

IN THE MATTER OF THE PETITION OF LAJPAT DOULTRAM TILWANI FOR ADMISSION TO PHILIPPINE CITIZENSHIP, LAJPAT DOULTRAM TILWANI, PETITIONER-APPELLEE VS. REPUBLIC OF THE PHILIPPINES, O...

Ponente: CORALES, J.

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CORALES, J.:

This is an appeal[1] by the Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), from the November 10, 2011 Judgment[2] of the Regional Trial Court (RTC), Branch 59, Makati City granting the petition for naturalization of Lajpat Doulatram Tilwani (Tilwani)[3] in Naturalization Case No. M-94.

The Antecedents

On February 20, 2007, Tilwani filed a petition for naturalization[4] claiming that he had resided in the Philippines since 1980 and as early as 1983, he had submitted to the OSG his Affidavit of Declaration of Intention to become a citizen of this country. Tilwani was born on March 26, 1963 in Ajmer Rajasthan, India and has two (2) children with his wife named Sonam Lajpat Tilwani, also an Indian citizen. His children were both born in the Philippines and are currently studying in a school where Filipino students are not a minority because the admission is not limited to any nationality, and the curriculum includes Philippine History, Government, and Civics. According to Tilwani, he speaks and writes English and Filipino, and he is of good moral character, having conducted himself in an irreproachable manner throughout his residence in the country, without any criminal record involving moral turpitude and that he believes in the principles underlying the Philippine Constitution. He claimed to have a profitable earning from his position as Treasurer and member of the Board of Directors of Star Eye Specs Corporation (Star Eye) and averred that he is the registered owner of a condominium unit in Pasig City.

In his testimony, Tilwani vouched that he would continuously reside in the Philippines and absolutely renounce all allegiance and fidelity to any foreign prince, potentate, or sovereignty if his petition would be granted. When cross-examined, he stated that he and his wife were wed in the Philippines in accordance with Indian rites conducted in a Hindu temple in Paco, Manila on November 16, 1990. His driver's license and bank account were under the name "Laju Minghrajani Tilwani", "Laju" being his nickname and "Minghrajani" being his mother's maiden name.[5]

Two of Tilwani's associates testified in support of the petition. Jose Perez Viñas III, an optometrist, claimed that he had known Tilwani since 1980 and described him as a responsible family man active in outreach projects and a simple, trustworthy, law-abiding businessman who is a member of the Filipino-Indian Chamber of Commerce in Manila.[6] Danilo Morales de Guzman, a businessman, alleged that he met Tilwani in a homeowners' association activity in Makati and in the ten (10) years that he had known him, he could attest that Tilwani had adopted the Filipino culture very well and presented himself more of a Filipino than an Indian.[7]

The Ruling of the RTC

In its November 20, 2011 Decision,[8] the RTC granted Tilwani's petition for naturalization based on the following rationale:

xxx The petitioner in the case at bar has shown that he has complied with the requirements and conditions set by the law. The witnesses have testified under oath, (sic) and the records show that these character witnesses are credible persons, having no negative qualifications, no previous conviction of crime, not being a police character, having no criminal record, and not having committed perjury.

“Statutory requirement is that the character witness must be credible persons. (sic) The requirement of being a credible person was amplified in *Ong vs. Republic*, as noted by the Solicitor General, as not having certain negative qualification, no previous conviction of crime, not being a police character, and having no criminal record and not having committed perjury.”

Considering all evidence adduced, both documentary and testimonial, the Court finds and so holds that the petitioner applicant has proved by sufficient and satisfactory evidence that he has all the qualifications and none of the disqualifications to become a naturalized citizen of the Philippines.

Premises considered, the petition is GRANTED. Petitioner-applicant Lajpat Doulatram Tilwani is hereby admitted as citizen of the Philippines. (Citation omitted)

Unsatisfied, the Republic interposed the instant appeal with this lone assigned error:[9]

The Honorable Regional Trial Court erred in declaring that applicant-appellee Lajpat Doulatram Tilwani has all the qualifications and none of the disqualifications to become a Filipino citizen.

The OSG argues that Tilwani's petition for naturalization should have been denied by the RTC because he failed to prove his alleged lucrative trade, profession, or lawful occupation as well as his belief in the principle underlying the Philippine Constitution. It contends that Tilwani was unable to specify any Constitutional principle and even testified to the effect that his expenditures outweighed his income.[10]

On the other hand, Tilwani insists that during his testimony, he was able to state that the Philippines is a republican state which is a government of law and not of men. His engagement in a lucrative trade, profession, or occupation was allegedly shown by his income tax returns,[11] bank account, and ownership of a Pasig condominium unit.[12]

This Court's Ruling

The appeal has merit.

Being infused with public interest, a naturalization proceeding is differently categorized and given special treatment. As compared to an ordinary judicial contests, the appeal from such a naturalization proceeding does not preclude the reopening of the case; in fact, the entire records of the naturalization case lie open for consideration.[13]

After a careful perusal of the records, We concur with the OSG's contention that there is a dearth of evidence to support Tilwani's qualification for naturalization. It bears stressing that an applicant's full and complete compliance with the requirements of the law should be assessed as of the time of the filing of the petition for naturalization.[14] In this case, there is nothing in the records that would prove Tilwani's alleged lucrative trade or profession at the time of the filing of the petition on February 20, 2007. Despite repeated directives from the RTC, Tilwani failed to produce any documentary evidence to prove his claim that upon his arrival in the Philippines in 1980, he has brought with him US\$150,000.00.[15] He did not also present any certificate of employment or any proof of affiliation with Star Eye to support his claim that he is the Treasurer and a member of the Board of Directors of said corporation. The income tax returns for 2007, 2008, and 2009 could not also be given any

probative value because the same do not reflect any income allegedly earned from a lawful and lucrative occupation. Even Tilwani's testimony during the 2009 and 2010 hearings did not specifically refer to his financial capability at the time of the filing of the petition on February 20, 2007.

It is the bounden and inescapable duty of anyone applying for naturalization to carry at all times the burden of proving his right thereto,[16] not only by complying with all the substantive and procedural requirements of the law but also by submitting proof of his qualification at the time of the trial. As repeatedly ruled by the Supreme Court, one who alleges a fact has the burden of proving it and mere allegation is not an evidence.[17] Thus, in the absence of evidence to support Tilwani's allegations of full and complete satisfaction of the requirements of the law, his petition for naturalization is perforce denied without prejudice.[18]

WHEREFORE, the appeal is GRANTED and the assailed November 10, 2011 Judgment of the Regional Trial Court, Branch 59, Makati City in Naturalization Case No. M-94 is REVERSED and SET ASIDE. Accordingly, Lajpat Doultram Tilwani's petition for naturalization is hereby DISMISSED for lack of merit.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Villon, J., Chairperson and Macalino, JJ., concur.

[1] See Notice of Appeal in relation to the February 8, 2012 Order of the RTC giving due course to said appeal, records, pages 467-466 and 468, respectively.

[2] Penned by Presiding Judge Winlove M. Dumayas, rollo, pages 16-25.

[3] Doultram is also referred to as Doulatram in other parts of the rollo and records.

[4] See Petition for Naturalization, records, pages 1-3.

[5] See TSN, Lajpat Doulatram Tilwani, October 28, 2008; August 24, 2010; January 25, 2011; March 15, 2011; and April 12, 2011.

[6] See TSN, Jose Perez Viñas III, June 30, 2011.

[7] See TSN, Danilo Morales de Guzman, August 23, 2011.

[8] Supra, at note 2.

[9] See Brief for the Oppositor-Appellant, *ibid.*, page 47.

[10] *Ibid.*, pages 37-55.

[11] See Exhibits "X", "Y", "Z", "II", "JJ", "KK", and their respective series, records.

[12] See Brief for the Appellee, rollo, pages 79-87.

[13] See Republic v. Ong, G.R. No. 175430. June 18, 2012.

[14] *Ibid.*, citing Chiu Bok v. Republic, G.R. No. L-33568. June 20, 1988; Teh San v. Republic, G.R. No. L-22943. May 27, 1968; Lim Uy v. Republic, G.R. No. L-19916. June 23, 1965; and Ong Tai v. Republic, G.R.

No. L-19418. December 23, 1964.

[15] See TSN, Lajpat Doulatram Tilwani, August 24, 2010, pages 36-40; January 25, 2011, page 10; March 15, 2011, pages 10-11; April 12, 2011, pages 3-6.

[16] See In Re Keswani, G.R. No. 153986. June 8, 2007; Republic v. Hong, G.R. No. 168877. March 24, 2006.

[17] See In Re Keswani, *ibid.*

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

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