

THIRD DIVISION

[G.R. No. 153986, June 08, 2007]

**IN RE: PETITION FOR ADMISSION AS CITIZENS OF THE
PHILIPPINES, SHEWAK A. KESWANI AND KAVITA S. KESWANI,
PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES,
RESPONDENT.**

DECISION

AUSTRIA-MARTINEZ, J.:

Petitioners-spouses Shewak and Kavita Keswani (petitioners) are Indian nationals who filed a joint Amended Petition for naturalization, docketed as Naturalization Case No. M-68, with the Regional Trial Court (RTC) of Makati, Branch 60, sometime in 1998. As summed up by the Court of Appeals (CA), their amended petition contained the following allegations:

x x x (1) petitioners are spouses of Indian nationality having been born in India on August 23, 1953 (Shewak) and September 1, 1957 (Kavita) with four (4) children who were all born in the Philippines and students at Brent School, an educational institution recognized by the Philippines Government where Philippine History, Government and Civics are taught; said children are residing at their parents' address at 2284 Magnolia St., Dasmariñas, Makati City; (2) petitioner Shewak Keswani arrived for the first time in the Philippines on March 24, 1976 via Qantas AirLines, joined later by his wife, and have since continuously resided in the Philippines in the various addresses in Quezon City, Manila, Pasig City, Mandaluyong City and Makati City; (2) they can speak Tagalog, English and Sindhi (Indian dialect); (3) they are persons of good moral character and believe in the principles underlying the Philippine Constitution; have conducted themselves in proper and irreproachable manner during the entire period of their residence in the Philippines up to the present in their relation with the constituted government as well as with the community in which they live; (4) more than a year prior to the filing of the present petition, they filed their Affidavit of Joint Declaration of Intention to become citizens of the Philippines; (5) they own real properties in the Philippines and are both stockholders of Glamour Garments, Inc. and Chitra Manufacturing, Inc., both primarily engaged in the manufacture and export of garments; as majority stockholders they both derive annual gross income of more than P2,000,000.00; (6) they have all the qualifications required under Sec. 2 and none of the disqualifications provided under Sec. 4 of C.A. No. 473, as amended - they have not opposed organized government or affiliated with any association who uphold and teach doctrines opposing all organized government; they do not defend or teach the necessity or propriety of violence, personal assault, or assassination for the success and predominance of these ideals; they are not polygamists or believers in

polygamy; they have not been convicted of any crime involving moral turpitude nor suffering from any mental alienation or incurable contagious diseases; during the period of their residence in the Philippines up to the present, they continue to mingle socially with Filipinos and evince sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos; and their country, India, is not at war with Philippines and likewise grants the right to become naturalized citizens of India; and (7) it is their intention in good faith to become citizens of the Philippines and to renounce absolutely and forever any allegiance and fidelity to India; they will reside continuously in the Philippines from the date of the filing of the petition up to the time of their admission to Philippine citizenship.^[1]

Notices of hearing on the petition were posted on December 7, 1998, while publication was made on different dates in 1999. Thereafter, an *ex parte* hearing was held on September 27 and October 11, 1999, where petitioners and two character witnesses were presented to prove the allegations in their petition.

On May 9, 2000, the RTC rendered its Decision granting the Amended Petition and admitting petitioners as Filipino citizens.^[2]

After receiving a copy of the RTC Decision on May 12, 2000,^[3] the Office of the Solicitor General (OSG) filed a Notice of Appeal on June 1, 2000, which was given due course by the RTC per Order dated June 14, 2000.^[4]

Petitioners filed a Motion to Dismiss Appeal before the CA, alleging that the Notice of Appeal was filed by the OSG beyond the 15-day reglementary period. The CA, however, denied petitioners' motion in its Resolution dated April 3, 2001, taking note that the OSG had already filed an appellant's brief.^[5]

After completion of the records, the CA^[6] rendered on January 15, 2002 its Decision, which provides for the following dispositive portion:

WHEREFORE, premises considered, the present appeal is hereby GRANTED and the decision appealed from in Naturalization Case No. M-68 is hereby ANNULLED and SET ASIDE. A new judgment is hereby rendered DISMISSING the joint petition for naturalization of Shewak A. Keswani and Kavita S. Keswani as Filipino citizens.

No pronouncement as to costs.

SO ORDERED.^[7]

Petitioners now come before the Court on a petition for review on *certiorari* under Rule 45 of the Rules of Court, asserting the following reasons for its allowance:

1. IN GIVING DUE COURSE TO RESPONDENT'S APPEAL, WHICH IS CONTRARY TO THE PROVISIONS OF SECTION 11, COMMONWEALTH ACT NO. 473, AS AMENDED, THE COURT OF APPEALS ACTED WITHOUT JURISDICTION, CORRECTIBLE BY CERTIORARI.