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TWELFTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

CERTIFIED BY THE PRESIDENT  
FOR ITS IMMEDIATE ENACTMENT.  
ON MAY 27, 2002

SENATE

S. No. 2130

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Prepared jointly by the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws with Senators Angara, Arroyo, Aquino-Oreta, Barbers, Cayetano, De Castro, Drilon, Ejercito Estrada, Flavio, Honasan, Jaworski, Lacson, Legarda Leviste, Magsaysay, Jr., Osmeña (J.), Osmeña III, Pangilinan, Pimentel, Jr., Recto, Revilla, Sotto III, and Villar as authors  
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AN ACT  
MAKING THE CITIZENSHIP OF PHILIPPINE CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP PERMANENT, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 63, AS AMENDED, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled*

1 SECTION 1. *Short Title.* - This Act shall be known as the "Citizenship Retention  
2 and Re-acquisition Act of 2002."

3 SEC. 2. *Declaration of Policy.* - Pursuant to Section 1, Article IV of the  
4 Constitution which mandates that "those whose fathers or mothers are citizens of the  
5 Philippines" are among those embraced by the State as its citizens, it is hereby  
6 declared the policy of the State to make permanent such citizenship and to recognize that  
7 Philippine citizenship acquired by parentage is constitutionally guaranteed and protected,  
8 such that its natural-born citizens may not be automatically deprived of Philippine  
9 citizenship *ipso jure* absent any corresponding free, willful and voluntary act on their part  
10 to expressly and formally renounce their citizenship before proper Philippine authorities.

11 SEC. 3. *Retention of Philippine Citizenship.* - Any provision of law to the  
12 contrary notwithstanding, natural-born citizens of the Philippines who, after the effectivity of  
13 this Act, become citizens of a foreign country shall retain their Philippine citizenship, unless by their  
14 free, willfull and voluntary act they renounce under oath their Philippine citizenship before a Philippine  
15 consular official abroad or any public officer authorized by law to administer such oath: *Provided,*  
16 *however,* That a renunciation which was merely a part of, or in connection with, the oath  
17 of allegiance which may have been required by the said foreign country for purposes of  
18 naturalization shall not be interpreted as a free, willful and voluntary act of renunciation and therefore  
19 will not be a bar to the retention of Philippine citizenship;

1 Natural-born citizens of the Philippines who have lost their Philippine citizenship by reason  
2 of their naturalization in a foreign country prior to the effectivity of this Act are hereby declared to  
3 have reacquired their Philippine citizenship unless they renounce the same in the manner provided  
4 in the preceding paragraph.

5 Public officials, during their tenure, shall not be entitled to the benefits under this  
6 Act.

7 SEC. 4. *Derivative Citizenship.* - The unmarried child, whether legitimate,  
8 illegitimate or adopted, below eighteen (18) years of age, of those who re-acquire Philippine  
9 citizenship upon effectivity of this Act shall be deemed citizens of the Philippines.

10 SEC.5. *Irrevocability of Renunciation.* - A renunciation of Philippine citizenship  
11 under the provisions of this Act shall be irrevocable, without prejudice to its reacquisition  
12 under existing laws of the Philippines. A renunciation of Philippine citizenship made by  
13 either or both parents shall not have the effect of divesting their minor children of  
14 Philippine citizenship.

15 The Bureau of Immigration shall establish and maintain a registry of those who renounce  
16 Philippine citizenship.

17 SEC. 6. *Civil and Political Rights and Liabilities.* - Those who retain or re-  
18 acquire Philippine citizenship under this Act shall enjoy full civil and political rights and be  
19 subject to all attendant liabilities and responsibilities under existing laws of the  
20 Philippines and the following conditions:

21 (1) Those intending to exercise their right of suffrage must meet the requirements  
22 under Section 1, Article V of the Constitution and existing laws;

23 (2) Those seeking elective public office in the Philippines shall meet the qualifications  
24 for holding such public office as required by the Constitution and existing laws and, at  
25 the time of the filing of the certificate of candidacy, make a personal and sworn  
26 renunciation of any and all foreign citizenship before any public officer authorized to  
27 administer an oath;

1 (3) Those elected or appointed to any public office shall subscribe and swear to an oath of  
2 allegiance to the Republic of the Philippines and its duly constituted authorities prior to their assumption  
3 of office: *Provided*, That they renounce their oath of allegiance to the country where they took that  
4 oath;

5 (4) Those intending to resume practice of their profession in the Philippines shall first re-apply  
6 with the proper authority for a license or permit to engaged in such practice; and

7 (5) That right to vote or be elected or appointed to any public office in the Philippines cannot  
8 be exercised by, or extended to, those who:

9 (a) are candidates for or are occupying any public office in the country of which they are  
10 naturalized citizens; and/or

11 (b) are in active service as commissioned or non-commissioned officers in the armed  
12 forces of the country which they are naturalized citizens.

13 SEC. 7. *Rules and Regulations*. - The Department of Justice (DOJ), in  
14 coordination with the Department of Foreign Affairs (DFA) and the National Economic  
15 Development Authority (NEDA), shall within sixty days from the effectivity of this Act  
16 issue the necessary rules and regulations for the proper implementation of this Act.

17 SEC. 8. *Separability Clause*. - If any section or provision of this Act is held  
18 unconstitutional or invalid, any other section or provision not affected thereby shall  
19 remain valid and effective.

20 SEC. 9. *Repealing Clause*. - All laws, decrees, orders, rules and regulations  
21 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

22 SEC. 10. *Effectivity Clause*. - This Act shall take effect after fifteen (15) days  
23 following its publication in the *Official Gazette* or two (2) newspapers of general circulation.

Approved,