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SECOND DIVISION

[G.R. No. L-33817. July 25, 1974]

IN THE MATTER OF THE PETITION OF ROSAURO JOSE TIONG ALSO KNOWN AS JOSE CHUA TO BE ADMITTED A CITIZEN OF THE PHILIPPINES. ROSAURO JOSE TIONG also known as JOSE CHUA, *petitioner-appellee, vs.* **REPUBLIC OF THE PHILIPPINES,** *oppositor-appellant.*

SYLLABUS

POLITICAL LAW; CITIZENSHIP; NATURALIZATION; REQUIREMENT OF A LUCRATIVE INCOME; PETITIONER WITH AN ANNUAL INCOME OF P3,000.00 SHOULD BE DENIED CITIZENSHIP.— Where in the petition for naturalization, the fact shows that the applicant is employed as salesman in the San Jose Trading Store in San Jose, Occidental Mindoro, with an annual salary of P3,000.00 out of which income he gives his parents the amount of P150 once every two months, the decision of the lower court granting citizenship to the applicant should be dismissed. Considering the high cost of living, it is difficult to see how the applicant can manage to come within the strict statutory requirement of possessing "some known lucrative trade, profession, or lawful occupation."

APPEARANCES OF COUNSEL

Eufrosino L. Ramos for petitioner-appellee.

Solicitor General Felix Q. Antonio, Assistant Solicitor General Eduardo C. Abaya and *Solicitor Tomas M. Dilig*, for oppositor-appellant.

DECISION

FERNANDO, *J.*:

This appeal by the Republic of the Philippines from a decision granting a petition for naturalization of applicant Rosauro Jose

Supreme Court E-Library

Tiong presents yet another instance of a lower court being unmindful of the statutory requirement of a lucrative income. Only last month, in *Ong v. Republic,*[1] it was made manifest anew that this Court certainly cannot look with favor on any dilution of such a requisite by trial judges, even if inspired by sympathy, glossing over a failure to adhere strictly to what the law commands. So it must be in this case. A reversal is called for.

The facts show that petitioner-appellee was born on October 8, 1943 in Paco, Manila; that he formerly resided in 1154 Herran, Paco, Manila and also of 1160-62 Herran, Paco, Manila; that he went to San Jose, Occidental Mindoro in 1965 where he established his residence; that he is single; that he is a citizen of the Republic of China; that he is employed as salesman in the San Jose Trading Store in San Jose, Occidental Mindoro, with an annual salary of P3,000.00, out of which income he gives his parents the amount of P150.00 once every two months; and that he studied up to third year high school at the Mapua Institute of Technology in Manila. Notwithstanding that the annual income he could show was only P3,000.00, the lower court in its decision of January 28, 1971 granted his application. That is the principal error assigned by the Solicitor General, his contention being that petitioner had thus failed to show compliance with the legal requirement of a lucrative income.

As noted at the outset, the argument advanced possesses merit.

In the latest case in point, *Ong v. Republic,* reference was made to the earlier decision of *Lim Biak Chiao v. Republic.*[2] In the opinion there rendered, there is this relevant excerpt: "Some of the earlier decisions stressing how essential such a requirement is came from the pen of former Chief Justice Bengzon, in the cases respectively of *Lim v. Republic, Tiong v. Republic,* and *Swee Din Tan v. Republic.* In *Tan v. Republic,* there was a definition of what lucrative employment signifies from the pen of Justice Zaldivar. It 'means a gainful employment. It is not only that the person having the employment gets enough for his ordinary necessities

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[1] L-34995, June 28, 1974.

[2] L-28541, January 14, 1974, 55 SCRA 8.

Supreme Court E-Library

in life. It must be shown that the employment gives one an income such that there is an appreciable margin of his income over his expenses as to be able to provide for an adequate support in the event of unemployment, sickness, or disability to work and thus avoid one's becoming the object of charity or a public charge.' Under such a standard, an applicant with an income of P8,687.50 with five children, one with P5,980.00 with three children, a third with an income of P6,300.00 and only one child and still another one with an income of P7,133.29 with four children were all denied citizenship. Again, from Chief Justice Concepcion comes the latest decision applying such a doctrine consistently adhered to with undeviating rigidity. Reference is made to *Watt v. Republic,* where, in a sense, a further refinement was made in the Tan pronouncement leading to a stricter view of the matter. In the language of the Chief Justice: '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'"[3] Considering the high cost of living, it is difficult to see how an applicant, with an income of P250.00 a month, who to his credit would still share some of it with his parents, can manage to come within the strict statutory requirement of possessing "some known lucrative trade, profession, or lawful occupation."[4]

WHEREFORE, the decision of January 28, 1971 is reversed and set aside and the petition for naturalization dismissed. No costs.

Zaldivar (Chairman), Barredo, Fernandez, and *Aquino, JJ.,* concur.

Antonio, J., did not take part.

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[3] *Ibid.*, 11-12.

[4] *Cf.* Commonwealth Act No. 473, Section 2, par. 4 (1939).