



**COMMITTEE ON JUSTICE AND HUMAN RIGHTS**  
*(Technical Working Group)*

DATE : April 18, 2002 (Thursday)  
TIME : 9:30 a.m.  
VENUE : 2/F Sen. Laurel Room  
Senate of the Philippines  
Financial Center, Pasay City  
AGENDA : Bills on Dual Citizenship

**A T T E N D A N C E**

**SENATORS' STAFF:**

ATTY. RUSIER I. NOLASCO	-	Presiding Officer, Office of Sen. Pangilinan
MS. ABIGAIL HINTO	-	Office of Sen. Arroyo
ATTY. ED TAMONDONG	-	Office of Sen. Pimentel
MR. FRANCIS ALBERT OLEGARIO	-	Office of Sen. Aquino-Oreta
ATTY. ROBERT JURADO	-	Office of Sen. De Castro
MR. JAKE ARAGON	-	Office of Sen. Angara
MR. JOHN P. VIRGINO	-	Office of Sen. Angara
MR. WENDELL CAGAPE	-	-do-

**GUESTS/RESOURCE PERSONS:**

ASEC. RICARDO V. PARAS III	-	Department of Justice (DOJ)
ATTY. ALEJANDRO TENERIFE	-	Deputy Director, National Bureau of Investigation (NBI)
ATTY. JOSELITO R. AMON	-	Legal Officer III, NBI
ATTY. EMIL L. ONG	-	Governor, Integrated Bar of the Philippines (IBP)
ATTY. REYNALDO OLAA	-	NSC
MS. SONG MEDINA	-	Commission on Filipinos Overseas (CFO)

ATTY. GILBERT F. ORDOÑA	-	Attorney II, Department of Trade and Industry, Board of Investments (DTI-BOI)
ATTY. MARJORIE O. RAMOS	-	Attorney II, DTI-BOI

**SECRETARIAT STAFF:**

MS. ASSUMPTION INGRID B. REYES	-	Committee Secretary
MS. IMELDA J. VICEDO	-	Committee Stenographer
MS. SONIA N. TUPAZ	-	-do-
MS. MARIVIC H. ULEP	-	-do-
MS. JESUSA S. SOLIDUM	-	-do-
MS. BATHALUMAN H. GONZALES	-	-do-
MS. MA. GINA P. DELLONES	-	Assisting Clerk
MR. JIMMY GAVIOLA	-	-do-
MR. ERIC C. JALANDOON	-	Legislative Page
MR. RONNIE CABAÑERO	-	-do-
MR. ALEX ALTOMIA	-	Audio Technician



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AT 10:03 A.M., ATTY. RUSIER I. NOLASCO, PRESIDING OFFICER, CALLED THE TECHNICAL WORKING GROUP MEETING TO ORDER.

THE PRESIDING OFFICER (MS. NOLASCO). Good morning everyone.

This is the second technical working group meeting for the bills on dual citizenship.

We would like to welcome all our resource persons in today's technical working group. For purposes of record, let us introduce ourselves.

I'm Atty. Rusier Nolasco, Head of the Legal Legislative Staff of Senator Pangilinan.

MR. OLEGARIO. I'm Francis Olegario, Assistant Officer of Senator Oreta.

MR. JURADO. Atty. Robert Jurado, Office of Senator De Castro.

MR. VIRGINO. Atty. John Virgino from the Office of Senator Angara.

MR. ARAGON. I'm Jake Aragon, Intern, from the Office of Senator Angara.

MR. CAGAPE. Wendell Cagape from the Office of Senator Angara.

MR. TENERIFE. I'm Atty. Alejandro Tenerife, Deputy Director for Comptroller Services, NBI.

MR. PARAS. I'm Assistant Secretary Ricardo Paras III of the Department of Justice.

MR. ONG. I am Atty. Emil Ong representing the Integrated Bar of the Philippines as Chairman of the Committee on Legislation and Research.

Thank you.



MR. MAGALLONA. Undersecretary of Foreign Affairs Department, Merlin Magallona.

THE PRESIDING OFFICER. During the first technical working group, we introduced some amendments to the Senate bill -- we used as a working draft the bills authored by Senator Drilon and we introduced some amendments. Based on the first technical working group meeting, we incorporated the amendments as part of the working draft for the Committee Report on Dual Citizenship.

Were you all given a copy of the bill with the amendments underscored, the one with the capital letters? So we can examine those amendments which we introduced.

Okay. I'll just -- we can go provision by provision and I'll just describe and point out the amendments which we made for each provision.

First, for Section 3, we have retained the original wording but we amended Subparagraph (b), Subparagraph (c) and we added Subparagraph (d). So on Page 2, Lines 4 to 9, this should read as follows: "(b) are candidates for, or are currently occupying any public office, elective or appointive, in the country of which they are naturalized citizens; (c) are in active service as commissioned or non-commissioned officers in the armed forces of the country of which they are naturalized citizens;" and Subparagraph (d), we added this subparagraph: "those occupying civilian or military positions requiring allegiance to a country other than the Philippines." And the rationale for this last subparagraph was to prevent dual allegiance.

Do you have any comments on the amendments which we made for Section 3?



There being no objections to the amendments, we now move to the second paragraph of Section 3. This was an amendment introduced by the Commission on Filipinos Overseas of the Department of Foreign Affairs. We wanted this merely for administrative purposes, so it would be easier to keep track of those Filipinos who already have dual citizenship.

So we added this subparagraph. It reads, as follows: "A system for continuing registration for individuals covered by this Act shall be established as an administrative mechanism. The proper Civil Registry, with the assistance of, and through the facilities of the Department of Foreign Affairs, Commission on Filipinos Overseas and the Bureau of Immigration, shall establish and implement such system of registration."

Do you have any comments on this particular amendment?

There being no objections to this amendment, then we can deem this as approved by the technical working group and we can move on to the third paragraph.

For the third paragraph, the proviso in Line 18 was added in view of the constitutional provision that a public officer should not have dual allegiance and dual citizenship. So we added this proviso: "Provided, that public officials, during their tenure, shall not be entitled to the benefits under this Act."

Do you have any comments on our amendment on Line 18?

MR. VIRGINO. What's the meaning of ano, they are not entitled to the benefits, for clarification?

THE PRESIDING OFFICER. If you noticed, the first few lines provide that natural-born citizens of the Philippines who become naturalized citizens of a foreign



country shall retain their Philippine citizenship. But this particular benefit and all the other benefits of this Act should not apply to public officers who are currently holding positions in Philippine government. Because under the Philippine Constitution, they cannot hold – they should not hold dual citizenship. They should not apply for foreign citizenship. So this prevents public officers precisely from holding dual citizenship.

Okay. We can now go to Section 4. Section 4 was a provision which was introduced by – during our first technical working group, it actually deals with the benefits for legitimate and unmarried children of Filipino parents. So this is derivative citizenship. Section 4 provides, as follows: “Section 4. Derivative Citizenship. The legitimate, unmarried child below eighteen (18) years of age, of Filipino parents, who avail of the benefits under this Act shall hold dual citizenship status as derived from one or both parents.”

Yes, Undersecretary Paras.

MR. PARAS. Can we just inquire why is it only limited to legitimate? Iyong illegitimate will follow the citizenship of the mother.

THE PRESIDING OFFICER. Okay.

MR. PARAS. So siguro...

THE PRESIDING OFFICER. Perhaps we can add a line that...

MR. PARAS. O kaya huwag nang – tanggalin na lang iyong legitimate para...

THE PRESIDING OFFICER. Okay, the unmarried...

MR. PARAS. Unmarried child below 18 years.



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THE PRESIDING OFFICER. So Line 20. We amend Line 20 by deleting the word "legitimate" between the words "the" and "unmarried". Okay.

So Section 4 should read: "Derivative Citizenship. The unmarried child below eighteen (18) years of age, of Filipino parents... /imjv 



THE PRESIDING OFFICER. ... of Filipino parents, who avail of the benefits under this Act shall hold dual citizenship status as derived from one or both parents.”

Thank you for...

MR. TENERIFE. Yeah. I think this – in line with the policy of the state to protect also the illegitimate child – ah, children.

MR. ONG. Just an observation.

THE PRESIDING OFFICER. Yes, sir.

MR. ONG. You know this can be a subject to debate again if we will not really specify the word “legitimate” and “illegitimate”. If we will just say unmarried children, baka sabihin nila this connotes only legitimate children. And so, in order to avoid ambiguity, why don’t we specify na lang “legitimate and illegitimate” para wala nang tanong.

THE PRESIDING OFFICER. Okay. So, we can amend this by inserting the phrase, “whether legitimate or illegitimate” after the words “unmarried child” in Line 20. So, this line should read, “The unmarried child whether legitimate or illegitimate, below 18 years of age,” etcetera. Okay. Thank you for you comment, sir.

Okay. Section 5. The amendment – actually, the amendment introduced to this provision is on Line 25. As I recall, the original wording was “judicial naturalization” but we amended this by replacing it with “under existing laws of the Philippines” because there are other laws governing citizenship and naturalization and how to reacquire citizenship. So, this makes it broader and more general. Okay.

Do you have any comments, any other comments on this amendment?



There being no other amendments, perhaps, we can now go to Section 6 -- Page 3, Section 6. We received a position paper on the civil rights – civil and political rights of those holding dual citizenship. The basic theme, the content of that position paper was merely that dual citizens should not be able to invoke their foreign citizenship as a means to evade Philippine laws, Philippine duties and obligations and Philippine taxes. So, we added a phrase here, from Lines 4 to 6, “and shall be subject to all attendant liabilities and responsibilities under existing laws of the Philippines.” So this includes taxes and other Philippine duties and burdens which should be properly imposed on Filipino citizens.

MR. VIRGINO. Clarification. Would they now be subject to double taxes – double taxation...

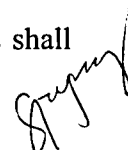
THE PRESIDING OFFICER. No, there are...

MR. VIRGINO. ... from two states?

THE PRESIDING OFFICER. There are tax treaties. There are existing tax treaties dealing with, yes, dealing with double taxation so the applicable tax treaties would apply.

MR. ONG. If I may add, ‘yong under our tax laws, if you have income from abroad, mayroon tax credit, mina-minus naman ‘yon.

THE PRESIDING OFFICER. We also amended Line 8 of Section 6 by replacing the original phrase “intending to run for any” with a phrase, “seeking elective or appointive public office in the Philippines.” So, the proviso should read: “Provided, further, That those seeking elective or appointive public office in the Philippines shall



meet the qualifications for holding such public office as required by the Constitution.” Because the original phrase was limited to elective positions and our amendment included appointive positions under this proviso. Do you have any comments on this?

MR. ONG. Line number?

THE PRESIDING OFFICER. Line 8. Section 6, Line 8. The original wording limited this to elective positions. So, we amended this by including appointive positions.

With that, we have already finished all the amendments to the Committee Report on dual citizenship. If you have any other amendments or want some other provisions to be revised, we would like – we’d like to request you to raise those amendments now because this will be the last Technical Working Group for dual citizenship since we hope that this will be sponsored next week, Tuesday, at the latest. So, if you have any further comments or suggestions on this particular bill, we welcome them.

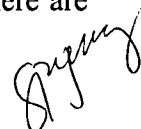
MR. TENERIFE. Madam Chairman.

THE PRESIDING OFFICER. Yes, sorry. Section 5, Line 25. Are renunciation made by parents shall not have the effect of divesting their minor children of Philippine citizenship? What about the children of age? Anong nangyari? Automatic ba na -- They are also divested of their Philippine citizenship even without doing nothing.

THE PRESIDING OFFICER. Okay.

Yes.

MR. VIRGINO. Regarding Section 4, the insertion of the word “legitimate or illegitimate,” don’t you feel that it is superfluous? Because if you’re a child, there are



only two classifications and there is no need to qualify. If there is no qualification, it means that includes both legitimate and illegitimate.

MR. ONG. The presumption of legitimacy might take another interpretation. Because when the law doesn't specify, the provision only – the presumption of legitimacy might be debatable.

THE PRESIDING OFFICER. This might be construed to apply only to legitimate children.

MR. ONG. To apply only to legitimate children. Anyway, those are two different words with two different meaning. I still would insist on specific wording. Addendum. Besides if we can do it now, to avoid ambiguity, why don't we do it now.

MR. VIRGINO. I am amenable.

THE PRESIDING OFFICER. Okay.

Yes. From what office? Could you introduce yourself?

MS. MEDINA. Yes, I am Sol Medina from the Commission on Filipinos Overseas.

THE PRESIDING OFFICER. Yes.

MS. MEDINA. Ma'am, still on Section 4, Line 20. Ma'am, can we not include legally adopted unmarried child? I think they are also entitled.

THE PRESIDING OFFICER. So, what's the pleasure.../snt



THE PRESIDING OFFICER. ... So, what's the pleasure of the body? Do we specify further adopted or do we limit ourselves to legitimate or illegitimate?

Okay. So, we introduce another amendment by inserting the word "adopted". Okay. So, the line should read: "The unmarried child, whether legitimate, illegitimate or adopted...". Thank you for your suggestion.

Okay. Are there any final comments?

MR. JURADO. Madam Chairman, with regards to Section 7, shall we limit it to DOJ in the issuance of rules and regulations?

THE PRESIDING OFFICER. Actually, in the original provision, original draft, the Department of Justice, jointly with the Department of Foreign Affairs, was required to issue the necessary rules and regulations. But, we received a comment from the Department of Foreign Affairs that I think they are not authorized to – This doesn't fall under their jurisdiction so this was limited to DOJ. But, if you have any suggestion on this, we would welcome them.

MR. JURADO. How about putting it, "in coordination with other government agencies?"

THE PRESIDING OFFICER. That's acceptable to me. What is the pleasure of the body?

MS. RAMOS. Madam Chair.

THE PRESIDING OFFICER. Yes.

MS. RAMOS. I would suggest for an interagency committee to frame the rules and regulations. *ew*

THE PRESIDING OFFICER. Composed of which agencies?

MS. RAMOS. DOJ, Bureau of Immigration –

MR. JURADO. Under DOJ ang BID.

(informal discussion)

THE PRESIDING OFFICER. Okay. The Department of Justice in coordination with DFA and NEDA and other government agencies or just these two agencies – DFA and NEDA. Okay.

So, we insert the phrase “in coordination with DFA and NEDA” between the phrase “Department of Justice” and the word “shall” in line 13. So, this line should read “The Department of Justice, in coordination with DFA and NEDA, shall within ...”

Do you have any other suggestions?

With that, we end this technical working group meeting. Thank you very much for your participation and we hope to have this approved by next – we hope that this will be sponsored by next week. Thank you again.

THE MEETING WAS ADJOURNED AT 10:28 A.M. *ve*