



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

**SEFYAN ABDELHAKIM
 MOHAMED A.K.A. SEFYAN
 ABDELHAKIM MOHAMED
 HUSSIN,**

Petitioner,

— versus —

G.R. No. 220674

Present:

GESMUNDO, *CJ.*, Chairperson
 CAGUIOA,
 LAZARO-JAVIER,
 LOPEZ, M., and
 LOPEZ, J.Y., *JJ.*

**REPUBLIC OF THE
 PHILIPPINES,**
 Respondent.

Promulgated:

DEC 02 2021

X

X

D E C I S I O N

LOPEZ, M., J.:

The right of an alien to become a citizen by naturalization is statutory, rather than a natural one, and it does not become vested until he establishes facts showing strict compliance with the law.¹ This Petition for Review on *Certiorari*² assails the Court of Appeals' Decision³ dated February 25, 2015 and Resolution⁴ dated September 4, 2015 in CA-G.R. CV No. 100073 which dismissed an application for naturalization.

ANTECEDENTS

Sefyan Abdelhakim Mohamed (Mohamed), a Sudanese national, is married to Lailanie N. Piano, a Filipino citizen, with whom he begot a child

¹ *Mo Yuen Tsi v. Republic*, 115 Phil. 401, 410 (1962).

² *Rollo* pp. 3-38.

³ *Id.* at 45-66. Penned by Associate Justice Carmelita Salandanan-Manahan, with the concurrence of Associate Justices Japar B. Dimaampao (now a Member of the Court), and Franchito N. Diamante.

⁴ *Id.* at 68-70.

named Ahmed Sefyan Piano Mohamed.⁵ In 1991, Mohamed arrived in Manila. In 2005, Mohamed was recognized as a convention refugee.⁶ Mohamed currently works as a Public Relations Officer at the Qatar Embassy with a monthly income of \$800.⁷ On June 2, 2006, Mohamed applied for Philippine citizenship and filed a Declaration of Intention with the Office of the Solicitor General (OSG).⁸ On July 20, 2007, Mohamed submitted a Supplemental Declaration of Intention stating that he is not only known as “*Sefyan Abdelhakim Mohamed*” but also as “*Sefyan Abdelhakim Mohamed Hussin*.”⁹

On August 21, 2007, Mohamed filed a Petition for Naturalization before the Regional Trial Court of Pasay City, Branch 114 (RTC), docketed as Naturalization Case No. 07-0005-CFM. In his petition, Mohamed alleged jurisdictional facts and attached supporting documents.¹⁰ At the trial, Mohamed presented his two witnesses, namely, Edna A. Hussein (Edna) and Mary Joy S. Amigable (Mary Joy). On October 7, 2009, the RTC granted Mohamed’s application for naturalization and ruled that he possessed all the qualifications and none of the disqualifications,¹¹ thus:

WHEREFORE, in light of the foregoing, the Petition for Naturalization filed by petitioner Sefyan Abdelhakim Mohamed a.k.a. Sefyan Abdelhakim Mohamed Hussin is hereby **GRANTED** and he is **ADMITTED** as a naturalized citizen of the Republic of the Philippines.

Let the proper naturalization certificate be issued to the petitioner and let said naturalization certificate be registered in the Office of the Local Civil Registrar of Pasay City where the petitioner is presently residing.

SO ORDERED.¹²

On September 20, 2011, Mohamed moved before the RTC to take his oath as a Filipino citizen and manifested that he had complied with the requirements of the law. Specifically, within two years from promulgation of the judgment granting his petition for naturalization, Mohamed has not left the Philippines; dedicated himself continuously to a lawful calling or profession; has not been convicted of any offense, or violated Government promulgated rules; and has not committed any act prejudicial to the interest of the nation or contrary to the Government’s policies. On October 7, 2011, Mohamed moved before the RTC to admit new evidence that he went to the United States of America three times during the two-year intervening period for assignments related to his duties as Public Relations Officer of the Qatar Embassy. In its Comment, the OSG opposed the motion on the ground that the documents sought to be introduced were not identified, authenticated or

⁵ Id. at 93 and 94. The marriage was celebrated on August 4, 1998.

⁶ Id. at 92 and 98.

⁷ Id. at 100.

⁸ Id. at 101-102.

⁹ Id. at 103-104.

¹⁰ Id. at 85-91.

¹¹ Id. at 152-159.

¹² Id. at 158-159

marked in evidence. The OSG further opined that Mohamed's overseas trips prevented the decision granting him Philippine citizenship from becoming executory.

In its Order¹³ dated September 24, 2012, the RTC granted Mohamed's motion to take his oath as a Filipino citizen. The RTC held that Mohamed's absence during the intervening period was involuntary and required by his professional calling, thus:

WHEREFORE, foregoing considered, the Court resolves to grant petitioner's Motion to Take the Oath as a Filipino Citizen. Accordingly, petitioner SEFYAN ABDELHAKIM MOHAMED a.k.a. SEFYAN ABDELHAKIM MOHAMED HUSSIN is allowed to take his oath of allegiance as a Filipino citizen before this Court on October 24, 2012 at 10:00 o'clock in the morning. Thereafter, the Branch Clerk of Court is directed to issue the necessary Certificate of Naturalization in accordance with Section 12 of Commonwealth Act 473, as amended, after payment of the necessary legal fees thereof.

SO ORDERED.¹⁴

On October 24, 2012, Mohamed took his oath of allegiance. Meanwhile, the OSG elevated the case to the CA docketed as CA-G.R. CV No. 100073. The OSG argued that the Declaration of Intention must be submitted one year before the filing of a petition for admission to Philippine citizenship. Yet, Mohamed filed his petition for naturalization on August 21, 2007 or less than one year after he submitted his Supplemental Declaration of Intention on July 20, 2007. Moreover, Mohamed failed to substantiate his qualifications with competent evidence. Lastly, Mohamed's oath is void because the RTC administered it before the Government's period to appeal expired.¹⁵

On February 25, 2015,¹⁶ the CA reversed the RTC's judgment and dismissed the petition for naturalization without prejudice. The CA found Mohamed's evidence insufficient to grant the application for naturalization, viz.:

Records revealed that petitioner-appellee's Supplemental Declaration of Intention was received by the OSG on July 20, 2007 or about a month prior to his filing of his Petition for Naturalization on August 21, 2007. That the filing of a Declaration of Intention one (1) year prior to the filing of a Petition for Naturalization is mandatory was aptly discussed by the Supreme Court in *Republic of the Philippines vs. Li Ching Chung, a.k.a. Bernabe Luna Li, a.k.a. Stephen Lee Keng*, as follows:

x x x x

¹³ Id. at 72-76.

¹⁴ Id. at 76.

¹⁵ Id. at 52-54.

¹⁶ Id. at 45.

Here, aside from petitioner-appellee's testimony, he failed to submit any document, such as a medical certificate, which would establish that he is not suffering from any mental alienation or incurable disease. Moreover, petitioner-appellee's witnesses, Edna and Mary Joy, did not testify on specific facts or events which would establish that petitioner-appellee Sefyan is indeed not suffering from any mental alienation or incurable disease.

x x x x

Second, as oppositor-appellant properly raised in its *third assigned error*, the trial court administered the Oath of Allegiance to petitioner-appellee even before the expiration of the Government's period to appeal.

x x x x

Here, oppositor-appellant received the trial court's September 24, 2012 Order granting petitioner-appellee's Motion to Take Oath as a Filipino Citizen on October 17, 2012. Oppositor-appellant has thirty (30) days from October 17, 2012, or until November 16, 2012, within which to file an appeal. However, petitioner-appellee had taken his Oath of Allegiance on October 24, 2012. Consequently, petitioner-appellee's Oath of Allegiance is null and void.

x x x x

WHEREFORE, the Appeal is **GRANTED**. The October 7, 2009 Decision and the September 24, 2012 Order of the Regional Trial Court, Branch 114, Pasay City in Naturalization Case No. 07-0005-CFM are **REVERSED** and **SET ASIDE**. The Oath of Allegiance taken by Sefyan Abdelhakim Mohamed a.k.a. Sefyan Abdelhakim Mohamed Hussin is declared without force and legal effect, and the Certificate of Naturalization issued to him, if any, is ordered **CANCELLED**. Accordingly, his Petition for Naturalization is **DENIED**, without prejudice.

SO ORDERED.¹⁷ (Emphases supplied and citations omitted.)

Mohamed sought reconsideration but was denied.¹⁸

Hence, this petition. Mohamed insists that the one-year period to file the application for naturalization must be reckoned from the filing of the original Declaration of Intention on June 2, 2006, and not after the submission of the Supplemental Declaration of Intention on July 20, 2007. Mohamed maintains that the evidence on record and the accounts of his witnesses aptly established his mental and physical fitness. The non-submission of a medical certificate does not automatically prove that he is suffering from any incurable disease. Mohamed also claims good faith and explains that he took his oath of allegiance without knowledge that the Government's period to appeal has not yet expired. Thus, Mohamed pleads that he should be allowed to re-take his

¹⁷ Id. at 56-66.

¹⁸ Id. at 68-70.

oath.¹⁹ Finally, Mohamed invokes the provisions of the 1951 Convention relating to the Status of Refugees and the Court's ruling in *Republic v. Karbasi*²⁰ which affirmed the naturalization of a convention refugee.

On the other hand, the OSG points out that Mohamed's failure to comply with the required period in filing his Declaration of Intention is a jurisdictional defect that renders the entire naturalization proceedings void. Further, the bare testimonies and general statements of Mohamed's witnesses are inadequate to demonstrate his mental aptitude. Lastly, Mohamed's premature oath of allegiance is an attempt to render nugatory the Government's appeal.²¹

RULING

Naturalization proceedings are imbued with the highest public interest.²² The courts must ensure that only those persons fully qualified under the law are accorded the privilege of having Philippine citizenship. Corollarily, naturalization laws are strictly construed in favor of the government and against the applicant. The burden of proof rests upon the applicant to show full and complete compliance with the requirements of the laws,²³ thus:

The opportunity of a foreigner to become a citizen by naturalization is a mere matter of grace, favor or privilege extended to him by the State; the applicant does not possess any natural, inherent, existing or vested right to be admitted to Philippine citizenship. The only right that a foreigner has, to be given the chance to become a Filipino citizen, is that which the statute confers upon him; and to acquire such right, he must strictly comply with all the statutory conditions and requirements. **The absence of one jurisdictional requirement is fatal to the petition as this necessarily results in the dismissal or severance of the naturalization process.**²⁴ (Emphases supplied and citation omitted.)

Apropos are the provisions of the "Revised Naturalization Law" or Commonwealth Act No. 473 (C.A. No. 473),²⁵ as amended by Republic Act No. 530 otherwise known as "An Act Making Additional Provisions for Naturalization" (RA No. 530), viz.:

X X X X

¹⁹ Id. at 17-36.

²⁰ 765 Phil. 275, 303 (2015).

²¹ *Rollo*, pp. 331-341.

²² *In the Matter of the Petition for Admission to Citizenship of Mahtani v. Republic*, 828 Phil. 639, 649 (2018).

²³ *Republic v. Huang Te Fu*, 756 Phil. 309, 321 (2015), citing *Republic v. Hong*, 520 Phil. 276, 285 (2006).

²⁴ *Republic v. Li Ching Chung*, 707 Phil. 231, 243 (2013).

²⁵ AN ACT TO PROVIDE FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP BY NATURALIZATION, AND TO REPEAL ACTS NUMBERED TWENTY-NINE HUNDRED AND TWENTY-SEVEN AND THIRTY-FOUR HUNDRED AND FORTY-EIGHT. Approved on June 17, 1939.


SEC. 5. *Declaration of intention.* — One year prior to the filing of his petition for admission to Philippine citizenship, the applicant for Philippine citizenship shall file with the Bureau of Justice, a declaration under oath that it is *bona fide* his intention to become a citizen of the Philippines. Such declaration shall set forth [the] name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft, if any, in which he came to the Philippines, and the place of residence in the Philippines at the time of making the declaration. No declaration shall be valid until lawful entry for permanent residence has been established and a certificate showing the date, place, and manner of his arrival has been issued. The declarant must also state that he has enrolled his minor children, if any, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government, and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen. Each declarant must furnish two photographs of himself.

x x x x

SEC. 7. *Petition for citizenship.* — Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and if the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not disqualified for naturalization under the provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. **The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act.** The petition shall also set forth the names and post-office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case. The certificate of arrival, and the declaration of intention must be made part of the petition.

x x x x

SEC. 12. *Issuance of the Certificate of Naturalization.* — **If, after the lapse of thirty days from and after the date on which the parties were notified [of the decision] of the Court, no appeal has been filed, or if, upon appeal, the decision of the court has been confirmed by the Supreme Court, and the said decision has become final, the clerk of the court which heard the petition shall issue to the petitioner a**



naturalization certificate which shall, among other things, state the following: The file number of the petition, the number of the naturalization certificate, the signature of the person naturalized affixed in the presence of the clerk of the court, the personal circumstances of the person naturalized, the dates on which his declaration of intention and petition were filed, the date of the decision granting the petition, and the name of the judge who rendered the decision. A photograph of the petitioner with the dry seal affixed thereto of the court which granted the petition, must be affixed to the certificate.

Before the naturalization certificate is issued, the petitioner shall, in open court, take the following oath:

“I, _____, solemnly swear that I renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the _____ of which at this time I am a subject or citizen; that I will support and defend the Constitution of the Philippines and that I will obey the laws, legal orders and decrees promulgated by the duly constituted authorities of the Commonwealth of the Philippines; [and I hereby declare that I recognize and accept the supreme authority of the United States of America in the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.

“So help me God.” (Emphases supplied and citations omitted.)

Here, Mohamed falls short of the legal requirements for naturalization.

The declaration of intention must be filed one year prior to the filing of the petition for naturalization. In this case, the one-year period must be computed from Mohamed’s filing of his supplemental declaration of intention because he introduced substantial change in the original declaration.

Section 5 of C.A. No. 473 strictly enjoins the applicant to file with the OSG a declaration under oath that it is his or her *bona fide* intention to become a citizen of the Philippines one year prior to the filing of the petition for admission to Philippine citizenship. As aptly discussed in *Republic v. Li Ching Chung*,²⁶ the purpose of the one-year period is to give the OSG sufficient time to investigate the qualifications of the applicant and adduce evidence to protect the interest of the State, to wit:

[T]he period of one year required therein is the time fixed for the State to make inquiries as to the qualifications of the applicant. **If this period of time is not given to it, the State will have no sufficient opportunity to**

²⁶ *Supra* note 23.

investigate the qualifications of the applicants and gather evidence thereon. An applicant may then impose upon the courts, as the State would have no opportunity to gather evidence that it may present to contradict whatever evidence that the applicant may adduce on behalf of his petition." The period is designed to give the government ample time to screen and examine the qualifications of an applicant and to measure the latter's good intention and sincerity of purpose. Stated otherwise, the waiting period will unmask the true intentions of those who seek Philippine citizenship for selfish reasons alone, such as, but not limited to, those who are merely interested in protecting their wealth, as distinguished from those who have truly come to love the Philippines and its culture and who wish to become genuine partners in nation building.²⁷ (Emphases supplied and citations omitted.)

The filing of such declaration of intention, upon faithful compliance with the statutory requirements, is mandatory and an absolute prerequisite to naturalization.²⁸ "The language of the law on the matter being express and explicit, it is beyond the province of the courts to take into account questions of expediency, good faith and other similar reasons in the construction of its provisions."²⁹ Hence, the premature filing of the petition for naturalization before the expiration of the one-year period is fatal.³⁰

Relatively, the declaration of intention shall set forth the applicant's "name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft, if any, in which he came to the Philippines, and the place of residence in the Philippines at the time of making the declaration." We stress that it is imperative upon the applicant to ensure that the facts contained in the declaration are complete and accurate since these are the same facts that shall form part of the petition and which will ultimately bestow jurisdiction to the courts.³¹

In this case, among the contents of Mohamed's Declaration of Intention are the names for which he is known for. However, Mohamed's original declaration provided the name "*Abdelkahim Mohamed*," and it was only in the supplemental declaration that the name "*Abdelhakim Mohamed Hussin*" was incorporated. Contrary to Mohamed's theory, the change he introduced in the declaration as to the names he was known for is substantial. It is only after the inclusion of Mohamed's other name that the State may proceed with its investigation and gather evidence pertaining to his qualifications.³² It is also at this point that the State may verify whether Mohamed is authorized to use alternative names. Significantly, in cases of substantial changes in the original declaration, the mandatory one-year period to file the petition for naturalization must be computed from the submission of the supplemental

²⁷ *Supra* at 241, citing *Tan v. Republic*, 94 Phil. 882, 884 (1954).

²⁸ *Ong Khan v. Republic*, 109 Phil. 855, 857 (1960).

²⁹ *Republic v. Go Bon Lee*, 111 Phil. 805, 807 (1961).

³⁰ *Jesus Uy Yap v. Republic*, 91 Phil. 914 (1952).

³¹ *Republic v. Go Pei Hung*, 829 Phil. 211, 227 (2018).

³² *Republic v. Li Ching Chung*, *supra* note 23 at 240.

declaration. Otherwise, it will deprive the OSG of sufficient time to investigate the qualifications of the applicant and adduce evidence to protect the interest of the State. In this case, Mohamed filed his petition for naturalization on August 21, 2007 or only a month after he submitted his Supplemental Declaration of Intention on July 20, 2007. Obviously, the period of one month is insufficient for the OSG to verify the person of the applicant "*Abdelkahim Mohamed*" a.k.a. "*Abdelhakim Mohamed Hussin*" and to conduct inquiries as to his qualifications.

Mohamed failed to prove that he possesses all the qualifications and none of the disqualifications provided by law for purposes of naturalization.

Moreover, Section 7 of C.A. No. 473 requires the affidavits of two credible witnesses to support the petition for naturalization. The Court explained that witnesses are credible at par with the requirements of naturalization laws when they have a good standing in the community; that they are known to be honest and upright; that they are reputed to be trustworthy and reliable; and that their word may be taken on its face value, as a good warranty of the worthiness of the applicant.³³ The character witnesses should possess such intimate knowledge of the applicant as to be competent to testify of their personal knowledge. This is because vouching witnesses stand as insurers of the applicant's conduct and character.³⁴ Here, Mohamed presented Edna and Mary Joy but he did not endeavor to prove that they are "*credible persons*" as defined under the law. There is nothing in the record to establish that Mohamed's witnesses have a high degree of reputation in the community for honesty and integrity.

Also, it behooves the witnesses to testify on specific facts and events justifying the inference that the applicant, as personally known to them, possesses all the qualifications and none of the disqualifications provided by law for purposes of naturalization. Nevertheless, the affidavits of Edna and Mary Joy contained general statements without specifying the instances showing that Mohamed would be a good citizen of the Philippines. The Court had clarified that *[t]he belief expressed by the witnesses that the petitioner would make a good citizen, and that they recommend his admission to Filipino citizenship, is a mere conclusion unsupported by facts, and, therefore, an opinion entitled to no weight.*"³⁵ As the CA aptly observed, the affidavits of Edna and Mary Joy have no factual bases and are mere recitals of Mohamed's absence of disqualifications. More telling is the fact that the witnesses' affidavits were similarly worded, to wit:

[Affidavits of Edna and Mary Joy]

³³ *Republic v. Hong*, 520 Phil. 276, 293-294 (2006), citing *Yap v. Republic*, 126 Phil. 345, 347-348 (1967).

³⁴ *Go v. Republic*, 738 Phil. 358, 371 (2014), citing *Lim Ching Tan v. Republic*, 111 Phil. 211 (1961).

³⁵ *Ng v. Republic*, 114 Phil. 486, 490 (1962).

[Affidavits of Edna and Mary Joy]

6. To my personal knowledge, he is not opposed to organized government or affiliates with any association or group of persons who uphold and teach doctrines opposing all organized Governments; he does not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of one's ideas; he is not an anarchist, a polygamist or a believer in polygamy or in the practice of polygamy; he has never been convicted of any crime involving moral turpitude; he is not suffering from mental alienation or incurable contagious diseases; he is not a citizen or subject of a nation at war with the Philippines; and
7. **In my opinion, he has all the qualifications required under Section 2, and none of the disqualifications under Section 4, of Commonwealth Act No. 473.³⁶ (Emphasis supplied.)**

[Judicial Affidavits of Edna and Mary Joy]

Q: Do you have anything to add?

A: Yes. To my personal knowledge, the petitioner is not opposed to organized government. Nor is he affiliated with any group of persons who uphold and teach doctrines opposing all organized Governments. He does not defend nor teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of one's ideas. He is not an anarchist, a polygamist or a believer in polygamy or in the practice of polygamy. He has never been convicted of any crime involving moral turpitude. He is not suffering from any alienation or incurable contagious diseases. He is not a citizen or subject of a nation at war with the Philippines.

Q: **In your opinion, should the petition be granted?**

A: **Yes. He has all the qualifications required under Section 2, and none of the disqualifications under Section 4 of the Commonwealth Act No. 473.³⁷ (Emphasis supplied and citation omitted.)**

Worse, Edna merely testified at the trial regarding Mohamed's willingness to be a Filipino citizen. On the other hand, Mary Joy is Mohamed's household helper and the economic factor in their relationship creates doubt on her impartiality, *viz.*:

[Edna's Testimony]

ATTY[.] JUAN:

Would you know of any reason why this Honorable Court would deny the Petition?

A: None.

³⁶ *Rollo*, pp. 105-107.

³⁷ *Id.* at 61.

ATTY[.] JUAN:

Why not?

A: [*Kasi nag-iistrive hard talaga siya maging Filipino, in a sense na gusto talaga niya na i-istablish dito yung ano niya, yung buhay niya dito na talaga. Yung magkaroon siya ng sariling business dito, yung anak niya, yung asawa niya dito na talaga sila*].³⁸ (Emphasis supplied.)

[Mary Joy's Testimony]

Q: [Ma'am] *may mga dahilan po ba kayong nalalaman para hindi payagan ng KORTE si Mr. Sefyan maging Filipino Citizen?*

A: Wala po.

Q: [*Bakit naman po*]?

A: *Since nag-work po ako sa kanila, ang treatment po n'ya sa akin ay 'as in' sister po*.³⁹ (Emphasis supplied.)

Mohamed likewise failed to substantiate the absence of disqualification regarding his mental and physical condition. Mohamed did not submit documentary evidence or medical certificate to prove that he is not suffering from any mental alienation or incurable disease. The witnesses are likewise silent on this matter. Taken together, Mohamed's noncompliance with the requirement of naturalization laws is fatal to his application for Philippine citizenship. The Court is of the considered view that Mohamed failed to prove that he possesses all the qualifications and none of the disqualifications under the law. Hence, the application must be denied. Mohamed could not conveniently argue that there has been a substantial compliance with the law because "[t]he grant of citizenship is only a mere privilege, and a strict compliance with [the legal requirements] on the part of the applicant is essential."⁴⁰

The 1951 Refugee Convention relating to the Status of Refugees does not amount to a blanket waiver of all the legal requirements for naturalization.

The Philippines is a signatory to the 1951 Refugee Convention relating to the Status of Refugees which outlined the refugees' juridical status, rights, and welfare. Particularly, the Philippines agreed to facilitate and expedite the naturalization of refugees, thus:

³⁸ Id. at 279-280.

³⁹ Id. at 292.

⁴⁰ *Co y Quing Reyes v. Republic*, 104 Phil 889, 891-892 (1958), Citing *Ong Son Cui v. Republic*, 101 Phil. 649.

J

ART. 34. - NATURALIZATION

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings. (Italization supplied.)

X X X X

In *Republic v. Karbasi*,⁴¹ the Court held that “*the Naturalization Law must be read in light of the developments in international human rights law specifically the granting of nationality to refugees and stateless persons.*”⁴² Yet, this statement cannot be construed in derogation of the rule that all those seeking to acquire Philippine citizenship must prove compliance with all the requirements of the law. Again, Philippine citizenship should not easily be given away.⁴³ Naturalization is not a right, but one of privilege of the most discriminating, as well as delicate and exacting nature, affecting, as it does, public interest of the highest order, and which may be enjoyed only under the precise conditions prescribed by law.⁴⁴ Differently stated, the Philippines’ international commitment does not amount to a blanket waiver of all the legal requirements for naturalization. The 1951 Refugee Convention must be read in consonance with the Philippine statutory requirements. Indeed, Article 6 of the Convention provides exemption from requirements which by their nature a refugee is incapable of fulfilling, to wit:

ART. 6. - THE TERM ‘IN THE SAME CIRCUMSTANCES’

For the purposes of this Convention, the term ‘in the same circumstances’ implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling. (Italization supplied.)

X X X X

Admittedly, Mohamed is a convention refugee but such status does not prevent him from faithfully complying with the law. As discussed earlier, Mohamed did not observe the one-year period and prematurely filed his petition for naturalization. This violation deprived the government ample time to investigate Mohamed’s qualifications and to adduce evidence to protect the interest of the State. Also, the *Karbasi*⁴⁵ ruling is inapplicable to Mohamed. In that case, the Court, the CA, and the RTC unanimously found that the applicant satisfied the character and income requirements for purposes of naturalization. Moreover, the Court affirmed the CA and the RTC’s finding

⁴¹ 765 Phil. 275 (2015).

⁴² Id. at 303.

⁴³ *Tochip v. Republic*, 121 Phil. 248, 250 (1965).

⁴⁴ *Cuaki Tan Si v. Republic*, 116 Phil. 855, 857 (1962).

⁴⁵ *Supra* note 40.

✓

that the applicant, as a refugee, need not prove reciprocity between Philippine and Iranian laws. Quite the contrary, Mohamed failed to establish his possession of the qualifications and none of the disqualifications enumerated under the law. The testimonies of Mohamed's character witnesses lacked sufficient personal knowledge and were entirely based on general opinions and beliefs. Mohamed also did not submit documentary evidence or medical certificate to prove that he is not suffering from any mental alienation or incurable disease. Lastly, reciprocity was never raised as an issue.

The precipitate administration of Mohamed's oath of allegiance has no legal force and effect.

Anent the validity of Mohamed's oath of allegiance, Section 12 of C.A. No. 473 is explicit that "[i]f, after the lapse of thirty days from and after the date on which the parties were notified [of the decision] of the Court, no appeal has been filed, or if, upon appeal, the decision of the court has been confirmed by the Supreme Court, and the said decision has become final, the clerk of the court which heard the petition shall issue to the petitioner a naturalization certificate x x x.

*Before the naturalization certificate is issued, the petitioner shall, in open court, take the following oath[.]*⁴⁶

x x x x

In other words, the oath of allegiance can be administered only after the period to appeal expired. Here, the records show that the OSG received on October 17, 2012 the RTC's Order granting Mohamed's motion to take his oath as a Filipino citizen. Accordingly, the OSG has 30 days from notice, or until November 16, 2012, to file an appeal. However, Mohamed prematurely took the oath on October 24, 2012, rendering it void. In *Republic v. Guy*,⁴⁷ the Court disapproved and rendered void the precipitate administration of the oath of allegiance, to wit:

Besides, it appears that the appellant took his oath of allegiance on the same day the court issued the order allowing him to take the oath of allegiance without giving the Government a chance to appeal from the said order. In the case of *Ong So vs. Republic of the Philippines*, the Court ruled that the administration of the oath of allegiance to an applicant for citizenship by the presiding judge on the day that said judge ordered the allowance of the applicant's oath-taking is an attempt to render nugatory the government's right to appeal and, therefore, null and void. Said the Court:

Finally, we must agree with the Government's stand that **the act of the court of first instance in allowing this applicant to take the oath of allegiance even before the expiration of the**

⁴⁶ Italization supplied.

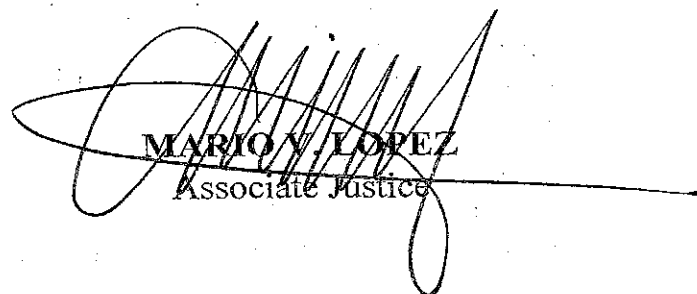
⁴⁷ 200 Phil. 636 (1982). See also *Sy v. Republic*, G.R. No. L-24857, February 17, 1970, 31 SCRA 408, 411.

Government's period to appeal from the order overruling its objections thereto, and, in fact, three (3) days before the Solicitor General received copy of the appealed order, is highly irregular, to say the least. Republic Act No. 530 contemplates that the applicant for naturalization become entitled to all the privileges of citizenship upon taking the oath of allegiance, and the precipitate administration of the oath in the present case appears to be an attempt to render nugatory the Government's appeal. The record is devoid of any justification for such unseemly haste in conferring the privileges of citizenship before any and all doubts about applicant's right thereto are finally settled, and we must make of record of our disapproval of the practice.⁴⁸ (Emphases supplied and citation omitted.)

On this point, the Court reiterates that naturalization proceedings are so infused with public interest that they have been differently categorized and given special treatment. The strict compliance with all statutory requirements of naturalization is necessary before an applicant may acquire Philippine citizenship. The absence of even a single requirement is fatal to his application.⁴⁹ All told, Mohamed failed to prove full and complete compliance with the requirements of naturalization laws. Notably, the CA dismissed the petition for naturalization without prejudice to Mohamed's right to re-file his application. However, we find it appropriate to remand the case to the RTC for reception of evidence and further proceedings. Moreover, it is practical to give the OSG a fresh period of one year to conduct inquiries as to the applicant's qualifications. This disposition is more in keeping with the intent of the 1951 Refugee Convention and the country's international commitments to "*facilitate the assimilation and naturalization of refugees*" and to "*make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.*"⁵⁰

FOR THESE REASONS, the petition is **DENIED**. The Court of Appeals' Decision dated February 25, 2015 and Resolution dated September 4, 2015 in CA-G.R. CV No. 100073 are **AFFIRMED** with **MODIFICATIONS** in that: (1) the case be remanded to the Regional Trial Court for reception of evidence and further proceedings; and (2) the Office of the Solicitor General is given a fresh period of one year from receipt of this Decision to conduct its investigation and submit compliance to the Regional Trial Court once such period has lapsed.

SO ORDERED."

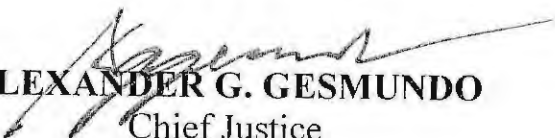

MARIO V. LOPEZ
Associate Justice

⁴⁸ *Republic v. Guy*, id. at 649.

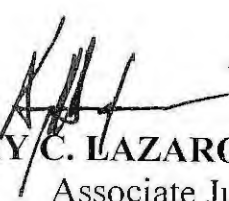
⁴⁹ *Supra* note 30 at 227.


⁵⁰ Article 34.

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


JHOSEP V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

