted despite the opposition thereto of the Government, the latter interposed the present appeal.

L-25693 – Lim Ching Bio, alias Oscar Lim, vs. Republic

This is another appeal taken by the Government from a decision of the Court of First Instance of Laguna and San Pablo City granting, over the former's objection, the application for naturalization of Lim Ching Bio, *alias* Oscar Lim.

L-26952 – Ang To vs. Republic

Petitioner Ang To filed, on January 7, 1958, a petition for naturalization, which was granted by the Court of First Instance of Rizal on January 27, 1959. Over two (2) years later, or on March 27, 1961, he moved to be allowed to introduce the evidence required in order that he could take his oath of allegiance. After the presentation of said evidence, the aforementioned court issued an order, dated April 4, 1961, allowing Ang To to take said oath, which he did on the same date. Accordingly, he was issued the corresponding certificate of naturalization. On September 21, 1962, the Solicitor General filed a motion to declare said decision null and void and to order the cancellation of said certificate of naturalization, as well as of its registration in the local civil registry, upon the following grounds: that of nullity of the proceedings for lack of jurisdiction of said court to hear and decide the case; that the certificate of naturalization had been secured illegally and fraudulently; and that the petitioner had not filed the requisite declaration of intention. After due hearing, said court rendered a "decision", dated December 9, 1963, denying said motion for lack of merit. Hence, this appeal by the Solicitor General.

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L-27734 – Damian Pe vs. Republic

On September 3, 1960, Damian Pe filed, with the Court of First Instance of Palawan, a petition for naturalization, which was granted in a decision rendered on June 22, 1961. The Republic moved, on September 21, 1965, to set aside said decision alleging, *inter alia*, lack of jurisdiction to render the same, no declaration of intention having been filed by the petitioner; failure to allege in the petition his former places of residence; lack of sincerity to become a citizen of the Philippines; lack of a lucrative trade or profession; and incompetence of the attesting witnesses to vouch for the petitioner. Having learned, thru petitioner's opposition to said motion, that he had taken his oath of allegiance and secured a certificate of naturalization on October 14, 1963, the Government filed, on February 8, 1966, another motion to set aside the proceedings relative to his oath taking, for lack of previous notice of petitioner's motion therefor and of the hearing in connection therewith, aside from lack of allegation about his former residence in Palawan. Acting upon said two (2) motions, on April 20, 1966, the trial court issued an order setting aside its aforementioned decision and dismissing the petition, as well as ordering the cancellation of petitioner's oath of allegiance and certificate of naturalization; but, on June 9, 1966, said order was reconsidered and set aside, on motion of the petitioner. The case is now before Us on appeal taken by the Government

L-28496 – Lim Seng Be vs. Republic

The Solicitor General seeks the reversal of a decision of the Court of First Instance of Manila granting the petition of Lim Seng Be for naturalization as citizen of the Philippines, upon several grounds hereafter to be set forth.

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L-28579 – Uy Giok Chiu vs. Republic

Acting upon the petition for naturalization filed by Uy Giok Chiu on December 20, 1958, the Court of First Instance of Quezon rendered on March 29, 1961, a decision granting said petition. Later, Uy Giok Chiu moved to be allowed to take his oath of allegiance, which was opposed by the Republic; but, in an order dated February 10, 1966, this opposition was overruled and petitioner was declared entitled to take said oath. The Solicitor General, accordingly, interposed the present appeal.

L-28861 – Ngo Tiok, alias Lorenzo Wu, vs. Republic

On March 29, 1961, the Court of First Instance of Manila rendered judgment granting the petition of Ngo Tiok *alias* Lorenzo Wu, to be naturalized as citizen of the Philippines. Subsequently, Ngo Tiok filed a petition, dated June 26, 1967, which was amended on July 18, 1967, to be allowed to take his oath of allegiance. Despite the opposition thereto, filed, on November 2, 1967, by the Solicitor General – based upon petitioner's lack of a lucrative trade or profession and violation by him of government regulations – said petition was granted in an order dated January 8, 1968, from which the Republic has taken the present appeal.

L-28941 – Sy Bon Pin, alias Luis Sy, vs. Republic

A decision having been rendered, on November 29, 1962, by the Court of First Instance of Negros Oriental, granting the petition for naturalization of Sy Bon Pin *alias* Luis Sy, and a reconsideration of said decision having been denied, the case was set for hearing on August 21, 1965, for the reception of the evidence required prior to the oath taking, after which, on or about September 15, 1965, said court issued an order authorizing Sy Bon Pin to take his oath

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of allegiance. Thereupon, the case was brought to Us on appeal by the Government.

L-29063 – Chiao Sun Tan, alias Renato Tan, vs. Republic

The petition for naturalization filed by Chiao Sun Tan, *alias* Renato Tan, on November 6, 1964, was formally opposed by the Solicitor General, despite which, on December 21, 1967, the Court of First Instance of Manila rendered a decision granting said petition. Thereupon, the Solicitor General interposed the present appeal.

L-31450 – Antonio Chiu vs. Republic

This is a similar appeal by the Government from a decision of the Court of First Instance of Negros Occidental granting the petition for naturalization of Antonio Chiu and denying a reconsideration of said decision.

Several principles, well-settled in this jurisdiction, are relevant to the present cases, namely:

1) It has been consistently held, since as early as 1941, that strict compliance with the requirements of our Naturalization Law [1] is essential to the acquisition of Philippine citizenship by an alien. [2]

Thus, for instance, in connection with the exemption from the requirement of filing a declaration of intention, it has been ruled that, aside from proof of birth, the petitioner should establish that he received his primary and secondary education in public schools or in private schools recognized by the Government, *not limited to any race or nationality.* [3] Consistently with the policy of strict compliance with our

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[1] Commonwealth Act No. 473, as amended by Republic Act No. 530.

[2] Orestoff *vs.* Government, 71 Phil. 240; Lim *vs.* Republic, L-27126, May 29, 1970; Chua Bon Chiong *vs.* Republic, L-29200, May 31, 1971; Que Tiac *vs.* Republic, L-20174, Jan. 31, 1972.

[3] Section 6, Com. Act No. 473, as amended.

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Naturalization Law, which permeats the same, We have said:

> "The records * * * bear no evidence showing that the Philippine Chinese High School where Lim Cho Kuan finished his elementary education is not limited to any race or nationality. *Such point must be proved by applicant and cannot be presumed from the fact that the school is recognized by the Government. The deficiency is fatal to his claim for exemption.*" [4]

Accordingly, this Court has declared that exemption from filing said declaration of intention is an "essential particular" of said law and that "failure * * * of the petitioner * * * to *make a statement in his petition* about his having filed, or his being exempt from filing, a declaration of intention constituted a *fatal* defect in his petition and rendered the same *void* * * *." [5] This view was expressed, with greater emphasis, in the following language:

> "It has been repeatedly held that *in cases where the petitioner for naturalization is exempt from filing a declaration of intention, a statement as to his exemption therefrom and the reasons therefor should appear in the petition in order to apprise the public,* especially those officers charged with notice of the application, of the reasons advanced in support of the claim for exemption, so that they may be prepared, if legally proper and necessary to contest or object to any evidence adduced in that regard. The failure, therefore, of the petitioner to make a statement in his original petition about his having filed, or his being exempt from that requirement, *constitutes a fatal defect in his*

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[4] Lim Cho Kuan vs. Republic, L-21198, Jan. 22, 1966; Tan Kian Sy vs. Republic, L-31376, July 25, 1972.

[5] Ong Khan vs Republic, 109 Phil. 855. Italics ours.

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petition and rendered the same void for non-compliance with the law." [6]

2) The same position has been taken with respect to the requirement that the petition for naturalization must state the "present and former places of residence" of the petitioner. *Failure to do so affects the jurisdiction of the court* to entertain the petition and nullifies the proceedings in connection therewith. [7]

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[6] Tan *vs.* Republic, L-19897, June 24, 1965; Tan Kian Sy *vs.* Republic, *supra.* Italics ours.

[7] Calvin Lo *vs.* Republic, *L-15919, May 19, 1961*; Keng Giok *vs.* Republic, L-13347, Aug. 31, 1961; Koa Gui *vs.* Republic, L-13717, July 31, 1962; Ngo *vs.* Republic, L-18319, May 31, 1963; Go Bon The *vs.* Republic, L-16813, Dec. 27, 1963; Serwani *vs.* Republic, L-18219, Dec. 27, 1963; Chieng Yen *vs.* Rep., L-18885, Jan. 31, *1964; Manuel de Lara vs. Rep., L-18203, May 29, 1964; Pio de* Lara *vs.* Rep., L-18204, May 29, 1964; Gaw Ching *vs.* Rep., L-19419, Sept. 30, 1964; Ong Tai *vs.* Rep., L-19418, Dec. 23, 1964; Ong Ping Seng *vs.* Rep., L-19575, Feb. 26, 1965; Tan *vs.* Rep., L-19694, March 30, 1965; Cheng *vs.* Rep., L-20013, March 30, 1965; Lee Ng Len *vs.* Rep., L-20151, March 31, 1965; Go *vs.* Rep., L-20558, March 31, 1965; Ng *vs.* Rep., L-19646, May 31, 1965; Yu Ti *vs.* Rep., L-19913, June 23, 1965; Lim Uy *vs.* Rep., L-19916, June 23, 1965; Tan Nga Kok *vs.* Rep., L-16767, June 30, 1965; Uy *vs.* Rep., L-20208, June 30, 1965; Yao Long *vs.* Rep., L-20910, Nov. 27, 1965; Rep. *vs.* Hon. A. Reyes, L-20602, Dec. 24, 1965; Pe *vs.* Rep., *L-20375*, Jan. *31, 1966*; Yu An Kiong *vs.* Rep., *L-21333*, Jan. 31, 1966; Chan Kiat Huat *vs.* Rep., L-19579, Feb. 28, 1966; Dy *vs.* Rep., L-20152, Feb. 28, 1966; Kao Heng *vs.* Rep., L-21079, Feb. 28, 1966; Tan *vs.* Rep., L-21671, Feb. 28, 1966; Wayne Chang *vs.* Rep., L-20713, April 29, 1966; Go *vs.* Rep., L-21895, April 29, *1966; Lim Tan vs. Rep., L-22192, April 30, 1966; Tan vs. Rep.*, L-22207, May 30, 1966; Chi *vs.* Rep., L-18207, June 20, 1966; Yu *vs.* Rep., L-19110, July 30, 1966; Rep. *vs.* Co Keng, L-19829, July 30, 1966; Yap *vs.* Rep., L-19832, Aug. 23, 1966; Yong Sai *vs.* Rep., L-20483, Sept. 30, 1966; Dy Bu Si *vs.* Rep., L-22076, Oct. 29, 1966; Uy Tian Hua Jr. *vs.* Rep., L-20813, Nov. 29, 1966; Tan Tiu *vs.* Rep., L-21018, Nov. 29, 1966; Tan *vs.* Rep., L-22077, Feb. 18, 1967; Tan *vs.* Rep., L-19899, Mar. 18, 1967; Tan Chua *vs.* Rep., L-22310, April 24, 1967; Lim *vs.* Rep., L-22387, April 24, 1967; Law Tai *vs.* Rep., L-20623, April 27, 1967; Syson *vs.* Rep., L-21199, May 29, 1967; Ong Chia Suy *vs.* Rep., L-21739, May 30, 1967; Chun Eng Go *vs.* Rep., L-21054, July 18, 1967; O Ku Phuan

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In Saw Cen *vs.* Republic, [8] We used the following language:

"* * * The non-inclusion of the other name of petitioner in the publication of the petition has resulted fatal, for it has deprived any person, knowing him by that name, to come forward and inform the authorities of any matter which might affect his application for naturalization. In other words, the publication was *incomplete and insufficient, thereby affecting the juridiction of the court to take cognizance of this petition.* * * *."

In an earlier case, [9] We even went farther and affirmed:

"Petitioner argues * * * that his residence in Manila was only *temporary* so that his legal residence or domicile remained to be Legaspi City. Section 7 of the Revised Naturalization Law speaks of 'present and former places of residence' without specifying actual or legal residence. *Its purpose, as stated, is to give the public and the investigating agencies of the government an opportunity to gather information and to express objection*

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vs. Rep., L-23406, Aug. 31, 1967; Ho Ngo *vs.* Rep., L-24335, Nov. 18, 1967; Li Siu Liat *vs.* Rep., L-25356, Nov. 25, 1967; Tan Khe Shing *vs.* Rep., L-22390, Feb. 29, 1968; Chua Bok *vs.* Rep., L-24286, April 25, 1968; Rep. *vs.* Co Keng, L-19829, May 4, 1968; Yap Pucy Eng *vs.* Rep., L-24805, May 23, 1968; Cu King Nan *vs.* Rep., L-20490, June 29, 1968; Chua Chu *vs.* Rep., L-24951, July 20, 1968; Ng *vs.* Rep., L-26242, Oct. 25, 1968; Choa Hai *vs.* Rep., L-23515, Feb. 27, 1969, Sy Suan *vs.* Rep., L-23470, Feb. 28, 1969; Go Ay Koc *vs.* Rep., L-23652, April 25, 1969; Chua Lian Yan *vs.* Rep., L-26416, April 25, 1969; Zabaleta *vs.* Rep., L-25401, June 30, 1969; Tan Tiu *vs.* Rep., L-21558, Jan. 30, 1970; *Ong Siao Liong vs.* Rep., L-23544, July 31, 1970; Gan Gwan *vs.* Rep. L-26196, July 31, 1970; Choa Tion Chong *vs.* Rep., L-25608, Aug. 31, 1970; Dy *vs.* Rep., L-21958, Sept. 28, 1970.

[8] L-20310, April 30, 1965. Italics ours.

[9] Qua *vs.* Republic, L-19834, October 27, 1964. Italics ours.

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relative to the petition. Precisely, for this reason it is important that petitioner's *actual, physical residence* be likewise set forth and published, since information regarding petitioner and objection to his application are apt to be provided by people in his *actual, physical surrounding.*

"Section 7 * * * requires disclosure of 'present and former places of residence' as a precaution against suppression of information regarding any possible misbehaviour on the part of applicant in any community where he may have lived at one time or another. *To ignore this purpose* would be to *disregard obvious legislative intent* as well as to *forego the high degree of prudence and care* required of Us in naturalization proceedings (Uy *vs.* Republic, L-19578, October 27, 1964).

"Appellee mentions Republic *vs.* Tan, L-12409, April 1, 1959, wherein this Court held that residence means legal residence. However, it was to Section 8 of the law, on where to file the petition, that said decision referred. Considering the different purpose intended for Section 7, *the residence mentioned therein does not exclude actual residence even though temporary. Neither can applicant contend that the omission in his petition was cured during the trial.* In Lo *vs.* Republic, *supra* (L-15919, 19 May 1961), We held that *non-compliance with Section 7 cannot be cured by the evidence.*"

Indeed, We have, likewise, postulated: [10]

"* * * The reason for such a requirement is, as pointed out by the Solicitor General, to 'facilitate checking up on the different activities of the

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10 Keng Giok *vs.* Republic, L-13347, Aug. 31, 1961; Go Bon The *vs.* Republic, L-16813, Dec. 27, 1963.

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> petitioner bearing on his petition for naturalization (especially as to his qualifications and moral character) either by private individuals or government agencies, by indicating to them the localities or places in which to make appropriate inquiries or investigations thereon.' Needless to say, by such omission, appellant, in effect, falsified the truth, indicating lack of good moral character on his part, which disqualified him from admission to Philippine citizenship (Sec. 2, Rev. Nat. Law) * * *."

Consequently, We have declared that failure of the petitioner to allege in his petition for naturalization all his former places of residence "in violation of the mandatory provision of Section 7 of the Revised Naturalization Law, *is a fatal* defect that *not only warrants dismissal* of the petition, but, also, *affects the jurisdiction of the court* to hear and decide the case." [11]

3) Similarly, the failure to state in the petition the other names by which petitioner is known, affects said jurisdiction and invalidates the proceedings for naturalization. [12]

4) So does the failure to publish *the petition* for naturalization. *Notice* of the filing of the petition is *not* enough to validate the naturalization proceedings.

In Po *vs.* Republic, [13] We held:

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[11] Go *vs.* Republic, L-20558, Mar. 31, 1965. Italics ours.

[12] Koa Gui *vs.* Rep., L-13717, July 31, 1962; Te Eng Ling *vs.* Rep., L-17918, Nov. 28, 1962; Kwan Kwock How *vs.* Rep., L-18521, Jan. 30, 1964; Ong Khan *vs.* Rep., L-19709, Sept. 30, 1964; Lee *vs.* Rep., L-20151, Mar. 31, 1965; Ang Tee Yee *vs.* Rep., L-20305, Mar. 31, 1965; Go *vs.* Rep., L-20558, Mar. 31, 1965; Saw Cen *vs.* Rep., L-20310, Apr. 30, 1965; Lim Uy *vs.* Rep., L-19916, June 23, 1965; Rep. *vs.* Hon. Andres Reyes, L-20602, Dec. 24, 1965; Yu Nam *vs.* Rep., L-20016, Apr. 29, 1966; Dy *vs.* Rep., L-20709, April 29, 1966; Yong Sai *vs.* Rep., L-20483, Sept. 30, 1966; Chuah Tak Seng *vs.* Rep., L-21599, Oct. 29, 1966; Te Poot *vs.* Rep., L-20017, Mar. 28, 1969; Rep. *vs.* Borromeo, L-26870, May 29, 1970; Yap *vs.* Rep., L-26820, July 31, 1970; Choa Tion Chong *vs.* Rep., L-25608, Aug. 31, 1970; Dy *vs.* Rep., L-21958, Sept. 28, 1970.

[13] L-27443, July 19, 1971. Italics ours.

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> "Moreover, section 9 of Com. Act No. 473 requires that the 'petition' for naturalization be published 'in the Official Gazette, and in one of the newspapers of general circulation *in the province where the petitioner resides* * * *.' In the case at bar, what was published was not appellee's *'petition'* for naturalization, but a *'notice'* summarizing the allegations of said pleading. *The publication of such notice is insufficient to vest, in the trial court, jurisdiction to hear and decide this case.* Besides, said notice was published in the 'Nueva Era, and the records do not show that this newspaper is of general circulation in Surigao del Norte, the province in which the appellee resides."

Indeed, We had previously ruled:

"Nonetheless, the following circumstances bar applicant's admission to Philippine citizenship:

> "(1) *His petition was not copied entirely or verbatim in the notice posted in the bulletin board and published in the Official Gazette and the Vanguard* (see Exhs. A, C, D, and E). Sec. 9 of Com. Act No. 473 requires that copies of the *petition* shall be published and posted. *This requirement is jurisdictional.* The *notice* as thus posted and published contained only a summary of some of the contents of the petition. Such an omission militates against the approval of his petition; because we cannot depart, as Justice Fernando opined speaking for this Tribunal, from 'the basic concept that the grant of citizenship being a highly regarded privilege, *there must be a full and strict compliance* with the requirements of the law before its benefits can be enjoyed.' " [14]

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14 Dy vs. Republic, L-21958, Sept. 28, 1970. Italics ours.

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This was but a reiteration of Our view in Ngo *vs.* Republic, [15] from which We quote:

> "The first assignment of error is predicated upon the undisputed fact that, in violation of Section 9 of Commonwealth Act No. 473, which provides that –
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> " 'Immediately upon the filing of a petition, it shall be the duty of the clerk of the court to *publish the same* at petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides * * *.'
>
> the *petition* herein has *not* been so published. Although a *notice* of the filing of said petition, making reference to some data therein contained, and stating the date and place of the hearing thereof was published, *this is not sufficient compliance with said legal provision. As a consequence, the lower court acquired no jurisdiction* to hear this case and *the decision appealed from is null and void.* * * *."

5) Again, notice to the Solicitor General of said proceedings, of the orders and decision therein, as well as of the proceedings leading to the oath taking, is, likewise, essential to the validity of such proceedings. [16]

6) Upon the other hand, the use of other names or aliases, without prior judicial approval therefor, is unlawful, and, hence, reflects the absence of a good moral character. In the language of this Court, it is "anything but proper and

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15 L-25805, Feb. 27, 1969. Italics ours.

16 Lim *vs.* Rep., L-27126, May 29, 1970; Yao Mun Tek *vs.* Rep., L-23383, Jan. 28, 1971; Que Tiac *vs.* Rep., L-20174 and Tan Ngo *vs.* Rep., L-30934, both Jan. 31, 1972.

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irreproachable." [17]

7) It is not enough for an applicant for naturalization not to be a financial burden upon the community. He must, also, have a "lucrative trade, profession, or lawful occupation." And this qualification has been construed to mean, not only that he is not a beggar, a pauper or indigent, but, also, that his financial condition must be such as to permit him and the members of his family to live with reasonable comfort, in accordance with the prevailing standard of living, and consistently with the demands of human dignity, at this stage of our civilization. Accordingly, it has been repeatedly held that this qualification is lacking in the case of married men who have an annual income of:

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[17] Lim Bun *vs.* Rep., L-12822, Apr. 26, 1961; Ng Liam Keng *vs.* Rep., L-14146, Apr. 29, 1961; Koa Gui *vs.* Rep., L-13717, July 31, 1962; Wang I Fu *vs.* Rep., L-15819, Sept. 29, 1962; Te Eng Ling *vs.* Rep., L-17918, Nov. 28, 1962; Ong Khan *vs.* Rep., L-19709, Sept. 30, 1964; Uy Eng Hiok *vs.* Rep., L-17118, Nov. 17, 1964; Cheng *vs.* Rep., L-20013, March 31, 1965; Lee *vs.* Rep., L-20148, April 30, 1965; Go A. Leng *vs.* Rep., L-19836, June 21, 1966; Chiu Bok *vs.* Rep., L-19111, June 22, 1965; Vy Tian *vs.* Rep., L-19918, July 30, 1965; Tan *vs.* Rep., L-20287, July 30, 1965; Dy *vs.* Rep., L-20152, Feb. 28, 1966; Wayne Chang *vs.* Rep., L-20713, April 29, 1966; Lee Tit *vs.* Rep., L-21446, April 29, 1966; Ko Bok *vs.* Rep., L-21452, April 29, 1966; Kock Tee Yap *vs.* Rep., L-20992, May 14, 1966; Soglou *vs.* Rep., L-20318, May 19, 1966; Ong Hock Lian *vs.* Rep., L-21197, May 19, 1966; Chan *vs.* Rep., L-22352, June 30, 1966; Lim *vs.* Rep., L-20811, July 26, 1966; Go Tian An *vs.* Rep., L-19833, Aug. 31, 1966; Dy Bu Si *vs.* Rep., L-22076, Oct. 29, 1966; Tse Viw *vs.* Rep., L-18281, Nov. 22, 1966; Carmen Dy *vs.* Rep., L-20814, Nov. 29, 1966; Chua Tek *vs.* Rep., L-22372, March 31, 1967; Tan Chua *vs.* Rep., L-22310, April 24, 1967; Wong Chui *vs.* Rep., L-23855, April 24, 1967; O Ku Phuan *vs.* Rep., L-23406, Aug. 31, 1967; Tan Sen *vs.* Rep., L-23181, Oct. 24, 1967; Ho Ngo *vs.* Rep., L-24335, Nov. 18, 1967; Tan Khe Shing *vs.* Rep., L-22390, Feb. 29, 1968; Te Poot *vs.* Rep., L-20017, March 28, 1969; Yu Lim *vs.* Rep., L-23591, March 28, 1969; Say Chong Hai *vs.* Rep., L-25438, April 25, 1969; Uy *vs.* Rep., L-20194, July 17, 1969; Lim *vs.* Rep., L-19835, May 29, 1970; Rep. *vs.* Borromeo, L-26870, May 29, 1970; Yap *vs.* Rep., L-26820, July 31, 1970; Choa Tion Chong *vs.* Rep., L-25608, Aug. 31, 1970; Dy *vs.* Rep., L-21958, Sept. 28, 1970, Chua Bon Chiong *vs.* Rep., L-29200, May 31, 1971.

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P9,600, with 11 children, 4 of them in college, one in high school and 3 in grade school; or P5,000, P7,799.34, P8,067.24 or even P8,687.50, with 5 children; or P7,133.29, with 4 children; or P5,980, with 3 children. [18] The same conclusion has been reached as regards unmarried applicants with an annual income ranging from P2,400 to P3,600. [19] What is more, qur jurisprudence has regarded with caution or skepticism and attaches very little weight to evidence concerning the income of applicants allegedly working in business enterprises operated by their relatives, if not their own parents.

8) The attesting witnesses must be, not only citizens of the Philippines, but, also, "credible persons." This means that they must be well known in the community and enjoy therein such a high reputation for probity that their word may be taken on its face value. [20] In this connection, employees or persons in the service of the petitioner, or of the business enterprise owned or operated by him or his family, are not competent to be attesting witnesses in the proceedings for his naturalization. What is more, as we had occasion to point out in Que Tiac *vs.* Republic: [21]

"* * * the character witnesses must have

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18 Keng Giok *vs.* Republic, L-13347, Aug. 31, 1961; Koa Gui *vs.* Republic, L-13717, July 31, 1962; Go Bon The *vs.* Republic, L-16813, Dec. 27, 1963; Tio Tek Chai *vs.* Republic, L-19112, Oct. 30, 1964; Yap Bun Pin *vs.* Republic, L-19577, Oct. 30, 1964; Uy Ching Ho *vs.* Republic, L-19582, March 26, 1965; Sy Suan *vs.* Republic, L-23470, Feb. 28, 1969; Que Tiac *vs.* Republic, L-20174, Go Le Kian *vs.* Republic, L-24969, and Tan Ngo *vs.* Republic, L-30934, all Jan. 31, 1972.

19 Uy *vs.* Republic, L-20208, June 30, 1965; Pe *vs.* Republic, L-20375, Jan. 31, 1966; Co *vs.* Republic, L-21078, April 29, 1966; Ang Hoc *vs.* Republic, L-24042, Jan. 31, 1972.

20 Ong *vs.* Republic, 103 Phil. 964, 971; Co *vs.* Republic, L-18068, Oct. 30, 1962; Saw Cen *vs.* Republic, L-20310, April 30, 1965; O Ku Phuan *vs.* Republic, L-23406, Aug. 31, 1967; Hao Guan Seng *vs.* Republic, L-23936, Sept. 13, 1967.

21 *Supra.*

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known the applicant for the period prescribed by law and had the opportunity to observe him personally during such period, as well as the ability to attest to the possession by him of the requisite qualifications – one of which is that he has 'conducted himself in a proper and irreproachable manner during the *entire* period of his residence in the Philippines' – and to state whether or not he believes in the principles underlying our Constitution." [22]

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22 See, also, Lim Ching Tian *vs.* Rep., L-12001, Feb. 28, 1961; Ng Liam Keng *vs.* Rep., L-14146, April 29, 1961; Lo *vs.* Rep., L-15919, May 19, 1961; Sy Cezar *vs.* Rep., L-14009, May 31, 1961; Que Choe Gui *vs.* Rep., L-16184, Sept. 30, 1961; Chua Pun *vs.* Rep., L-16825, Dec. 22, 1961; Ng *vs.* Rep., L-16302, Feb. 28, 1962; Uy *vs.* Rep., L-17622, May 29, 1962; Si Ne *vs.* Rep., L-16828, May 30, 1962; Yan Kang *vs.* Rep., L-17013, May 30, 1962; Dy Lam Go *vs.* Rep., L-15858, July 31, 1962; Wang I Fu *vs.* Rep., L-15819, Sept. 29, 1962; Sy Pinero *vs.* Rep., L-17399, Oct. 30, 1962; Go *vs.* Rep., L-18068, Oct. 30, 1962; Cuaki Tan Si *vs.* Rep., L-18006, Oct. 31, 1962; Uy Chin Hua *vs.* Rep., L-17316, Nov. 29, 1962; Yu Kiu Tian *vs.* Rep., L-15554, Nov. 30, 1962; Te Tay Seng *vs.* Rep., L-15956, March 30, 1963; Ngo *vs.* Rep., L-18319, May 31, 1963; Serwani *vs.* Rep., L-18219, Dec. 27, 1963; Uy Tian Ii *vs.* Rep., L-18248, Dec. 27, 1963; Kwan Kwock How *vs.* Rep., L-18521, Jan. 30, 1964; Ong Ling Chuan *vs.* Rep., L-18550, Feb. 28, 1964; De Lara *vs.* Rep., L-18203, May 29, 1964; De Lara *vs.* Rep., L-18204, May 29, 1964; Koh Chet *vs.* Rep., L-17223, June 30, 1964; Gaw Ching *vs.* Rep., L-19419, Sept. 30, 1964; Ong Bon Kok *vs.* Rep., L-19583, Sept. 30, 1964; Teh *vs.* Rep., L-19830, Sept. 30, 1964; Uy *vs.* Rep., L-19578, Oct. 27, 1964; Tse *vs.* Rep., L-19642, Nov. 9, 1964; Yap *vs.* Rep., L-19846, Feb. 26, 1965; Uy Ching Ho *vs.* Rep., L-19582, March 26, 1965; Tan *vs.* Rep., L-19694, March 30, 1965; Saw Cen *vs.* Rep., L-20310, April 30, 1965; Yu Tiu *vs.* Rep., L-19844, June 30, 1965; Vy Tian *vs.* Rep., L-19918, July 30, 1965; Lu *vs.* Rep., L-20915, Nov. 27, 1965; Lim *vs.* Rep., L-20711, Dec. 21, 1965; Rep. *vs.* Reyes, L-20602, Dec. 24, 1965; Po *vs.* Rep., L-21019, Dec. 24, 1965; Ng *vs.* Rep., L-21179, Jan. 22, 1966; Yu An Kiong *vs.* Rep., L-21333, Jan. 31, 1966; Lee Tit *vs.* Rep., L-21446, April 29, 1966; Uy Chin Hong *vs.* Rep., L-21219, May 20, 1966; Ang Dit Kue *vs.* Rep., L-15795, June 20, 1966; Lim *vs.* Rep., L-22437, June 21, 1966; Tan Te Buntiong *vs.* Rep., L-20020, Aug. 23, 1966; Lim Eng Yu *vs.* Rep., L-20809, Aug. 31, 1966; King *vs.* Rep., L-19082, Sept. 29, 1966; Tse Viw *vs.* Rep., L-18281, Nov. 22, 1966; Tan *vs.* Rep., L-22077, Feb. 18,

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Referring now to the cases at bar, We find the following:

Petitioner, in L-20718, alleged in his petition that he had an annual income of P1,800, which is obviously inadequate to be a "lucrative" one. Although he introduced evidence to the effect that *subsequently* to the filing of his application his annual income shot up to P8,000 a year — presumably because of property allegedly inherited by his wife, the earnings of which belong to the conjugal partnership — this circumstance cannot be availed of by petitioner Roy Watt, whose qualifications must be determined *as of the time of the filing of his petition.* Besides, there is substantial evidence to the effect that petitioner does not have a good moral character and has far from conducted himself in a proper and irreproachable manner. No less than the mayor of the municipality of Balabac, in which petitioner resides, testified that he had, on several occasions, brought home blank forms of certificates of ownership of large cattle and filled them up, without authority therefor, and, hence, falsified the aforementioned documents. Again, sometime in 1954, petitioner had offered the sum of P500 to said local official for the repeal of a given municipal ordinance.

Similarly, in L-25693, the average annual income of P2,439.39, alleged in the application for naturalization of Lim Ching Bio, *alias* Oscar Lim, as a salesman of the Lim Yu Auto Supply Hardware, at San Pablo City, shows that he does not have a "lucrative occupation." He would have the

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1967; Chua Beng *vs.* Rep., L-21755, May 13, 1967; Po Chu King *vs.* Rep., L-20810, May 16, 1967; O Ku Phuan *vs.* Rep., L-23406, Aug. 31, 1967; Hao Guan Seng *vs.* Rep., L-23936, Sept. 13, 1967; To *vs.* Rep., L-20156, Dec. 29, 1967; Jao *vs.* Rep., L-23116, Jan. 24, 1968; Jao King Yog *vs.* Rep., L-24950, Feb. 10, 1968; Chan De *vs.* Rep., L-25551, May 29, 1968; Cu King Nan *vs.* Rep., L-20490, June 29, 1968; Chua Chu *vs.* Rep., L-24951, July 20, 1968; Choa Hai *vs.* Rep., L-23515, Feb. 27, 1969; Sy Suan *vs.* Rep., L-23470, Feb. 28, 1969; Te Poot *vs.* Rep., L-20017, March 28, 1969; Say Chong Hai *vs.* Rep., L-25438, April 25, 1969; Ong Siao *vs.* Rep., L-23544, July 31, 1970.

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court believe that, sometime *after* the filing of his petition, he was promoted to assistant manager of said enterprise, with a monthly salary of P480, apart from travelling expenses when transacting business outside San Pablo City where he resides. His testimony to this effect cannot cure the absence of said qualification, not only because the same must be possessed at the time of the filing of the application, but, also, because the Lim Yu Auto Supply Hardware belongs to his mother. The dubious value or weight of his testimony to this effect becomes more apparent when we consider that he has no idea of the volume of the business of said store, despite his claim that he is its present assistant manager.

Then, too, Mariano C. Calingasan, one of petitioner's character witnesses, was the accountant of said store, whereas Democrito Bonilla, the other attesting witness, was, likewise, under the employment of petitioner's family, as a private tutor of his sister Lily.

In L-26952, Ang To alleged, in his petition, filed with the Court of First Instance of Rizal, on January 7, 1958, that his present and past place of residence is and has been No. 1051 Rizal Avenue Extension. Yet, in a petition for naturalization filed by him with the Court of First Instance of Nueva Ecija, on January 12, 1957, he averred that his residence was *San Jose, Nueva Ecija,* where he has his business and main source of income, namely, the San Jose Lumber & Hardware. In fact, his residence certificate for the year 1958 was secured in San Jose, Nueva Ecija. This failure to state his former place of residence nullified the proceedings in the case at bar. Moreover, in his petition therein, he averred that he had "not heretofore made petition for citizenship to any court," which is false and merely attests to the infirmity of his moral character.

In L-27734, Damian Pe alleged, in his petition, filed on September 3, 1960, that he had an average annual income of P1,970. At the hearing of said petition, on July 30, 1963, he testified that his salary as employee of an uncle of his had

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been increased to P2,500 a year. It is thus obvious that he did not, and does not have a "lucrative" trade or profession. Furthermore, notice of his motion for the introduction of evidence, prior to the taking of his oath of allegiance, and notice of hearing therefor were not served on the Solicitor General, who, accordingly, was unaware of said motion and hearing, as well as of the oath of allegiance taken by the petitioner and of the certificate of naturalization issued to him.

In his petition, filed on September 13, 1965, Lim Seng Be alleged, in L-28496, that he then resided at No. 2265 Legarda St., Sampaloc, Manila, and that his former residence was No. 621 Caballeros Street, Manila. It appears, however, that petitioner had also resided at 414 Elcano St., and then at No. 400 Sto. Cristo St., both at Manila, apart from having resided for 10 years at Cavite City, as attested to by his own records in the Bureau of Immigration. The lower court had, therefore, no jurisdiction to favorably entertain said petition.

Furthermore, the record shows that petitioner's attesting witness, Felipe G. Gamboa, had come to know him in 1932, when they became neighbors in Magalang, Pampanga, until 1939 when Gamboa transferred to Manila, at age of 15, and *petitioner was barely 10 years of age.* Upon the other hand, Francisco B. Mancao, the other attesting witness, came to know the petitioner in 1952 at a party held by Mancao. Thereafter, he claimed to have seen the petitioner herein twice a week for about three years, as the former allegedly taught English and Tagalog to the latter. Apart from not knowing him sufficiently, for the period of time required by law, these attesting witnesses have not been shown to enjoy the reputation for honesty and integrity necessary to be the "credible persons" required therefor by our naturalization laws.

The *petition* in L-28579 was not published, in violation of section 9 of Commonwealth Act No. 473. The publication of a *notice* of the filing of said petition was insufficient to

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vest in the court of origin the authority necessary to decide the petition on its merits. [23] Besides, petitioner's average annual income of P3,000, as alleged in the petition, establishes the fact that he does not have a "lucrative" trade or profession, considering that he has a wife and three children. Again, he admitted, on the witness stand, that he had not revealed in his income tax return the *full* amount of his earnings, thus establishing that his moral fiber lacks the quality demanded by our naturalization laws.

Ngo Tiok, *alias* Lorenzo Wu, the petitioner in L-28861, alleged in his petition that he is an employee with an average annual income of not less than P4,600 a year, and later testified that he had a monthly salary of P800, or P9,600 annually. Being married then, with five children, all of them in a *private* high school, said income does not suffice to meet the requirement of a "lucrative" trade or profession.

Moreover, he was administratively fined several times [24] for late registration of his children, in violation of government regulations. Although singly considered, each of these violations might be regarded as having a minor importance, it is not necessarily so when they take place, not merely once or twice, but even four (4) times, and all of them *after* the rendition of the decision granting his petition for naturalization, while he was, therefore, under a sort of probation, prior to the proceedings for the taking of his oath of allegiance. It reflects both little or no concern for government regulations, and a poor moral fiber.

Then, too, apart from the fact that petitioner has used an *alias*, Lorenzo Wu, without judicial authority therefor, his attesting witnesses have not been shown either to have a general reputation for probity, essential to be "credible persons," or to have known him sufficiently to vouch for his

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[23] Ngo vs. Republic, L-25805, Feb. 27, 1969.

[24] On June 20, 1962, April 24, 1963, Dec. 2, 1964, and Jan. 21, 1966.

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qualifications for naturalization as citizen of the Philippines. Jovencio Abadilla claimed to have met the petitioner in 1949. Thereafter, Abadilla visited the petitioner, but the former could not even remember what the latter's occupation was at that time. The other attesting witness was Dr. Luciano Dizon, a medical practitioner whose only contact with the petitioner was during the professional visits made by the former, about 10 times a year, and the social meetings they had, not less than 5 times a year. In short, neither witness was sufficiently qualified to express his opinion on the possession by the petitioner of the requisite qualifications and none of the statutory disqualifications.

The petition in L-28941 states that petitioner Sy Bon Pin has an average annual salary of P3,000, which manifestly is not a "lucrative" income, he being married with three children, and a fourth having been born before the case was heard in the lower court. Although he then testified that his income had increased to P5,000 a year – because he, also, had free board and lodging, equivalent to P1,200 a year, and had earned P800 from the sale of copra, derived from coconuts harvested from lands inherited by him (presumably *after* the filing of the petition) from his deceased father – his income tax return for the year 1961 shows a gross income of P3,960 and a net income of P3,564. In any event, said sum of P5,000 is still insufficient to qualify as a "lucrative" one, considering the size of his family. Besides, the Ng Sa Store – which pays his salary and provides him with free board and lodging – belongs evidently to his mother Ng Sa.

At the hearing in the lower court, Sy Bon Pin introduced evidence to the effect that he owns three (3) parcels of land valued over P5,000, despite the positive allegation in his petition reading: "I do not own any real estate in the Philippines." The three (3) declarations of real property (Exhibits M, M-1 and M-2), submitted by him in support of his testimony, were filed by him with the Office

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of the City Assessor of Dumaguete on March 14, 1962, or about 7 months *after* the institution of the present case. It appears that these declarations were in lieu of former declarations which must have been in the name of his mother, for the income from said real property were included in her income tax return, according to his own testimony.

Furthermore, the lower court had no jurisdiction to grant appellee's petition for naturalization, the same not having been published, in violation of section 9 of Commonwealth Act No. 473. As above pointed out, the publication of *notice* of the filing of said petition, not of the petition itself, is insufficient compliance with said provision.

Similarly, in violation of the same section, requiring that the "petition" for naturalization be published as provided therein, only a *notice* of the *filing* of the petition in L-29063 has been published, so that the lower court did not acquire the jurisdiction necessary to grant said petition.

Besides, Chiao Sun Tan, the petitioner in L-29063, admittedly did not register his wife and two minor children within the time prescribed by law, and did so only after the filing of his petition for naturalization, for which reason he was thrice fined administratively.

Again, there is no evidence that his attesting witnesses, namely, Dr. Francisco Tan and Dr. Benecio Torralba, had the reputation for probity or good standing in the community necessary to be characterized as "credible persons," as required by law for such witnesses,[25] and their testimony consisted mainly of general statements in answer to leading questions propounded by counsel for the petitioner, without particulars as to specific facts to indicate that they are reasonably posted on the possession by the petitioner of the requisite qualifications and none of the disqualifications prescribed by law.

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[25] Ong vs. Republic, 103 Phil. 964.

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In his application in L-31450, filed on September 29, 1967, petitioner Antonio Chiu, born on February 12, 1944, alleged that, as administrator of a farm leased to his brother, he (Antonio Chiu) earned P600 a month, but it is settled that an income allegedly derived from employment in a business or enterprise owned wholly or partially by a member of the family, is of dubious value. [26] The dubious nature of this testimony becomes even more apparent when we consider that petitioner claimed to have been such administrator from 1963 to 1968, or since he was 19 years of age, and, hence, too young for the responsibility entailed and the maturity of judgment and discretion demanded of the administrator of an hacienda in Negros Occidental, and that, from October 1, 1968, to March 31, 1969, he obtained employment as a salesman of Bacolod Allied Commercial with a monthly salary of P300, with a P1,000 bonus he claimed to have gotten at the end of the year.

Upon the other hand, petitioner's attesting witnesses, Atty. Carlos P. Benares and Dr. Angel Lorenzo, do not appear to have had sufficient opportunity to be posted on his qualifications and the absence of any of the statutory disqualifications. As stated in the brief for the Government:

> "Atty. Carlos P. Benares testified that he came to know petitioner in 1947 because the latter's father was his client but he knew him intimately in 1955 after the construction of the Capitol Shopping Center where petitioner's father owns 3 store doors. When asked how often he met petitioner since 1947, witness answered 'I cannot exactly say every month because as a lawyer I used to go to his father in their stores when I saw this child as a boy' (p. 120, t. s. n.). Again, questioned on where petitioner studied during his student days witness gave these answers: *'I was made to under-*

[26] Chua Shiong Hua vs. Republic, L-21400, May 31 1966.

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stand that he was then studying at Tay Tung High School'; 'his high school he took it up in the Tay Tung High School. I know that because when he approached me to testify in his favor and in order to be sure that I am testifying the right thing I *asked him*' (pp. 131-132, t. s. n.). Subsequently, upon questioning by the Court, witness revealed that Atty. Jurilla, former lawyer of petitioner's parents, *told him* when he took over the case, that the parents of petitioner lived in Talisay, Negros Occidental (pp. 135-136, t. s. n.). It is clear therefore that Atty. Benares' knowledge of petitioner *came from the latter* at the time he was requested to be a character witness and *from Atty. Jurilla.* Likewise, Dr. Angel Lorenzo's statement that 'I did not think it wise' to inquire from petitioner his reason for desiring to become Filipino citizen although he was petitioner's godfather in baptism (pp. 90-91, t.s.n.), shows indifference and lack of intimacy with applicant. [27]

"We see therefore that Atty. Carlos Benares and Dr. Angel Lorenzo are not the conversant witnesses who could vouch for the irreproachable conduct of petitioner. If said character witnesses had any knowledge of petitioner it was acquired from the occasions when Atty. Carlos Benares went to the Capitol Shopping Center to contact petitioner's father who was his client and when petitioner accompanied to Dr. Angel Lorenzo's clinic his parents who were his (doctor's) regular patients (p. 86, t.s.n.). Where one of the witnesses was the lawyer of petitioner's father this circumstance lends doubt as to the veracity of his testimony, and leads one to conclude that his declarations are biased and untrustworthy (Albert Ong Ling Chuan *vs.* Republic, L-18550, February 28, 1964). The meetings between petitioner and his two character

[27] Italics ours.

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> witnesses were but occasional and official which afforded the latter no ample opportunity to observe the former's conduct. Such occasional dealings do not provide a reliable basis for gauging a person's moral character. Character witnesses must have an intimate knowledge of the applicant (Cuaki Tan Si *vs.* Republic, L-18006, October 31, 1962), (pp. rec. on appeal). "

Wherefore, it is Our considered opinion that judgment should be, as it is hereby, rendered as follows:

1) In L-20718, the decision of the lower court, dated June 28, 1960, is reversed and the petition therein dismissed. The order of said court allowing petitioner Roy Watt to take his oath of allegiance is set aside, and said oath, as well as petitioner's certificate of naturalization and the registration thereof in the local civil registry, are hereby ordered cancelled, with costs against said petitioner-appellee;

2) In L-25693, the decision appealed from is reversed and the petition therein dismissed, with costs against petitioner-appellee, Lim Ching Bio, *alias* Oscar Lim;

3) In L-26952, the decision therein rendered by the lower court, on January 27, 1959, is hereby annulled. Its order of April 4, 1961, allowing petitioner Ang To to take his oath of allegiance, as well as the "decision" dated December 9, 1963, denying the motion of the Solicitor General, dated August 14, 1962, are set aside, and Ang To's petition for naturalization is dismissed. Moreover, his aforesaid oath is annulled and petitioner's certificate of naturalization and its registration in the local civil registry are ordered cancelled, with costs against said petitioner;

4) In L-27734, the decision therein rendered by the lower court, on June 22, 1961, is hereby annulled, its order of June 9, 1966, set aside, and the petition for naturalization of Damian Pe dismissed. The oath of allegiance taken by said petitioner on October 14, 1963, is, likewise, annulled, and

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the certificate of naturalization issued to him on the same date, as well as the registration of said certificate in the local civil registry, are ordered cancelled, with costs against said petitioner;

5) In L-28496, the decision of the trial court, dated May 15, 1967, is hereby reversed, and the petition for naturalization of Lim Seng Be dismissed, with costs against said petitioner;

6) In L-28579, the decision therein rendered by the trial court, on March 29, 1961, and its order of February 10, 1966, allowing petitioner to take his oath of allegiance, are hereby set aside, and the petition for naturalization of Uy Giok Chiu is dismissed, with costs against said petitioner;

7) In L-28861, the decision of the lower court, dated March 29, 1961, and its order, dated January 8, 1968, allowing petitioner to take his oath of allegiance, are hereby set aside, and the petition for naturalization of Ngo Tiok, *alias* Lorenzo Wu, is dismissed, with costs against said petitioner;

8) In L-28941, the lower court's decision therein dated November 29, 1962, is hereby reversed and its orders of February 6, 1963, and September 4 and 15, 1965, denying the Government's motions for reconsideration and then allowing petitioner to take the corresponding oath of allegiance, are set aside, and the petition for naturalization of Sy Bon Pin, *alias* Luis Sy, is dismissed with costs against said petitioner;

9) In L-29063, the appealed decision of the lower court, dated December 21, 1967, is hereby reversed, and the petition for naturalization of Chiao Sun Tan, *alias* Renato Tan, accordingly, dismissed, with costs against said petitioner; and

10) In L-31450, the appealed decision of the trial court, dated June 2, 1969, is hereby reversed, and the petition for naturalization of Antonio Chiu, dismissed, with costs against petitioner.

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It is so ordered.

Makalintal, Zaldivar, Fernando, Barredo, Makasiar, and *Esguerra, JJ.,* concur.

Barredo, J., did not take part in L-20718, L-25693, L-26952 and L-28496.

Makasiar, J., did not take part in L-27734, L-28579, L-28861, L-28941, and L-29063.

Castro and *Teehankee, JJ.,* concur in the result.

Reyes, J. B. L., and *Antonio, JJ.,* did not take part.

Decisions reversed and set aside.

[No. L-27018. August 30, 1972]

AMORSOLO R. MANZANO, petitioner and appellant, *vs.* JUDGE PATROCINIO S. VILLA, the MUNICIPAL JUDGE OF VICTORIA, TARLAC and the CHIEF OF POLICE OF VICTORIA, TARLAC, respondents and appellees.

1. CRIMINAL PROCEDURE; COMPLAINT; AUTHORITY OF PEACE OFFICER TO FILE COMPLAINT; INSTANT CASE.— Where at the time Sgt. Felix G. Felipe filed the three complaints in the instant case, he was a member of the municipal police force of Victoria, Tarlac, he was therefore a peace officer with authority under Sec. 2, Rule 110 of the Rules of Court, to file the complaints in question. The fact that at the time he did so he was acting as chief of police without formal appointment but merely by designation of the Mayor did not divest him of that authority. In either capacity he remained a peace officer.

2. ID.; PRELIMINARY EXAMINATION; NATURE AND SCOPE.— The preliminary examination conducted by the municipal judge is essentially a procedural matter and no substantial rights of the accused are violated just because he has not been given an opportunity to examine the witnesses against him. This first stage