

IN RE: PETITION TO ACQUIRE PHILIPPINE CITIZENSHIP OF NOOR GULABRAI MOORJANI

Ponente: INTING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4c0bc885ad86/>

INTING, J.:

Before Us is an Appeal[1] filed by the Republic of the Philippines (Republic) assailing the Decision[2] of Branch 21, Regional Trial Court (RTC), Cagayan de Oro City, granting the petition for naturalization of Noor Gulabrai Moorjani (Noor), the dispositive portion of which states:

WHEREFORE, petitioner being able to sufficiently proved that she possesses all the qualifications to be naturalized and none of the disqualifications, the petition is GRANTED.

The Local Civil registrar of Cagayan de Oro City is directed to annotate in the Certificate of Live Birth of the petitioner NOOR GULABRAI MOORJANI, the entry that she is a NATURALIZED FILIPINO CITIZEN.

SO ORDERED.

The facts of the case are as follows:

In her petition[3] for Naturalization, Noor alleged that:

- She is an Indian national;
- She was born on October 11, 1969 in Cagayan de Oro City from Indian National-parents;
- She has been a resident of Cagayan de Oro City since birth;
- She is of good moral character and believes in the underlying principle of the Constitution;
- She has conducted herself in a proper and irreproachable manner during her entire period of residence in the Philippines in her relation with the duly constituted government as well as in the community in which she is living;
- She received her primary and secondary education from Lourdes College, a private educational institution recognized by the Department of Education where Philippine history, government and civic are taught and prescribed as part of the curriculum;
- She is a graduate of Cagayan University, formerly Cagayan Capitol College;
- She can speak, read and write the English language;
- She can speak, read and write the Filipino and Cebuano dialects;
- She has mingled with Filipinos and evinced sincere desire to learn and embrace the custom, tradition and ideals of the Filipino people;
- She is engaged in a business under the business style name of GM Lending where she derived her income

sufficient for her support;

- She has never been a public charge;
- She is not a user of prohibited drugs;
- She is not a drug dependent;
- She is not affected with AIDS;
- She has all the qualifications set forth under Section 2 and none of the disqualification under Section 4 of the Naturalization law;
- She is exempted from filing a declaration of intent Under section 6 of the Revised naturalization Law;
- Her present address is c/o Gobs Store, Sampaguita St., corner Jasmin, Adela Subdivision, Camaman-an, Cagayan de Oro City.

To support her petition Noor submitted the following:

Attachment/Document Description

Birth Certificate[4] Indicating she was born in Cagayan de Oro City on October 11, 1969

Alien Certificate of Registration[5] Indicating she was born in Cagayan de Oro City on October 11, 1969 and that she has a permanent visa status

Affidavit of MTCC Judge Lorimer Delima, Sr.[6] Stating that he personally knows Noor and that Noor is of good moral character, among others.

Engr. and Brgy. Captain Dometillo C. Acenas[7] Stating that he personally knows Noor and that Noor is of good moral character, among others

Diplomas from Lourdes College[8] Indicating that she graduated from the school for her elementary and secondary education

Diploma and Transcript of Records from Capitol University[9] Indicating that she took her Bachelor of Science in Nursing from the university and graduated there

Annual Income Tax Returns for 2007 and 2008[10] Indicating that she earns an income and pays her taxes

Laboratory Report[11] Indicating that she does not have HIV

NBI Clearance[12] Indicating that she has no record on the files of the NBI

Drug Test Report[13] Indicating that she tested Negative for Methamphetamine and Tetrahydrocannabinol

Certificate of Baptism[14] Indicating that she was baptized in the Our Lady of Fatima-Camaman-an Parish on January 13, 2002

Finding her petition sufficient in form and substance the RTC ordered, among others: (1) setting the hearing of the petition on March 10, 2010 at 8:30 in the morning; (2) the publication of a copy of the order for 3 consecutive weeks in a newspaper of general circulation of the province of Misamis Oriental and in the city of Cagayan de Oro; (3) posting a copy of the order in the bulletin boards of Barangay Camaman-an, the city hall of Cagayan de Oro, the provincial capitol, and the hall of justice.[15]

The order was posted on the different bulletin boards per certificate issued by the Sheriff.[16] The order was also

published in Golden Banner, a newspaper of general circulation in Cagayan de Oro City and in Mindanao, per affidavit of publication executed by its publisher.[17]

In an Order[18] dated April 14, 2010, the RTC acknowledged that it failed to direct the publication of the petition in the Official Gazette. On the same day, it issued an Amended Order directing, among others: (1) setting the hearing of the petition on September 15, 2010 at 8:30 in the morning; (2) the publication of a copy of the order for 3 consecutive weeks in the Official Gazette and in one of the newspapers of general circulation of the province of Misamis Oriental and in the city of Cagayan de Oro; (3) posting a copy of the order in the bulletin boards of Barangay Camaman-an, the city hall of Cagayan de Oro, the provincial capitol of Misamis Oriental, and the hall of justice.[19]

Per letter of the Acting Assistant Superintendent of the National Printing Office, the publication of the amended order can no longer be accommodated in time for the September 15, 2010 hearing.[20] Consequently, the RTC issued a second amended order directing, among others: (1) setting the hearing of the petition on July 13, 2011 at 8:30 in the morning; (2) the publication of a copy of the order for 3 consecutive weeks in the Official Gazette and in one of the newspapers of general circulation of the province of Misamis Oriental and in the city of Cagayan de Oro; (3) posting a copy of the order in the bulletin boards of Barangay Camaman-an, the city hall of Cagayan de Oro, the provincial capitol of Misamis Oriental, and the hall of justice.[21]

However, per letter of the Acting Assistant Superintendent of the National Printing Office, the publication of the amended order can no longer be accommodated in time for the July 13, 2011 hearing.[22] Consequently, the RTC issued a third amended order directing, among others: (1) setting the hearing of the petition on February 20, 2012 at 8:30 in the morning; (2) the publication of a copy of the order for 3 consecutive weeks in the Official Gazette and in one of the newspapers of general circulation of the province of Misamis Oriental and in the city of Cagayan de Oro; (3) posting a copy of the order in the bulletin boards of Barangay Camaman-an, the city hall of Cagayan de Oro, the provincial capitol of Misamis Oriental, and the hall of justice.[23]

Per Certificate of Publication by the National Printing Office, the third amended order was published in the Official Gazette.[24]

In an Order[25] dated February 20, 2012, the RTC ruled that compliance for the jurisdictional requirements was complete and issued an order of general default except the State.

On May 22, 2012, after the testimony of Noor and her formal offer of exhibits, the RTC dismissed the petition for her failure to present the testimonies of two witnesses as to her good moral character.[26] The dismissal, per order of the court, is "without prejudice of revival to present additional evidence.[27]"

Noor then filed her Motion for Reconsideration apologizing for the non-presentation of her witnesses and alleging that: (1) the certifications of good moral character issued by the two witnesses were already marked during the pre-trial and (2) that when these documents were offered in Court, the City Prosecutor did not object as to its existence.[28]

The RTC, in the interest of justice, reconsidered its order of dismissal and set the case for hearing for the reception of the testimonies of the two witnesses on the good moral character of Noor.[29]

On the scheduled hearing, the witnesses, Judge Lorimer Delima, Sr. and Engr./Brgy. Captain Dometillo C. Acenas, identified their affidavits relating to the good moral character of Noor.[30] The State did not conduct any cross-examination on the witnesses.[31]

The RTC ruled in favor of Noor. Aggrieved, the Republic filed the instant appeal and raised following errors:

I.THE COURT A QUO DID NOT ACQUIRE JURISDICTION FOR NATURALIZATION VIS-VIS THE REQUIREMENTS UNDER SECTION 9 OF COMMONWEALTH ACT (C.A.) NO. 473, AS AMENDED;

II.THE COURT A QUO ERRED IN GRANTING THE PETITION FOR NATURALIZATION AS PETITIONER FAILED TO ESTABLISH BY SATISFACTORY AND COMPETENT EVIDENCE THAT SHE HAS COMPLIED WITH THE REQUIREMENTS SET FORTH UNDER COMMONWEALTH ACT (C.A.) NO. 473.

Our Ruling

The appeal is with merit.

At the outset, let it be noted that Noor availed herself for judicial acquisition of Filipino citizenship under C.A. No. 473 instead of Republic Act No. 9139 or An Act Providing for the Acquisition of Philippine Citizenship for Certain Aliens by Administrative Naturalization and for Other Purposes . "R.A. No. 9139 was enacted as a remedial measure intended to make the process of acquiring Philippine citizenship less tedious, less technical and more encouraging. It likewise addresses the concerns of degree holders who, by reason of lack of citizenship requirement, cannot practice their profession, thus promoting 'brain gain' for the Philippines.[32]"

Having chosen judicial, instead of administrative, acquisition of citizenship, C.A. No. 473 shall apply.

The Republic contends that Noor failed to show that the third amended order of the RTC was likewise published in a newspaper of general circulation pursuant to the requirement of publication under C.A. No. 473 and consequently the RTC never acquired jurisdiction.[33]

Section 9 of C.A. No. 473 provides in part:

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, and to have copies of said petition and a general notice of the hearing posted in a public and conspicuous place in his office or in the building where said office is located, setting forth in such notice the name, birthplace and residence of the petitioner, the date and place of his arrival in the Philippines, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the hearing of the petition, which hearing shall not be held within ninety days from the date of the last publication of the notice.

The Supreme Court once held[34]:

To be a valid publication, the following requisites must concur: (a) the petition and notice of hearing must be published; (b) the publication must be once a week for three consecutive weeks; and, (c) the publication must be in the Official Gazette and in a newspaper of general circulation in the province where the applicant resides.

The said provision also requires that copies of the petition and notice of hearing must be posted in the office of the clerk of court or in the building where the office is located. The same notice must also indicate, among others, the names of the witnesses whom petitioner proposes to introduce at the trial.

For clarity, the Third Amended Order clearly states:[35]

- let a copy of this order be published at least once a week for three (3) consecutive weeks in the Official Gazette
- and in one of the newspapers of general circulation in the Province of Misamis Oriental and in the City of Cagayan de Oro; and
- be posted in the: (a) Bulletin Board of the Barangay Hall of Barangay Camaman-an, Cagayan de Oro City; (b) at the Bulletin Board of the City Hall of Cagayan de Oro City; (c) at the Bulletin Board of the Provincial Capitol of

Misamis Oriental; and (d) in the Bulletin Board of the Hall of Justice and of this Court.

Records would show the following:

Official Gazette The Official Gazette published the Third Amended Order, and Noor's Amended Petition and attachments for its April 25, May 2 and May 9, 2011 issues.[36]

Newspaper of general circulation in the Province of Misamis Oriental and in the City of Cagayan de Oro The August 10, 2009 Order of the RTC (First Order) was published on August 26, 2009 until September 15, 2009 in the Golden Banner, a newspaper of general circulation in Cagayan de Oro City and in Mindanao.[37]

Bulletin Board of the Barangay Hall of Barangay Camaman-an, Cagayan de Oro City The Sheriff's Certificate clearly states that the Order dated August 10, 2009 (First Order) was posted in a conspicuous place in the Bulletin Board of the Barangay Hall of Barangay Camaman-an, Cagayan de Oro City[38]

Bulletin Board of the City Hall of Cagayan de Oro City The Sheriff's Certificate clearly states that the Order dated August 10, 2009 (First Order) was posted in a conspicuous place in the Bulletin Board of the City Hall Cagayan de Oro City[39]

Bulletin Board of the Provincial Capitol of Misamis Oriental The Sheriff's Certificate clearly states that the Order dated August 10, 2009 (First Order) was posted in a conspicuous place in the Bulletin Board of the Capitol Building Cagayan de Oro City[40]

Bulletin Board of the Hall of Justice and of this Court The Sheriff's Certificate clearly states that the Order dated August 10, 2009 (First Order) was posted in a conspicuous place in the Bulletin Board of RTC Branch 21[41]

Clearly, the First Order was published in a newspaper of general circulation and posted in the different bulletin boards. The Third Amended Order and Noor's petition was published in the Official Gazette. The Third Amended Order was not complied with in respect to its publication in a newspaper of general circulation and its posting in several bulletin boards.

There is nothing in the records that would indicate that:

- The Third Amended Order was published in a newspaper of general circulation;
- The Third Amended Order was posted in the different bulletin boards;
- The Petition itself was published in a newspaper of general circulation;
- The Petition itself was posted in the different bulletin boards;

The Third Amended Order, published in the Official Gazette, sets the date of the initial hearing on the petition on February 20, 2012. The First Order, published in a newspaper of general circulation, sets the date of the initial hearing of the petition on March 10, 2010.

There is therefore no compliance with the required publication under the law and consequently, the RTC never acquired jurisdiction. The Supreme Court once held[42]:

In *Gan Tsitung v. Republic*, the Court held that non-compliance with Section 9 of CA 473, relative to the publication of the notice once a week for three consecutive weeks is fatal for it impairs the very root or foundation of the authority to decide the case, regardless of whether the one to blame is the clerk of court or the petitioner or his counsel. This doctrine equally applies to the determination of the sufficiency of the contents of the notice of hearing or the petition itself because an incomplete notice or petition even if published, is no publication at all. Thus in *Sy v. Republic*, it was held that the requirement under Section 9 that

the copy of the petition to be posted and published should be a textual or verbatim restatement of the petition filed, is jurisdictional.

It is a settled rule that naturalization laws should be rigidly enforced and strictly construed in favor of the government and against the applicant.

The Republic further contends that (1) Noor failed to prove that the witnesses she presented to vouch for her good moral character are competent and credible[43] and (2) the medical certificate Noor submitted does not establish the fact the she is not suffering from any mental alienation or incurable disease[44].

Noor presented two witnesses to vouch for her good moral character. One is an MTC judge and the other is an Engineer and a Barangay Captain. During their testimonies, they identified their affidavits stating that Noor is of good moral character.

Judge Delima's affidavit[45] states in part that: (1) he knows Noor for more than 10 years being a family friend; (2) Noor is of good moral character and believes in the underlying principle of the Constitution; (3) as a resident of Cagayan de Oro City, Noor conducted herself in a proper and irreproachable manner; and (4) in his honest opinion, Noor has all the qualifications and none of the disqualifications to become a citizen of the Philippines.

Engineer and Barangay Captain Acenas[46] states in his affidavit that: (1) he personally knows Noor being his constituent in their Barangay; (2) Noor is of good moral character and believes in the underlying principle of the Constitution; (3) as a resident of their Barangay, Noor conducted herself in a proper and irreproachable manner; and (4) in his honest opinion, Noor has all the qualifications to become a citizen of the Philippines.

Curiously, both affidavits state that Noor has none of the disqualifications to become a Filipino citizen under "Republic Act No. 9135.[47]" Republic Act No. 9135 is an act amending certain provisions of Presidential Decree No. 1464, otherwise known as the Tariff and Customs Code of the Philippines, as amended, and for other purposes.

The following are the jurisprudential jottings regarding the witnesses of naturalization proceedings:

"To qualify as a good character witness within the meaning of the law, and for testimony given as such to be sufficient to support the petition for naturalization, one must not be a mere acquaintance of the petitioner but must possess such intimate knowledge of him as to be competent to vouch for his qualifications and his lack of disqualifications because he is the insurer of petitioner's character and his testimony is to be heavily relied upon by the courts."[48]

"It must be stressed that character witnesses in naturalization proceedings stand as insurers of the applicant's conduct and character. Thus, they ought to testify on specific facts and events justifying the inference that the applicant possesses all the qualifications and none of the disqualifications provided by law."[49]

"Vouching witnesses stand as insurers of the applicant's conduct and character. For this reason, they are expected to testify on specific facts and events justifying the inference that applicant — as personally known to them — possesses all the qualifications and none of the disqualifications provided by law for purposes of naturalization."[50]

The testimonies of Noor's witnesses failed to meet the foregoing jurisprudence. Her witnesses did not testify on specific facts on her good moral character and the specificity of their personal knowledge on her. It must be stressed that the burden to prove that she is of good moral character is with Noor and her witnesses. The burden has not been met by the affidavits.

Noor submitted a Laboratory Report and a Drug Test Report indicating that she has no HIV and she is Negative for Methamphetamine and Tetrahydrocannabinol. Section 4(e) of C.A. No. 473 states that a person cannot be

naturalized if the person is suffering from mental alienation or incurable contagious diseases. These reports do not indicate that she is not suffering from mental alienation. From the term itself, mental alienation refers to the mind and cannot be just inferred by testing negative for HIV and certain prohibited dangerous drugs. "It is the bounden and inescapable duty of anyone applying for naturalization to carry at all times the burden of proving his right thereto.[51]" In one case the applicant presented Certificates and Psychiatric Evaluation[52] to prove his mental health.

"In naturalization proceedings, the burden of proof is upon the applicant to show full and complete compliance with the requirements of the law. 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.[53]

Consequently, for failing to strictly comply with the requirements of the law on naturalization and for failing to discharge her burden of proof, Noor's petition for naturalization must fail.

WHEREFORE, the instant appeal is GRANTED. The Decision of the Regional Trial Court is Reversed and Set Aside.

SO ORDERED.

Camello, (Chairperson), and Perez, JJ., concur.

[1] Rollo, pp. 22-34

[2] Rollo, pp. 36-41

[3] Records, pp. 24-26

[4] Records, pp. 127-128

[5] Records, p. 29

[6] Records, p. 30

[7] Records, p. 31

[8] Records, pp. 32-33

[9] Records, 34-39

[10] Records, pp. 129-130

[11] Records, p. 42

[12] Records, p. 131

[13] Records, p. 132

[14] Records, p. 133

[15] Records, p. 45

[16] Records, p. 47

- [17] Records, p. 48
- [18] Records, p. 59
- [19] Records, p. 61
- [20] Records, p. 66
- [21] Records, p. 69
- [22] Records, p. 72
- [23] Records, p. 75
- [24] Records, p. 83
- [25] Records, p. 86
- [26] Records, p. 134
- [27] Records, p. 134
- [28] Records, p. 135
- [29] Records, p. 138
- [30] Records, pp. 151-157
- [31] Records, pp. 154 and 156
- [32] So v. Republic, G.R. No. 170603, January 29, 2007
- [33] Rollo, pp. 28-31
- [34] Republic v. Hong, G.R. No. 168877, March 24, 2006
- [35] Records, p. 75
- [36] Records, p. 83 and Official Gazette, pp. 1976-1985
- [37] Records, p. 51
- [38] Records, p. 47
- [39] Records, p. 47
- [40] Records, p. 47
- [41] Records, p. 47
- [42] Republic v. Hong, G.R. No. 168877, March 24, 2006
- [43] Rollo, p. 31
- [44] Rollo, p. 33
- [45] Records, p. 30
- [46] Records, p. 31
- [47] Records, pp. 30 and 31

[48] In re: Petition to be admitted as Citizen of the Philippines, Chong v. Republic, G.R. No. L-22151, March 30, 1970 citing Cuaki Tan Si vs. Republic, G.R. No. L-18006, October 31, 1962; Go vs. Republic, G.R. No. L-18068, October 30, 1962

[49] So v. Republic, G.R. No. 170603, January 29, 2007

[50] Republic v. Hong, G.R. No. 168877, March 24, 2006

[51] In re: Petition for admission as Citizens of the Philippines, Keswani v. Republic, G.R. No. 153986, June 8, 2007

[52] So v. Republic, G.R. No. 170603, January 29, 2007

[53] Republic v. Chung, G.R. No. 197450, March 20, 2013

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.