

SECOND DIVISION

[G.R. No. 210412, July 29, 2015]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. KAMRAN F. KARBASI, RESPONDENT.

DECISION

MENDOZA, J.:

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.^[1]

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the January 29, 2013 Decision^[2] and the November 27, 2013^[3] Resolution of the Court of Appeals (CA), in CA-G.R. CV No. 01126-MIN, which affirmed the January 17, 2007 Order of the Regional Trial Court, Branch 10, Dipolog City (RTC), in a naturalization case docketed as Naturalization Case No. 2866. The RTC order granted the petition for naturalization and, thus, admitted Kamran F. Karbasi as a citizen of the Philippines.

The Facts

On June 25, 2002, Kamran F. Karbasi (*Karbasi*) filed a petition for naturalization with the RTC, where he alleged the following:

1. His full name is Kamran F. Karbasi;
2. He is recognized as a **Person of Concern by the United Nations High Commissioner for Refugees (UNHCR)** as shown in a certification duly issued by the UNHCR;
3. He is presently residing with his family at 341 Burgos Street, Dipolog City, since early part of June 2000 and more so has resided continuously in the Philippines for not less than 11 years immediately preceding the date of this petition; to wit, since 11 July 1990 and in Dipolog City for more than one (1) year;
4. His last place of foreign residence was Pakistan and his other places of residence, prior to his present residence, were as follows (i) Panay Ave., Quezon City; (ii) Sta. Filomena, Dipolog City; (iii) Capitol Area, Dumaguete City; (iv) Dohinob, Roxas, Zamboanga del Norte;

5. He was born on 4 September 1966 in Tehran, Iran, as shown in his identity card which also serves as his birth certificate;
6. He is married and is the father of one (1) child;
7. His wife Cliji G. Lim Karbasi is a Filipino citizen, 22 years old and born on 10 August 1979 in Cebu City, whom he married on 12 October 2000 in Dipolog City, as shown in their certificate of marriage;
8. His child, Keenyji L. Karbasi, 1-year old , was born on 9 June 2001 in Dipolog City and presently residing with him and his wife at 341 Burgos Street, Dipolog City;
9. He arrived in Manila, Philippines, under an assumed name (Syed Gul Agha) from Pakistan on 11 July 1990 specifically at the Manila International Airport on board Philippine Airlines Flight No. 731, per UNHCR certification containing reference to his Pakistani passport issued under said assumed name;
10. Due to his marriage, he is entitled to the benefit of Section 3 of Commonwealth Act No. 473, which reduced to five years the ten year requirement of continuous residence;
11. He speaks and writes English and Visayan;
12. His trade or occupation is as a repair technician in which he has been engaged since 1998 and, as such, he derives an average annual income of Php 80,000.00 more or less;
13. He has all the qualifications required under Section 2 and none of the disqualifications under Section 4, of the Commonwealth Act No. 473;
14. He has complied with the requirements of the Naturalization Law (Commonwealth Act No. 473) regarding the filing with the Office of the Solicitor General of his bona fide intention to become a citizen of the Philippines, as shown in his Declaration of Intention duly filed on 25 May 2001;
15. It is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to Iran of which, at this time, he is a citizen or subject; that he will reside continuously in the Philippines from the date of filing of this petition up to the time of his admission to Philippine citizenship;
16. Dominador Natividad Tagulo, of legal age, Filipino, married and residing at ABC Compound, Quezon Ave., Miputak, Dipolog City and Alton C. Ratificar, of legal age, Filipino, married and residing at 047 Burgos Street, Dipolog City, who are Filipino citizens, whose affidavits are attached to his petition, will appear and testify as

witnesses at the hearing thereof.

[Emphasis Supplied]

On July 2, 2002, after finding the petition sufficient in form and substance, the RTC issued an order setting the petition for hearing on October 21, 2002 and ordering the publication thereof, once a week for three (3) consecutive weeks, in the Official Gazette and in a newspaper of general circulation in Zamboanga del Norte and in the cities of Dipolog and Dapitan. In the same Order, persons concerned were enjoined to show cause, if any, why the petition should not be granted and oppose the petition.

On July 22, 2002, the RTC amended its previous order and, with notice to the Office of the Solicitor General (OSG), reset the hearing on September 10, 2003 instead because the National Printing Office could no longer accommodate the publication requirement before the first hearing date.

On December 2, 9 and 16, 2002, copies of the amended order and Karbasi's petition were published in the Official Gazette. Subsequently, the same were published in *Press Freedom* on January 27, February 3 and 10, 2003. The said copies were likewise posted on the bulletin boards of the RTC and the Municipal Building of Roxas, Zamboanga del Norte and Capitol Building, Dipolog City.

On September 10, 2003, Karbasi and his counsel appeared and presented proof of compliance with the jurisdictional requirements. Nobody appeared to interpose an objection to the petition.

During the hearing on May 18, 2006, Alton C. Ratificar (*Ratificar*) and Dominador Natividad Tagulo (*Tagulo*) testified as character witnesses.

Ratificar testified that in 1990, he was introduced to Karbasi whose house was located about 30 meters away from his; that he came to know him since then; that when Karbasi got married, he was invited to the wedding ceremony where the then City Mayor of Dipolog was one of the wedding sponsors; that he also attended the celebration; that he used to see Karbasi almost every day as he owned an electronics repair shop near his house; that Karbasi would also allow neighbors, who did not own television sets at home, to watch shows at his repair shop; that he never heard of any complaint by the neighbors against Karbasi, who went to church during Sundays and even on weekdays; that on several occasions, he was invited to Karbasi's home, where he observed his good relationship with his in-laws and his treatment of his wife and child which was in accordance with Filipino customs; and that Karbasi talked to him in both Visayan and English.

For his part, witness Tagulo testified that he worked at the Andres Bonifacio College and had known Karbasi since July 1990 when the latter was then enrolled in a vocational course; that Karbasi was very respectful to his instructors and that he had good grades; that he treated his schoolmates in accordance with Filipino customs; that he never showed any inclination to violence; that when Karbasi transferred to Dumaguete City, he visited him there; and that during this visits, Tagulo witnessed how Karbasi socially interacted and mingled with the rest of the community.

On August 10, 2006, the wife of Karbasi, Cliji G. Lim (*Cliji*), also took the witness stand. She testified that her father introduced her to Karbasi during her graduation party; that a courtship followed thereafter for five months, during which Karbasi was well-behaved and acted like any other Filipino; that when Karbasi proposed marriage to her, he was accompanied by his brother, Ali Karbasi; that Karbasi's baptism as a Catholic coincided with her birthday; that after their marriage, they begot two (2) children; that Karbasi continuously stayed with his family and never returned to Iran; that he was a good husband, father and provider; that all his income from the repair shop was turned over to her for the budgeting of the family's expenses; and that he was then earning a daily income of P1,000.00.

She added that Karbasi and his family regularly attended the Catholic mass and received communion; that they were active members of Couples for Christ since 2003; that he actively participated in Catholic practices like the novena and vigil for her deceased grandfather; that Karbasi was not a polygamist and that he did not flirt with other women; that she never heard her husband speak of any terrorist groups; and that he was never known to have an immoral reputation.

On several hearing dates thereafter, Karbasi himself took the witness stand. As summarized by the RTC, the gist of his testimony is as follows:

He is an Iranian national. He was born in Tehran, Iran, and resided there since birth up to 1986. His father is Abdolhossein Karbasi, a doctor in Iran, and his mother is Narjes Froghnia Karbasi, a retired teacher.

He has five brothers and two sisters. The eldest of the brood, Hamid Reza Karbasi, is in the United States of America and is now an American Citizen. The second, Dr. Ali Reza Karbasi, admitted as Filipino citizen in the Regional Trial Court, Branch 6, Dipolog City, is in the Philippines. The third is Qite Karbasi, his sister. The fourth, his brother, Dr. Abduoul Reza Karbasi, graduated in India. The fifth, his sister, Kia Karbasi, is a nurse. The sixth, his brother Qolam Reza Karbasi, is an engineer who graduated in France. His last four siblings are all in Iran.

He was a Shiite Muslim before he was converted as Roman Catholic. His former religion believes in the existence of a Supreme Being called God. It believes in the existence of government and repudiates violence. His said religion is not within an organization of Al Qaeda, Jemayah Islamiya, or any terrorist group. It also adheres to the principle of one man-one woman marital relation.

He and his brother, Ali Reza Karbasi, left Iran in 1986 because of the war between Iran and Iraq at that time. When the Shah of Iran, Pahlavi, was overthrown by Ayatollah Khomini in 1979, some Iranian nationals left Iran. He and Ali Reza, who also condemns the act of overthrowing an existing government by force and violence, were among those who left. Since the government confiscated his passport, they traveled by camel and passed by the desert during night time to reach Pakistan. He stayed there for almost three (3) years,

Being foreigners in Pakistan, they submitted themselves to the United Nations High Commissioner for Refugees. However, they were not

granted the status of refugee right away since Pakistan is adjacent to Iran. They had to transfer to a third country not at war with Iran. Since his brother Ali Reza was already studying in the Philippines, they decided to come here.

As it was difficult for him to get travel documents, petitioner procured a Pakistani passport under the assumed name of Syed Gul Agha.

Upon his arrival in the Philippines on July 11, 1990, he submitted himself to the United Nations in Manila. After several interviews, he was admitted as a refugee and, later on, as a person of concern. As a refugee, he was granted by the United Nations allowances, medical benefits and protection to some extent.

After having been interviewed by the Solicitor General regarding his intention to become a Filipino citizen, he filed the corresponding Declaration of Intention, dated March 28, 2001, on May 25, 2001.

Sometime in 2002, petitioner, having signified his intention to become a Filipino citizen, was issued a certification captioned "UN High Commissioner for Refugees, Liaison Office for the Philippines," dated 25 June 2002, certifying that he has been recognized as a person of concern who arrived in the Philippines on 11 July 1990 on board Philippine Airlines flight 731 under an assumed name (Syed Gul Agha).

At the time of the filing of the petition, he was already married and residing at 341 Burgos Street, Dipolog City. However, upon arrival in the Philippines, he first resided at Panay Avenue, Quezon City, where he stayed for almost six months. During those times, the United Nations provided him a monthly allowance of P2,800.00, being a refugee. He then transferred to Burgos Street, Miputak, Dipolog City, where he stayed at the house of the father-in-law of his brother Ali Reza for a month.

He then moved to Sta. Filomena, Dipolog City, at the house of his sister-in-law. It was during this time that he enrolled at Andres Bonifacio College where he studied from 1990 to 1992. He finished a two-year vocational course in said school as evidenced by a Diploma issued by the Andres Bonifacio College, Dipolog City. In Iran, he finished Bachelor of Science in Economics.

He then pursued a four-year course (Bachelor of Science in Industrial Technology Major in Electronics) at the Central Visayas Polytechnic College in Dumaguete City. He resided in the Capitol Area of said city. He was already receiving a monthly allowance of P4,800.00 from the United Nations at that time. He graduated from said institution as evidenced by a Diploma issued by said school. He also attended technical trainings conducted by Asian Durables Manufacturing, Inc. as evidenced by a Certificate of Attendance issued by said company.

In 1996, he returned to Dipolog City and resided at Burgos Street where he opened his electronics repair shop (KX3 Electronics Repair Shop).