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[G.R. No. L-27622. July 31, 1970]

IN THE MATTER OF THE PETITION OF ONG CHIONG @ CHARLES ONG TO BE ADMITTED A CITIZEN OF THE PHILIPPINES; ONG CHIONG @ CHARLES ONG, *petitioner-appellee, vs.* REPUBLIC OF THE PHILIPPINES, *oppositor-appellant.*

SYLLABUS

POLITICAL LAW; CITIZENSHIP; NATURALIZATION; BONUS, COMMISSION, OR INCOME FROM TUTORING NOT CONSIDERED LUCRATIVE INCOME FOR NATURALIZATION PURPOSES. — Established is the rule that neither bonuses nor commission is taken into account in assessing the lucrativeness of the income of an applicant for naturalization because these items are contingent, unreliable, unstable and undependable. For the same reason, neither can the income derived from tutoring by the wife of applicant be considered in determining whether the husband-applicant for naturalization has sufficient income in contemplation of the Revised Naturalization Law. Since applicant's salaries were P4,800, P4,800 and P5,543.32 in the years 1963, 1964, and 1965, respectively, which, unfortunately, are the only incomes that may be taken into account, and considering also, that applicant has a wife and six growing children to maintain and educate, obviously, his income can not be said to be lucrative.

APPEARANCES OF COUNSEL

Lorenzo J. Liwag for petitioner-appellee.

Solicitor General Antonio P. Barredo, Assistant Sol. General Isidro C. Borromeo and *Sol. Dominador L. Quiroz* for oppositor-appellant.

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DECISION

RUIZ CASTRO, *J.*:

This is an appeal by the Republic of the Philippines from the decision of the Court of First Instance of Manila, in its civil case 62710, granting the petition for naturalization of Ong Chiong *alias* Charles Ong.

The petitioner who was born in Amoy, China on August 16, 1932, was admitted into the Philippines on October 27, 1934. He is married to Anita Sy, with whom he has six children. He is exempt from filing a declaration of intention because he had been continuously residing in the Philippines for more than thirty years. He is a graduate of the Mapua Institute of Technology with the degree of Bachelor of Science in Electrical Engineering. He has been employed with the United Neon Light Company since 1963.

The Republic seeks the reversal of the judgment *a quo*, on four grounds, namely; (1) that the petitioner's use of the *alias* "Charles Ong" without judicial authority disqualifies him from naturalization; (2) that the failure of the petitioner to state in his petition his second *alias*, "Charles T. Ong," is fatal to his application; (3) that the petitioner does not have a lucrative income; and (4) that the petitioner's character witness Alfonso Reyes is not in a position to vouch for the qualifications of the petitioner for naturalization.

For the purpose of resolving this appeal, we need dwell only on one of the grounds for reversal offered by the Republic. The petitioner has a wife and six children. According to his income tax return for 1963, the following items constituted his income for that year:

Salary as employee of United Neon Light Co.	P4,800.00
Bonus from United Neon Light Co.	2,000.00
Private tutoring (this was later revealed by petitioner as earnings of his wife)	1,972.00
Total	P8,772.00

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In his income tax return for 1964, the following items appear:

Salary from United Neon Light Co.	P4,800.00
Commission and bonus	6,000.00
Tutoring (by the wife)	1,000.00
Total	P11,800.00

His income tax return for 1965 shows the following:

Salary from United Neon Light Co.	P5,543.32
Bonus from United Neon Light Co.	2,000.00
Commission -do-	6,262.50
Tutoring	1,500.00
Total	P15,305.82

Established is the rule that neither bonus nor commission is taken into account in assessing the lucrativeness of the income of an applicant for naturalization because these items are contingent, unreliable, unstable, undependable (Nilda Tse *vs.* Republic, L-19642, Nov. 9, 1964; Ong So *vs.* Republic, L-20145, June 30, 1965). The item, "tutoring" by the wife of petitioner, likewise cannot be considered in determining whether the husband-applicant for naturalization has sufficient income in contemplation of the Revised Naturalization Law (Tanpa Ong *vs.* Republic, L-20605, June 30, 1966). Therefore, for the years 1963, 1964 and 1965, only his salaries of P4,800, P4,800 and P5,543.32, respectively, may be taken into account (after subtracting therefrom the corresponding taxes, if any).

The petitioner has a wife and six growing children to maintain and educate. Obviously, his income cannot adequately provide for the decent needs of his family. In *Uy Ching Ho vs. Republic,* L-19582, March 26, 1965, this Court held that an income of P7,799.30 a year is not lucrative where a petitioner has a wife and five children to maintain. With more reason, therefore, do we hold that the income of the petitioner in the present case is far from being lucrative.

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ACCORDINGLY, the judgment *a quo* is reversed, and the present petition for naturalization is hereby dismissed, at petitioner's cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee and *Villamor, JJ.*, concur.

Barredo, J., did not take part.

[G.R. No. L-27703. July 31, 1970]

MANILA SURETY & FIDELITY CO., INC., *petitioner, vs.* WORKMEN'S COMPENSATION COMMISSION and MARIA P. MALLARI, *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION COMMISSION; DEATH PRESUMED SERVICE CONNECTED.—** In the absence of evidence that the killing was the result of a quarrel purely personal in character and completely unrelated to the work of the deceased, the killing and the resulting death of Mallari having taken place inside the shop where he works, must be presumed to have arisen out of and in the course of his employment.

2. **ID.; ID.; COMPULSORY INSURANCE COVERAGE OF WORKERS, PURPOSE AND REASON.—** The new concept of 'compulsory insurance' in the Workmen's Compensation System decrees that the insurance company which issued a workmen's compensation policy is liable for compensation payments regardless of conditions incorporated in the insurance policy limiting its coverage to certain named locations, in view of the fact that the system follows the 'full coverage' rule. The philosophy underlying compulsory insurance of workmen's compensation liabilities is to allow the injured or sick worker to receive prompt payment of his full compensation benefits with a minimum of legal formality.