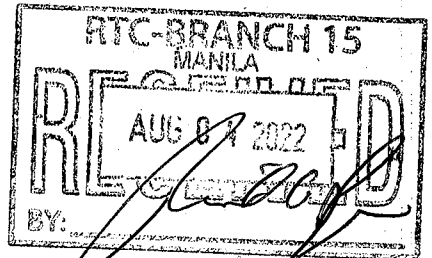




Republic of the Philippines
REGIONAL TRIAL COURT
National Capital Judicial Region
Manila – Branch 15



IN THE MATTER OF THE PETITION
OF **YOUSIF NAJIM TAHER AL-ZAWAR**
TO BE ADMITTED AS CITIZEN
OF THE PHILIPPINES,

Naturalization Case No. 21-09121-SP

11:15 A.M.

YOUSIF NAJIM TAHER AL-ZAWAR,
Petitioner.

-versus-

REPUBLIC OF THE PHILIPPINES,
Respondent.

X-----X

SECOND AMENDED PETITION

COMES NOW, the PETITIONER and unto this Honorable Court,
most respectfully avers:

1. That Petitioner's full name is **YOUSIF NAJIM TAHER AL-ZAWAR**;
2. That he is a **Refugee** recognized¹ by the Philippine government through the Department of Justice-Refugees and Stateless Persons Protection Unit (DOJ-RSPPU);
3. That he is presently residing² with his family at 28J Robinsons Residences Tower 2, Padre Faura Street, Ermita, Manila since the year 2006 and more so has resided continuously in the Philippines for not less

¹As shown in a **Certification** issued to that effect by the **DOJ-RSPPU**, machine copy of which is hereto attached as **Annex "A"** and made integral part hereof;

² As shown in the **Barangay Certification**, machine copy of which is hereto attached and marked as **Annex "B"** and made integral part hereof.

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than fifteen (15) years immediately preceding the date of this petition, to wit: since July 2006 and in the City of Manila, for not less than one (1) year;

4. That his last place of foreign residence was in Basrah, Iraq and that his former place of residence prior to his present residence was at Suite No. 1103 Midland Plaza Condominium, M. Adriatico Street, Ermita, Manila;

5. That he was born³ on July 25, 1992 in Basrah, Iraq;

6. That he is married and is the father of one (1) child;

7. That he is married to **Jeanette D. Villaruel Al-Zawar**, a Filipino citizen, 29 years old, and born⁴ on September 28, 1992 in Silang, Cavite, whom he married on September 7, 2016⁵ in accordance with Islamic rites.

8. That the name, age, sex, date and place of birth, and residence of his child⁶ is as follows:

Name : **Rashid Villaruel Al-Zawar**

Age : Three (3) years old

Sex : Male

Date of Birth : 10 February 2019

Place of Birth: Manila

Residence : 28J Robinsons Residences Tower 2, Padre Faura Street, Ermita, Manila

9. That he arrived⁷ in Manila, Philippines at the NAIA on July 27, 2006 by air on board Gulf Air;

10. That due to his marriage to a Filipino citizen, he is entitled to the benefit of Section 3 of Commonwealth Act No. 473, which reduces to five (5) years the ten (10) year requirement of continuous residence in the Philippines;

³ As indicated in his **Alien Certificate of Registration Identity Card (ACR I-Card)**, machine copy of which is hereto attached as **Annex "B-1"** and made integral part hereof;

⁴ As shown in her **Certificate of Live Birth** copy of which is hereto attached as **Annex "C"** and made integral part hereof.

⁵ As shown in their **Certificate of Marriage**, copy of which is hereto attached as **Annex "D"** and made integral part hereof.

⁶As shown in the **Certificate of Live of Birth**, copy of which is hereto attached and marked as **Annex "E"** and made integral part hereof;

⁷ As shown in the **Certification (Certificate of Arrival)** duly issued by the Bureau of Immigration, copy of which is hereto attached as **Annex "F"**, and made integral part hereof.

11. That petitioner is already qualified for naturalization as he had more than complied with the reduced five-year requirement of continuous residence in the Philippines (in view of his marriage to a Philippine citizen) and in this connection, he is invoking the provisions of Article 7 of the 1951 United Nations Convention Relating to the Status of Refugees (to which the Philippines acceded⁸), specifically, paragraph no. 2 thereof which states, as follows -

"After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States."

12. That he speaks and writes English and Pilipino (Tagalog), and has completed his tertiary education⁹ at, and graduated from, the Philippine Christian University which is a government-recognized private school system of higher learning;

13. That his lawful trade or occupation is as Director of Yousif Trading Incorporated¹⁰, a domestic corporation duly organized and existing under and by virtue of Philippine laws, with principal address at 1123 Quirino Avenue, Brgy. 688, Malate, Manila, *and apart from being such a director, he derives an average monthly income of Php 50,000.00, more or less from property leasing¹¹;*

14. That his minor child is not yet of school age but he undertakes to enroll said child upon attaining school age in any school duly recognized by the Department of Education (DepEd) where Philippine government, history, and civics are taught or prescribed as part of the school curriculum and where enrolment is not limited to students belonging to a particular race or nationality;

15. That he is of good moral character¹² and believes in the principles underlying the Philippine Constitution and had conducted himself in a

⁸ (on June 26, 1981.)

⁹ As shown by the Transcript of Records and Diploma duly issued by said university, copy/ies of which are hereto attached as Annexes "G", "G-1" to "G-3", respectively, and made integral parts hereof;

¹⁰ Copies of its Articles of Incorporation, By-Laws, and General Information Sheet, are hereto attached as Annexes "H", "I", and "J", respectively, and made integral parts hereof;

¹¹ As can be gleaned from the Contract of Lease, copy of which is hereto attached as Annex "K" and made integral part hereof.

¹² As can be readily gleaned from the corresponding Clearances/Certifications from the National Bureau of Investigation (NBI), Philippine National Police (PNP), Office of the City Prosecutor of Manila, and Office of the Clerk of Court of the Regional Trial Court of Manila, copies of which are hereto attached as Annexes "L", "M", "N", and "O", respectively, and made integral part hereof;

proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted Government as well as within the community in which he lives; has mingled socially with the Filipinos and has evinced a sincere and genuine desire to learn and embrace their customs, traditions and ideals;

16. That he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments; that 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; that he is not an anarchist, a polygamist or a believer in polygamy or in the practice of polygamy¹³; that he has never been convicted of any crime involving moral turpitude; that he is not suffering from mental alienation¹⁴ or incurable contagious diseases¹⁵; that he is not a citizen or subject of a nation at war with the Philippines;

17. That he has all the qualifications required under Section 2, and none of the disqualifications under Section 4, of Commonwealth Act No. 473, and has complied with the requirement of the same law under Section 5 thereof as to the filing *before the Office of the Solicitor General* of a Declaration of Intention¹⁶ to become a citizen of the Philippines;

¹³ Petitioner hereby takes *exception* to this statutory (dis)qualification (on account of his Islamic faith) and hereby invokes the jurisprudential ruling of the Supreme Court in the case of *Sulu Islamic Association of Masjid Lambayong vs. Judge Nabdar J. Malik* (A.M. No. MTJ-92-691, September 10, 1993) which holds, thus:

"Xxx. Since Art. 180 of P.D. No. 1083, otherwise known as the Code of Muslim Personal laws of the Philippines, provides that the penal laws relative to the crime of bigamy "shall not apply to a person married . . . under Muslim Law," it is not "immoral" by Muslim standards for Judge Malik to marry a second time while his first marriage exists." (Underscoring supplied for emphasis.)

And more importantly, Petitioner invokes the doctrinal ruling of the Supreme Court in the case of *Alejandro Estrada vs. Soledad Escritor* (A.M. No. P-02-1651, 22 June 2006) which ruling is hereunder quoted in part, to wit:

"Be that as it may, the free exercise of religion is specifically articulated as one of the fundamental rights in our Constitution. It is a fundamental right that enjoys a preferred position in the hierarchy of rights – "the most inalienable and sacred of human rights," in the words of Jefferson. Hence, it is not enough to contend that the state's interest is important, because our Constitution itself holds the right to religious freedom sacred. The State must articulate in specific terms the state interest involved in preventing the exemption, which must be compelling, for only the gravest abuses, endangering paramount interests can limit the fundamental right to religious freedom. To rule otherwise would be to emasculate the Free Exercise Clause as a source of right by itself."

¹⁴ As shown in his Medical Certificate, copy of which is hereto attached as Annex "P" and made integral part hereof;

¹⁵ As shown in his Psychological Clearance Report, copy of which is hereto attached as Annex "Q" and made integral part hereof;

¹⁶ Copy of which is hereto attached as Annex "R" and made integral part hereof, with a Supplemental Declaration regarding the birth of his child, copy of which is likewise hereto attached as Annex "S" and made integral part hereof;

18. That 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 Iraq of which at this time he is a citizen or subject; that he will reside continuously, as he hereby undertakes to reside continuously, in the Philippines from the date of filing of this petition up to the time of his admission to Philippine citizenship;

19. That he has not heretofore filed any petition for citizenship either through judicial process or administrative process;

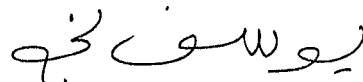
20. That **Rommel A. Ducay**, of legal age, married and residing at 570-A Padre Faura Street, Ermita, Manila, and **Ernilo C. Salonga**, also of legal age, married, and residing at 1901-K, Int. 65 Zamora Street, Pandacan, Manila, who are both Filipino citizens will appear and testify as witnesses¹⁷ at the *hearing*¹⁸ of this petition in support thereof;

21. That in support of his petition, Petitioner himself will appear and testify¹⁹ at the hearing to establish all the material allegations thereof.

P R A Y E R

WHEREFORE, Petitioner most respectfully prays of this Honorable Court that he be admitted a citizen of the Philippines.

Manila, Philippines, this ^{JUL 08 2022} ___ day of _____ 2022.



YOUSIF NAJIM TAHER AL-ZAWAR
Petitioner

¹⁷ who executed their respective supporting **Affidavit of Witness**, copies of which are hereto attached as **Annex "T"** and **Annex "U"** and made integral parts of this petition.

¹⁸ through said witnesses' corresponding **Judicial Affidavits**, copies of which are hereto attached as **Annex "V"** and **Annex "W"** and made integral parts of this petition.

¹⁹ through his **Judicial Affidavit**, copies of which are hereto attached as **Annex "X"** and made integral part of this petition.

Assisted by:

ROSELINO COLUMNNA CANDROY

Counsel for the Petitioner

2362 Oro-A Street, San Andres Bukid, Manila 1017

Contact No.: 0927-8676745; Email Address: roscaanic.esq@gmail.com

RoA No. 38500

PTR No. – 0154597; Manila; 01/03/22

IBP No. – 174180; Manila IV; 01/03/22

MCLE Compliance No. VI-0022818; 03/29/19*

VERIFICATION AND CERTIFICATION

Republic of the Philippines}

CITY OF MANILA } Ss.

x-----x

YOUSIF NAJIM TAHER AL-ZAWAR, of legal age, under oath, hereby deposes and says:

1. He is the petitioner in the above-entitled petition;
2. He caused the preparation of the above-entitled petition and has read the allegations thereof which he attests as true and correct of his own knowledge and based on authentic records at hand;
3. The foregoing petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation and that the factual allegations therein have evidentiary support after a reasonable opportunity for discovery;
4. No other petition or proceeding for naturalization involving him has been filed with any other court, tribunal, agency or office;
5. To the best of his knowledge, no such petition or proceeding is pending in any court, tribunal, agency or office;
6. Should he learn hereafter that a similar petition or proceeding has been filed or is pending before any court, tribunal, agency or office, he

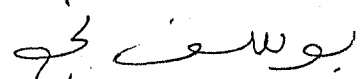
* (7th Compliance Period Certification under process extended until April 14, 2023 per Supreme Court *En Banc* Resolution dated February 15, 2022.)

hereby undertakes to report such fact within five (5) days therefrom to this Honorable Court.

CITY OF MANILA

IN WITNESS WHEREOF, he has hereunto set his hand in _____
this _____ day of _____, 2022.

JUL 08 2022



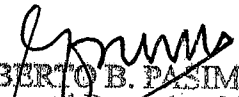
YOUSIF NAJIM TAHER AL-ZAWAR

Affiant JUL 08 2022

CITY OF MANILA

SUBSCRIBED and SWORN before me at _____ this _____ day of _____, 2022 affiant exhibited to me his Alien Certificate of Registration No. 204547 (as carried over on ACR I-Card under SSRN 14101YA1212062026) issued in Manila on December 7, 2017.

Doc No. 555
Page No. 111
Book No. 07
Series of 2022.



ATTY. GILBERTO B. PASIMANERO
Notary Public until December 31, 2023
Notarial Commission 2022 - 052
IBP# 165726 Paig for yr. 2022
PTR# 0154719 Mila - 1-3-2022
Roll # 25473, TIN# 103-098-346
MCLE Exempt. No. VII-NP004370, 'til 4-14-2025