



## COMMITTEE ON JUSTICE AND HUMAN RIGHTS

DATE Thursday, February 07, 2002  
TIME 1:30 p.m.  
VENUE Sen. Lorenzo M. Tañada Room  
2<sup>nd</sup> Floor, Right Wing, Senate Building  
Financial Center, Roxas Blvd., Pasay City  
AGENDA S. Nos. 64, 100, 187, 853, 903, 1340 and 1354 - Dual  
Citizenship Bills

### ATTENDANCE

#### MEMBERS PRESENT:

Hon. FRANCIS N. PANGILINAN, Chairman  
Hon. JUAN M. FLAVIER

#### EX-OFFICIO MEMBER PRESENT:

Hon. FRANKLIN M. DRILON, Senate President

#### GUESTS/RESOURCE PERSONS:

Atty. Alex G. Chua, Director, OLA-DFA  
Capt. Gregorio S. Oca, Prfesident, AMOSUP  
Ms. Carmelita Nuqui, DAWN/PMRW  
Mr. Jose Z. Molano, Jr., CFO/DFA  
Ms. Benilda C. Mendoza, Chairperson, OPAP

**SENATORS' STAFF PRESENT:**

Atty. Rusier I. Nolasco, Office of Sen. Pangilinan  
Ms. Peachy Dulay, Office of Sen. Pangilinan  
Atty. Araceli Habaradas, Office of Sen. Pangilinan  
Atty. Rene Conchu, Office of Sen. Flavier  
Mr. Veo Guitierrez, Office of Sen. Drilon  
Mr. Alfred Jamora, Office of Sen. Osmeña  
Ms. Vilma Rodriquez, Office of Sen. Ople

**SECRETARIAT:**

Ms. Assumption Ingrid B. Reyes, Legislative Committee Secretary  
Ms. Nida A. Mancol, Legislative Committee Stenographer  
Ms. Petrita Y. Bonilla, Legislative Committee Stenographer  
Ms. Cielito E. de Guzman, Legislative Committee Stenographer  
Ms. Jeanne M. Baisa, Legislative Committee Stenographer  
Ms. Ma. Gina P. Dellomes, Legislative Committee Clerk  
Mr. Reggie Mendoza, Legislative Page  
Mr. Eric Jalandoon, Legislative Page  
Mr. Bhoy Dimaro, Audio Technician

*(Please see attached attendance sheet)*

**AT 1:48 P.M., THE HONORABLE CHAIRMAN, SEN. FRANCIS N. PANGILINAN, CALLED THE HEARING TO ORDER.**

**THE CHAIRMAN.** The public hearing of the Committee on Justice and Human Rights is hereby called to order. The Chair declares the presence of a quorum. We acknowledge the presence of Senator Flavier. We would like to also acknowledge the following who are here with us as resource persons: Atty. Alex Chua of the Foreign Affairs Department; Mr. Jose Molano, executive director of the Commission on Filipino Overseas; Ms. Ellene Sana, advocacy officer of KAKAMMPI; Ms. Carmelita Nuqui, president of the Philippine Migrants Rights Watch; and Captain Gregorio Oca, president of AMOSUP.

Before us, we will be discussing the following Senate bills, namely:

Senate Bill No. 65 – AN ACT ALLOWING NATURAL-BORN CITIZENS OF THE PHILIPPINES WHO HAVE LOST THEIR CITIZENSHIP TO RETAIN CERTAIN RIGHTS AND PRIVILEGES RESERVED FOR FILIPINO CITIZENS; introduced by Sen. Juan Flavier;

Senate Bill NO. 100 – AN ACT PROHIBITING DUAL CITIZENSHIP, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES; introduced by Sen. Flavier;

Can I request the Comsec to continue reading so that I can conserve my soft voice.

**SEN. FLAVIER.** Concert voice.

**MS. NOLASCO.** (Reading)



Senate Bill No. 853 – AN ACT ALLOWING NATURAL-BORN CITIZENS OF THE PHILIPPINES WHO HAVE LOST THEIR CITIZENSHIP TO RETAIN CERTAIN RIGHTS AND PRIVILEGES, SUBJECT TO CERTAIN CONSTITUTIONAL LIMITATIONS, AND FOR OTHER PURPOSES; introduced by Sen. Aquilino Pimentel, Jr.;

Senate Bill No. 903 – AN ACT AMENDING THE FIRST PARAGRAPH OF SECTION 15 OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED SEVENTY-THREE (CA 473) PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP FOR AN ALIEN MARRIED TO ANY PERSON WHO IS A CITIZEN OF THE PHILIPPINES; introduced by Sen. Robert Z. Barbers;

Senate Bill No. 1340 – AN ACT TO AMEND SECTION ONE AND TWO OF COMMONWEALTH ACT NUMBERED SIXTY-THREE ENTITLED ‘AN ACT PROVIDING FOR WAYS IN WHICH PHILIPPINE CITIZENSHIP MAY BE LOST OR ACQUIRED’ AS AMENDED BY REPUBLIC ACT NUMBER ONE HUNDRED SIX; introduced by Sen. Loren Legarda Leviste; and

Senate Bill No. 1354 – AN ACT PROVIDING FOR THE RETENTION OF CITIZENSHIP BY PHILIPPINE CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 63, AS AMENDED, AND FOR OTHER PURPOSES; introduced by Sen. Franklin M. Drilon.”

**THE CHAIRMAN.** Thank you. Before we proceed, I would like to just make a few observations placing it on record that we are reviewing, we are looking at the option of passing a law on dual citizenship. I think it is one of the – a phenomenon of the 20<sup>th</sup> and 21st centuries – 1990s, 1980s and the year 2000 is migration – outward migration if you can call it that wherein Filipinos have to find greener pastures, so to speak, have left the country, gone abroad, tried their luck in other jurisdictions, have been quite successful there, have been able to earn a living there. Because of our inability to absorb the work force, many of our citizens have gone abroad, have acquired citizenship in other countries



where they are employed if only to be able to enjoy, have better opportunities for themselves and, therefore, for their families.

On the other hand, Filipinos who have given up their Filipino citizenship remain very much in touch with their families and relatives here in our country. Emotionally, they remain attached to their families, and the continued allegiance to the country is very much evident in their desire to visit the Philippines every so often.

According to Philippine government estimates, over 4.2 million Filipinos work in 120 countries worldwide. Of course, this is a conservative estimate. This implies that immigrant workers consist of more than 15 percent of the country's 26 million labor force. The remittances by the migrant workers form a very good stabilizer for the country's external payment accounts.

The Committee believes the issue of allowing some form of dual citizenship for Filipinos is a concern that needs looking into. To allow natural-born citizens of the Philippines who have lost their Philippine citizenship to reacquire certain rights and privileges enjoyed by Filipino citizens is a focus of today's hearing. We would like to know what we can do to address the phenomenon of migrant workers, of the Filipinos who have left the country and have established themselves abroad and how, perhaps, by reuniting or rekindling their allegiance to our country, they may, in fact, help in building our economy, although, of course, there are restrictions to aliens or non-citizens, this we would have to look into, consistent with, of course, our Constitution.



With that, again we welcome the resource persons for today's hearing. This is going to be one of many hearings that we would be conducting in order to better ventilate the issues revolving around dual citizenship.

Senator Flavier, if you have your opening statement.

**SEN. FLAVIER.** Thank you, Mr. Chairman. It's a pleasure to join you in this very important legislative process. For the record, I just want to make it clear that when we filed Senate Bill No. 100, the legal advice to me was that dual citizenship was not allowed by our Constitution. However, recent developments have been expressed saying that it is allowed. If the Constitution allows it, I would withdraw my bill because the purpose of the bill was first, we were assuming it was illegal. But even if it's illegal, there was need to clarify the status of those who were citizens by virtue of blood, and the other one, by virtue of birth. So, that was -- the intention was only to clarify. But the basic assumption, it turns out now, might be faulty. No less than our Senate President Drilon has filed a bill allowing dual citizenship and makes me presume that on legal grounds, he is sure of what this is all about, so I would withdraw my Senate Bill No. 100 and support the dual citizenship concept.

Number two, Mr. Chairman, is that assuming again that this was not allowed, I had a bill that would at least enumerate a number of activities, Filipinos who have lost their Philippine citizenship would be allowed to undertake, which is one of the basic reasons why I am in favor of dual citizenship. Many of them want to come back, but let



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us at least give them a chance to be able to exercise some of those privileges and rights which was the purpose of Senate Bill No. 60.

Having said that, Mr. Chairman, I've come to listen and to learn, and I am ready to do so now, Mr. Chairman.

**THE CHAIRMAN.** Thank you, Senator Flavier. For our resource persons, we will be asking you. . . 



THE CHAIRMAN. ... we will be asking you to present, very briefly, your position papers and then we can go through the questions after everyone has presented their position.

We can start with the Office of Legal Affairs of the DFA. Atty. Alex Chua.

MR. CHUA. Thank you, Mr. Chairman.

The phenomenon of international migration in today's reality, the dynamics of which is aided by the forces of globalization, equally true is the presence of a great number of Filipino migrants worldwide, who while having acquired foreign citizenships, continue to play a critical role in our country's economic and social stability.

The proposed measures, especially on dual citizenship may even find support in Section 5, Article IV of the 1987 Constitution which states that, "dual allegiance of citizens is inimical to the national interest and shall be dealt with by law."

We adhere to the view that the specific target of this constitutional provision is not dual citizenship but dual allegiance because Philippine law has no control over citizenship laws of other countries. Dual citizenship can be unavoidable under the present Constitution.

Dual citizenship may arise when a person whose parents



are citizens of a state which adheres to the principle of jus sanguinis is born in the state which follows the doctrine of jus soli.

For example, in the United States, such a person ipso facto and without any voluntary act on his part, is concurrently considered a citizen of both states.

At this time, it is possible for the following classes of citizens of the Philippines to possess dual citizenship.

1. Those born of Filipino fathers and/or mothers in foreign countries which followed the principle of jus soli.

No. 2. Those in the Philippines of Filipino mothers and alien fathers, if by the laws of their father's country such children are citizens of that country;

No. 3. Those who marry aliens, if by the laws of the latter's country the former are considered citizens, unless by their act or omission they are deemed to have renounced Philippine citizenship.

Dual allegiance, on the other hand, refers to the situation which a person simultaneously owes, by some positive act, loyalty to two or more states. While dual citizenship is involuntary, dual allegiance is the result of the individual's volition.

Two common questions invariably asked by Filipino communities abroad is absentee voting and dual citizenship. The proposed measures ranging from recognition of dual citizenship to allowing retention of certain rights and



privileges to former Filipinos is indeed a timely response to the plea of millions of migrant Filipino overseas.

On behalf of the Secretary of Foreign Affairs, Mr. Chairman, we would like to express also our thanks and appreciation to the Honorable Chairman and the distinguished member of the Committee on Justice for inviting the Department of Foreign Affairs to participate in this very important deliberations today.

Thank you, Mr. Chairman.

THE CHAIRMAN. Thank you, Atty. Chua.

Mr. Molano of the Commission on Filipino Overseas. We would like to note, Mr. Molano, that you submitted a very comprehensive position paper on the issue, comprehensive because it encompasses all constitutional issues and it's very - - well, we would like to note that and I was just saying that because you will not have to read the whole paper. Because I was reading it this morning and it's very good.

So, you have the floor now, Mr. Molano.

MR. MOLANO. Thank you, Mr. Chairman. Since our paper has been submitted and, in fact, we have actually earlier offered to make a presentation to this committee, Mr. Chairman, but I believe there were time constraints for this. And, I would like ... (interrupted).

THE CHAIRMAN. Before you proceed, I would like to acknowledge the presence of Senate President Frank Drilon.



You may proceed now.

MR. MOLANO. Thank you. Well, probably as points emphasized here in addition to what we have already in the paper, Mr. Chairman. We believe that, first, Filipinos who take up other citizenships should not necessarily automatically lose their Filipino citizenship. And we think that this loss of Filipino citizenship should only happen if the Filipino citizen expressly renounces his citizenship before an appropriate official of the Philippine government.

One other point, Mr. Chairman, is that the importance of passing a law that recognizes this is for Filipinos who have acquired other citizenships and maintained their Filipino citizenships as well, they should be able to pass on their Philippine citizenship to their dependent, their descendants, rather.

Third point that needs to be emphasized here is, those who have lost their citizenships in the past should be able to regain their Filipino citizenships.

And, fourth, we feel that a measure on non-loss of Filipino citizenship could be dealt with by the proper amendment to Commonwealth Act 63. That's all, Mr. Chairman.

We will be prepared to answer any further questions that may come from the committee. Thank you.

THE CHAIRMAN. Thank you, Mr. Molano.

Ms. Sana of KAKAMMPI. Can you also ... Yes. What is KAKAMMPI, for purposes of our ...

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MS. SANA. KAKAMMPI stands for Kapisanan ng mga Kamag-anak ng Migranteng Manggagawang Pilipino. It should be two "M"s. It's an acronym.

THE CHAIRMAN. Oh, okay. You yourself, you have relatives who are ...

MS. SANA. Yes, Your Honor.

THE CHAIRMAN. Sabagay, who does not have relatives?

MS. SANA. O, sige. Salamat. KAKAMMPI or the Kapisanan ng mga Kamag-anak ng Migranteng Manggagawang Pilipino works for the promotion and protection of the human rights of migrants, their families and overseas Filipinos in general.

One of the important issues we seek to address is racism and racial discrimination that millions of our compatriots overseas experienced daily in their receiving countries.

This is reflected in the receiving countries' strict and discriminatory immigration and border control policies, laws ...

THE SENATE PRESIDENT. Excuse me, Ms. Sana.

MS. SANA. Yes, sir.

THE SENATE PRESIDENT. We are here to discuss dual citizenships, 'no? So, if you can limit your comments on dual citizenship rather than the matter of the, what you call discrimination of Filipinos. Can we just rehear your views on the issue of dual citizenship?

MS. SANA. Okay. We were informed that we will be

discussing the various bills so it is not all about dual citizenship.

THE CHAIRMAN. Yes, but can we focus first on dual citizenship?

MS. SANA. Okay. So I'll just go straight to our comments on the various bills. Okay.

Please note that the comments that we will be giving now in this public hearing are preliminary comments. So, okay.

So, regarding Senate Bills 64 and 853, authored by Senator Juan Flavio Velasco and Senator Pimentel, we support the intent and letter of the proposed bills. This will encourage further former Filipino citizens to become active partners in nation-building.

Senate Bill 187, proposed by Senator Serge Osmeña III, we also support this one in line with Senate Bills 64 and 853. In fact, we would like to suggest that if it's possible ... pyb/

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MS. SANA. ... suggest that if it's possible, if Senate Bill 187 may be incorporated with Senate Bills 64 and 853.

Senate Bill 903, authored by Senator Barbers, this is okay in terms of the intent of the bill. It only equalizes the treatment between male and female aliens married to Filipinos who want to acquire Filipino citizenship.

However, we have reservations about the automatic granting of Filipino citizenship. The issue here is why automatically grant Filipino citizenship to an alien who may or may not want to acquire Filipino citizenship. A simplified process, perhaps, for naturalization is suggested for those who may fall under this category.

Senate Bill 1340 by Senator Loren Legarda is very commendable and we also support the bill.

Senate Bill 1354 by Senate President Drilon. The proposed bill may be declared unconstitutional because it may run against the constitutional prohibition and dual allegiance. The bill attempts to limit renunciation of Filipino citizenship before proper Philippine authorities as the ground for loss of Philippine citizenship. Stated otherwise, if the renunciation of Filipino citizenship was not made

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before the proper Philippine authorities or was made as part of the naturalization process in a foreign country, it will not be a ground for loss of Philippine citizenship.

The problem with this provision is that the Constitution prohibits a Filipino from maintaining dual allegiance to two states. There is no problem with those who acquired dual citizenship by *jus soli*, as stated in the Supreme Court in the case of Edu Manzano, for example.

A problem may be encountered, however, because the bill intends to encompass even those Filipinos who, as a requisite for obtaining a foreign citizenship, renounced their Filipino citizenship. This will not pass the constitutional prohibition on dual allegiance because the Constitution ...

SEN. DRILON. Are you a lawyer? Are you a lawyer?

MS. SANA. No, we consulted our lawyer.

SEN. DRILON. Yeah.

MS. SANA. So we did this paper collectively.

SEN. DRILON. The Supreme Court, in the case of Manzano, if you recall, made a distinction between dual citizenship and dual allegiance. Oo. Would you be able to tell us what that Supreme Court distinction was?

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MS. SANA. Well, I'm not really that very ... I'm not very familiar with the case but we have a copy of the decision. But to my simple understanding, the ruling was Edu Manzano was ... his Filipino citizenship was affirmed and that he was able to take the position in Makati because he was born in the U.S. and he has Filipino parents.

SEN DRILON. Well, I wish there was ... I also want to be clarified on this issue, Mr. Chairman, and I wish we had the Department of Justice representative here because I want this issue settled once and for all.

As far as I recall the case, the Supreme Court made a distinction between dual citizenship and dual allegiance and if you read the Constitutional Convention where the dual allegiance was incorporated or that was declared as against public policy, it referred to the Chinese nationals who became Filipino citizens and the criticism was that the Chinese nationals, although they are Filipino citizens, continued to maintain allegiance with China. That is the dual allegiance which was prohibited and declared as against public policy in the discussion of the Constitutional Convention, as so clearly stated by then

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ConCom Commissioner and now Senator Ople.

He said "It is against public policy for us to make Filipino citizens out of those ... We should guard against native Filipino citizens, those Chinese nationals, because they maintained allegiance with China" and, in fact, they said "You have Kumintang and you have those identified with the mainland."

In the particular case of our desire to have dual citizenship, the dual allegiance becomes the problem of America because even if they are American citizens, they maintain allegiance to the Philippines and, therefore, the problem of dual allegiance placed in its proper context, viewed from the domestic interest, is the dual allegiance of foreigners, who become Filipinos, and yet maintained their allegiance to the native land. That is the context of the dual allegiance in the Constitution.

On the other hand, if you place it in the context of our attempt to allow dual citizenship to former Filipino citizens, the dual allegiance, becomes the problem of the country where the former Filipino citizen has adopted as his country of citizenship because you cannot deny that that Filipino, who is now an Australian, who is now an English, who is now an American, maintains allegiance to the Philippines and,

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therefore, the dual-allegiance problem is the problem of the foreign country.

That should be the context in my view that the prohibition on the dual allegiance in the Constitution should be viewed because that is the context that the proponent, Senator Ople, included that provision, Mr. Chairman.

Thank you.

THE CHAIRMAN. Thank you, Senator Drilon.

Would you like to complete your ....

MS. SANA. Pero 'yung ... If I may, Your Honor. I share your view, Senator, but at the same time, di ba pag po, pag nag-swear ka ng allegiance sa Amerika, pag ni-re-require kang mag-swear ng allegiance before you can be naturalized in a foreign country, nanduon pa rin 'yung ... may dual allegiance ka pa rin, na while ang burden mo ay nasa kabilang bansa, nasa isip mo iyun eh. Paano mo sasabihin na "ang allegiance ko nandito o nanduon sa kabilang bansa."

SEN. DRILON. Eh bakit iyung ibang dayuhan, pinapayagan ng kanilang bansa na magiging citizen pa rin ng kanilang bansa habang sila ay citizen ng ating bansa?

Example, Israel, Mexico, pinapayagan sila na



maging Filipino citizen and yet sila'y citizen pa rin ng kanilang bansa eh. Iyan ang ating problema -- Why are we treating our citizens differently than how the other countries would treat their citizens? I think that is the issue that we should also address.

MS. SANA. Actually po, kung napayagan ninyo akong basahin iyung context ng aming presentation, makikita ninyo po where we are coming from actually.

SEN. DRILON. Sige, sige.

MS. SANA. So, babasahin ko na po?

O, thank you ho. So, duon ho kasi sa ... dito ho kami pumupunta sa racism and racial discrimination. So ang sasabihin ko po dito this is reflected, iyun pong (reading):

"... racism and racial discrimination is reflected in the receiving countries' strict and discriminatory immigration and border control policies, laws, practices and attitudes towards non-nationals and non-citizens of these countries. It is a sad commentary that while globalization purportedly facilitates the free or borderless movement of goods, investments and finance capital between and among countries, the exact opposite is being done to people who are non-citizens or non-nationals of these countries. The racist attacks against immigrants and people of color and Arab descent in America after the September 11 attack is another sad fact.

Given these realities and the reality back home that continuously speaks of poverty



and unemployment, what is the option for the millions of Filipinos overseas? To stay indefinitely in the receiving countries to work, to save, to live quality lives that they perceive cannot be provided for back home.

And how do they do that? By making sure there is a job there, their working visas are in order or applying for a permanent residency status, if allowed and possible, and yes, applying for citizenship in the receiving countries. And then eventually and hopefully, they go back home to their native land, the Philippines.

Contributions of overseas Filipinos to the well-being of the country can be counted in more ways than simple economic contributions. In return, several laws have been enacted by government to these ties that bind the Filipinos to the country. We have Batas Pambansa 185, Republic Act 8042, we have Republic Act 8179, which grants investment rights and entitlements and conditions for land acquisition for investment purposes by overseas Filipinos. We have the Retail Trade Liberalization Law of 2000. We have the Tax Reform Act of 1997.

As a diaspora of Filipinos continues, Kakammpi believes that a review of policies and laws on citizenship and related issues be undertaken to make these laws relevant to the times and more importantly, more responsive to the needs of the Filipino people."

Salamat po.

THE CHAIRMAN. Thank you, Ms. Sana.

Can we have Ms. Nuqui of Philippine Migrant Rights Watch?

MS. NUQUI. Thank you, Mr. Chair, Senator Drilon.

Philippine Migrant Rights Watch is the coalition

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MS. NUQUI. ...coalition of NGOs, people's organization and church-based organizations. We have 10 members right now. And I'm from DAWN actually, the Development Action for Women Network, which is a member...

THE CHAIRMAN. You said ten-member organizations, not ten members.

MS. NUQUI. Yeah, ten-member organizations. And KAKAMMPI is also one of our members and I am from DAWN, the Development Action for Women Network.

Having what Ellen said, as the context of what--we have the same position actually. And in DAWN, the focus of our work are the women working in Japan and those who returned. And we would like to add to what she said, the increasing number of Japanese-Filipino children who are having problems after they come back to the Philippines.

We would like to cite specific examples. since the Japanese-Filipino children are minors, parents or their guardians apply for their citizenship while they're here. Though they are half-Filipino by blood, it doesn't exempt them from investing time, effort and money in the process of gaining recognition as Filipino citizens.

Based on the case we are presently handling relevant to this matter, application for Filipino

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citizenship requires submission to the BID of properly authenticated documents, such as letter request from person concerned, birth certificate, so many documents, proof of Filipino citizenship of petitioner and applicant's parents at the time of birth, etcetera.

SEN. DRILON. Mr. Chairman.

I'm sorry, Ms. Nuqui. Your concerns are valid, this discrimination, but maybe we have that in some other committee and bills hearing. The hearing now, I can see, is on dual citizenship.

MS. NUQUI. Yeah, this is on dual citizenship. Because children who are supposed to be Filipinos, like, for example, the children of Japanese men and Filipino women, because our women are working in Japan, and then some of the children have Japanese citizenship, but when they stay and live here, then they have to renew their visa every two months or every--and they have to pay.

SEN. DRILON. No. By Constitution, by provision of our Constitution, they are Filipino citizens, because under our Constitution, those whose fathers or mothers are citizens of the Philippines are citizens of the Philippines.

MS. NUQUI. Why then do they have to renew their visas every two months?

SEN. DRILON. Maybe we should address that in



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another hearing, and we will ask the Immigration to explain why they are asking for fees, because this is not correct. This is not correct. They are Filipino citizens under the Constitution.

MS. NUQUI. And, in fact, right now we have an ongoing case...

SEN. DRILON. Yes.

MS. NUQUI. ...and then we were told that we have to have a court hearing, etcetera, etcetera, when in fact, these children are clearly...

SEN. DRILON. Yeah, iba iyon.

So for purposes of this afternoon's hearing, we thought that we should try to draw from our panelists reactions on the policy of allowing dual citizenship on the policy of allowing dual citizenship and, if from the point of view of the law, whether it is constitutional or not. So, two issues: policy issue - should we allow dual citizenship in view, especially, of the dual allegiance provision? And second, as a matter of Constitution, is dual citizenship allowed?

So for purposes of the report of the Committee, may we request that those issues be focused upon. In other words, is it correct policy that we should allow dual citizenship? That's the bottom line.

THE CHAIRMAN. Would you like to respond to that,



again focusing on the issue of, perhaps, your organizations, the membership of your organizations and how they welcome--I think you said already earlier, Ms. Nuqui, that you are, in fact, in the same network as Ms. Sana and you do welcome the efforts to move towards accepting or allowing dual citizenship?

MS. NUQUI. Yes, Your Honor, because of the continuous migration of our people. And that's why we also want to make sure that even their children would be protected with these laws that we are having.

Thank you.

THE CHAIRMAN. Are you saying that the phenomenon of migration necessitates the need to look into dual citizenship in order for our, well, these migrants to be able to enjoy the full benefit or protection that dual citizenship may, in fact, allow them?


MS. NUQUI. Yes, Your Honor, the workers and their children.

Thank you.

THE CHAIRMAN. The workers and their children.

Thank you, Ms. Nuqui.

THE CHAIRMAN. Can we have Captain Oca of AMOSUP?


MR. OCA. Thank you, Mr. Chairman. And Senator Drilon, thank you. 

The only thing that has interest us is the one in Senate Bill 64 and Senate Bill 853 with regard to the operation of registered overseas shipping. We are now practicing, or we have a rule now under our Maritime regulation, we have the bareboat charter, which is dual registration. The vessel is registered in Panama or in Liberia. But, again, it's also registered in the Philippines. Now, the moment it's registered in the Philippines, the Philippine law applies to that vessel, but it is owned outside. Now, would that be a party of this dual citizenship? Can the one who is bareboating it become a citizen of that country where it's owned, because it's owned in Panama or it's owned in Liberia or it's owned in somewhere else, except the Philippines, but that vessel is flying the Philippine flag, and it is the Filipino that governs, but it's not owned by a Filipino, but it's managed, operated and ran by a Filipino?

THE CHAIRMAN. My question...

MR. OCA. My question is, will this operation of registered overseas shipping be a part of the dual...?

THE CHAIRMAN. May we clarify with the Committee secretariat because Captain Oca...

MR. OCA. I represent the sea-based workers, Mr. Chairman. 

THE CHAIRMAN. I see. Okay. Because we would like to focus then on--well, if it's sea-based we assume here that Filipino citizens, seamen...

MR. OCA. Oh, yes, on board, yes. No problem on that. It's a matter of--the vessel is registered on two countries.

THE CHAIRMAN. Yes. But we're talking here of citizenship of individuals, of persons.

MR. OCA. Yes. That's why I want to ask, if, for example, that Filipino is also a citizen of that country where the vessel is owned? The question now is, can he do it?

THE CHAIRMAN. For purposes of policy, Captain Oca, is there a situation among, you know--how do you call the...

MR. OCA. Seafarers or sea-based. Sea-based, yes.

THE CHAIRMAN. ...seafarers of being able to acquire foreign citizenship?

MR. OCA. That's why I'm going now. My next question is on the second register where Filipino seafarers are on-board national flags, like Denmark, Norway...

THE CHAIRMAN. They are Filipino citizens.

MR. OCA. Yes. Now, the moment you were asked for dual citizenship, if you'll apply for the citizenship of



Norway, then what happens now is he's going to get the social benefits of Norway, and then, he will price himself out because the rates and wages of Norway is quite high than the Filipino rates. That is the problem now.

We are now manning, Mr. Chairman, vessels flying the flags of Norway, of Germany, of Denmark.

THE CHAIRMAN. Yeah. These are Filipino citizens?

MR. OCA. Yes, yes. But they are being paid Filipino rates.

THE CHAIRMAN. You are saying, with dual citizenship they will acquire Norwegian citizenship...

MR. OCA. Yes.

THE CHAIRMAN. ...and, therefore, be subject to tax laws...

MR. OCA. Yes, everything, everything. And then, he has to be paid Norwegian rates, which is 100 times higher than a Filipino rate.

SEN. DRILON. Then, don't hire him. Don't hire him if he's out of the market, out of the loop. That's his own judgment. If he wants to become a Norwegian citizen and, therefore, gets out of the loop of the Philippine market, you know, that his own judgment call. Maybe he gets more benefits as a Norwegian citizen. Hindi ba?

MR. OCA. Yes, but then, again, Mr. Chairman, since

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we are number one now in deployment of seafarers...

SEN. DRILON. Ah--

MR. OCA. the problem here now is the guy will have  
the right now to choose two citizenships for his own  
benefit... /jmb

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**MR. OCA.** . . his own benefit, for his own personal.

**THE SENATE PRESIDENT.** But you have also the right to choose who your employers are. If he is claiming that he is a Norwegian citizen, and therefore under Norwegian laws, this is his rate, you treat him as a Norwegian. And he's out of the law insofar as your Philippine rates are concerned.

**MR. OCA.** Yes, but Your Honor, the Norwegian government has passed a bill allowing national flag to employ non-domicile seafarers on lower rates. You get my point, Mr. Chairman, 'no. They have a bill allowing their national flag to employ non-domicile Filipinos on board national flag.

**THE SENATE PRESIDENT.** We understand that.

**MR. OCA.** And then, therefore, they are being paid the Filipino rates. Now, if you will allow him or he will be given the privilege to seek for Norwegian citizen, they will go after that because they will be receiving 100 times higher than the Filipino.

**THE SENATE PRESIDENT.** Then, fine. Then, don't hire him the next time around. Hire a Filipino.

**THE CHAIRMAN.** So, you are saying that with the option of dual citizenship, you anticipate an influx, an exodus or a sudden application of your seafarers?

**MR. OCA.** No. He will be given the privilege or the right to choose two citizenship.

**THE CHAIRMAN.** What I am trying to say here is this. You're saying that with the law passed, you might have that situation wherein your seafarers will now – all



of them will apply for citizenship, for example, of Norway or Denmark or – and, therefore, affect the industry?

**MR. OCA.** Definitely yes, Mr. Chairman, because then, they will think of better social benefits, better wages.

**THE CHAIRMAN.** Everyone is allowed to aspire for that, but it is your policy. Precisely what Senate President is saying, it's now your policy whether to hire him or to let him go.

**MR. OCA.** No, but these are owned by Norwegians and Danish. Then, they will look for other labor-supplying countries that will be – that they can employ on lower rates. What I mean to say, there's a competition now going on worldwide. That's why most of the shipowners are saying that we are pricing – the Filipinos are now pricing themselves out of the market because of the high rates that we are now imposing on foreign shipowners.

**THE CHAIRMAN.** Of course, in the end, it's the option of the Filipino whether he wants to take on the citizenship or not. It's having imposed on him. He can choose not to if he realizes that he might be pricing himself out of the market.

Yes. You would like to respond or...

**MR. MOLANO.** Yes, just a reaction on what has been going on.

**THE CHAIRMAN.** Yes, Mr. Molano.

**MR. MOLANO.** Thank you, Mr. Chairman. I feel there might be little point in arguing this matter because it's not all that easy to become a Norwegian citizen. It





requires, you know, residence in Norway for one to become Norwegian citizen. It's not as easy as somebody, one of our seamen, choosing to become a Norwegian citizen. They have to live in Norway to obtain the citizenship. Thank you.

**THE CHAIRMAN.** Thank you. Anyway, Captain Oca, if you want, you can please submit your position paper and what you think will be the net effect of this option to your industry.

We would like to acknowledge Ms. Mendoza of the Overseas Placement Association of the Philippines representing this organization which is involved in – microphone, please.

**MS. MENDOZA.** Good afternoon, Your Honor. I am representing, as a chairperson of OPAP, the land-based recruitment agencies.

**THE CHAIRMAN.** Yes. How would your group or organization be affected by the dual citizenship bill?

**MS. MENDOZA.** Sir, we support the good intentions of the various bills.

**THE CHAIRMAN.** Go ahead, ma'am.

**MS. MENDOZA.** We support the good intentions of the various bills, and our principal concern, however, pertains to overseas contract workers particularly that we believe that overseas contract workers should be treated more considerately than other Filipinos who were naturalized abroad. Their regaining Filipino citizenship for themselves and their families should be made easier with the least requirements for Filipinos who, in the process of naturalization, abjured their allegiance to the Philippines



and who may prefer to retain their new citizenship. They should be accorded privileges like those stated in the bill of Senator Pimentel, SB No. 853.

In any event, if all possible under the Constitution, dual citizenship should be provided for with appropriate protective mechanisms to prevent such dual citizenship as a shield for criminals.

Thank you.

**THE CHAIRMAN.** Ms. Mendoza, just again on the issue of dual citizenship, my impression is that, as a whole, overseas contract workers have specific contract, a period, and within that period, they are able to acquire or apply for citizenship of other countries?

**MS. MENDOZA.** In certain places, sir. In the States, now we have two kinds of workers. Ones who go as immigrants, nurses particularly, and the medical staff, and one who go on working visa, particularly the H1B Visa and the H1C Visas. We are recruiting them for two or three years contract, but the intermediaries there, because we have a partner there, foreign recruitment agencies, work for their integration so they could become immigrants status and later on, they can become citizens if they opt to, after three years or within the three-year contract that they have. I am talking of the H1B Visas and the H1C Visas which are the work visas. Because the requirement for the nurses to stay during the work visa for the period of three years is that they should pass the state board license which is known as the INLEX. So, before they go, as H1B Visa nurses, they pass, they should pass the CGFNS test here, and then, upon reaching the United States,



they get the same salaries as those who are nurses, regular nurses as the United States citizens are receiving. But then, if they fail the test of the INLEX, they will still retain the same salary, but they will be working on a lesser capability. But they will be given another chance to take the test depending on the employer who has employed them.

**THE CHAIRMAN.** Yes. But my question is, so you have a significant number of Filipino, overseas Filipinos who are, in fact, citizens or who applied for US citizenship or foreign citizenship during their period of contract?

**MS. MENDOZA.** Yes, sir, particularly the United States.

**THE CHAIRMAN.** And as such, you're saying that with this dual citizenship law or bill enacted into law, this would benefit these overseas Filipinos?

**MS. MENDOZA.** Greatly, sir, because they are linked to their families here. Wherever the Filipinos go, they do not leave their linkages here in the Philippines. Whether they are in the States, Athens, Madrid, Europe, wherever they go, they always send their money back or not just their money, they send their all kinds of assistance to their kins back home.

**THE CHAIRMAN.** Okay. Would you have any – and this is, I think, addressed to everyone else who would like to contribute – well, what would be – if we are to run a survey of overseas Filipinos who have already acquired citizenship of that foreign country where they belong to, what would be the main reason for wanting to reacquire Filipino citizenship? I mean, because these are all – how do you call it – motherhood statements of remaining with affinity connected, attached, etcetera. But what would be –

if there are two top reasons for them to want to acquire or reacquire the citizenship, what would it be?

Yes, Mr. Molano.


**MR. MOLANO.** Thank you. The Filipinos that we usually run into abroad think that they would like their Philippine citizenship back, to be able to own and hold property here.

Number two, to be able to retire here in peace after spending 30 years in another country.

There are other reasons, of course, but these are the two main.

**THE CHAIRMAN.** So, you say that one is the issue of holding back to...

**MR. MOLANO.** Own property and do business.

**THE CHAIRMAN.** Although there is... 

THE CHAIRMAN. ... although there is that ... Well, that the law allows for some properties to be owned, they feel this is not enough. And the second, of course, and do business. And the second is to retire. Would this be the same with the other, basically the property question ...

VOICE. Investment.

THE CHAIRMAN. ... investment question?

MS. SANA. Yes, Your Honor, basically, parang to put it simply, they want to have the best of both worlds. Something like that. But not without responsibilities and accountabilities, definitely because if you have dual citizenship, then that means you are a citizen of the Philippines and the laws apply here, in the same way that the laws in other country will apply also to you.

But meron din po kaming ibang perspective in looking at dual citizenship or the citizenship question. And this is, they are saying that the citizenship is something to do with mobility. Your right to be able to establish your roots wherever you want to and not being limited to that question of citizenship. Because if you are not a citizen of this country, because nation state 'yan, border control 'yan, then therefore itse-check nila ang mobility mo.

But they are saying it does not diminish their patriotism and identity as Filipinos.

So, kung ganu'ng usapin na ... Halimbawa, sa question ng dual allegiance, palagi ang bottom line, pag nag-giyera



daw ang Amerika at Pilipino saan ka pupunta. But come on, kahit po nag-giyera iyon, pupunta po iyon sa safe na kung saan siya maliligtas.

So hindi ho iyon guarantee na iyong ganyang mga provisions will make you more nationalist kung ikaw ay magrenounce ng citizenship mo. Kundi ang sinasabi lamang po namin, parang ... And also because of the realities here in the Philippines. Nakakalungkot that we cannot provide for our Filipinos, for our mga kababayan po. Kaya, they are forced to go abroad. But, of course, some others also, by choice.

Pero ang punto po iyong citizenship hindi nila inequate to patriotism. But it's a thing na kinreyet (create) iyon because you have all these borders between countries.

So sana, kung iyong globalization sana, binabara iyong borders not only for products and capital but also for people, maganda sana. But the reality is not.

So siguro po, sa side ng Pilipino, ng Philippine government, ang pinaka-magagawa natin is to still extend the protection of our laws doon sa ating mga kababayan overseas. And by allowing them to have the option to retain Filipino citizenship.

THE CHAIRMAN. The extension of protection, care and concern of our citizens, I mean, is the responsibility of the state.

THE SENATE PRESIDENT. I would like to ... Let's say



another perspective because indeed if they have lost their Philippine citizenship, our Philippine embassy has no obligation to provide assistance even if they are Filipino by blood.

THE CHAIRMAN. Si Anjanette Abayari, ganu'n ba ang nangyari?

THE SENATE PRESIDENT. Oo. But if we recognize dual citizenship, then that becomes the obligation of the DFA even if they have acquired another citizenship to continue to provide protection. That is another ...

THE CHAIRMAN. That would be sort of an additional benefit. Yes, Ms. Nuqui.

MS. NUQUI. Your Honors, I think, maski naman iyong ating mga kababayan, kunyari, ngayon iba na iyong kanilang nationality, ...

THE SENATE PRESIDENT. Citizenship.

MS. NUQUI. Citizenship. Sorry. When we need them, di ba, pinupuntahan pa rin sila and we ask support from them.

So, siguro para lang maging fair naman, kasi nga minsan, for convenience, you have to. So I think, that's why we are supporting these discussions on dual citizenship. Thank you.

THE CHAIRMAN. Can we just have Atty. Tenerife of the NBI? Would you have your position on this issue of dual citizenship, Attorney... Deputy Director?

MR. TENERIFE. Yes, Your Honor, although as of now I am

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still in a quandary, trying to reconcile the relationship between dual citizenship and the functions of the NBI. I mean, I am wondering why we have been chosen as one of the resource persons of this.

But anyway, akala ko may hineous crime na, eh.

THE CHAIRMAN. I think in the area of law enforcement when aliens or citizens are involved in criminal activity or perhaps violation of our immigration laws. Ganu'n ba? Okay, sige.

MR. TENERIFE. With the kind permission of, Mr. Chairman, Senator Drilon, sir?

THE SENATE PRESIDENT. Okay.

MR. TENERIFE. Well, in behalf of our director, General Reynaldo Wycoco, we have submitted our position paper to the secretariat. But I am going to read some important points. With the caveat of the Chairman that some reports are very long. I am just going to point out some...

THE CHAIRMAN. Salient features.

MR. TENERIFE. ... salient features of this position paper.

On Senate Bill No. 1340, the bill seeks to amend the provisions of Commonwealth Act No. 63, as amended by Commonwealth Act No. 106, otherwise known as:

"AN ACT PROVIDING FOR WAYS IN WHICH PHILIPPINE CITIZENSHIP MAY BE LOST OR REACQUIRED."





Although citizenship and allegiance for the past years have been used synonymously, this is the reason why dual citizenship have been discouraged as it connotated dual allegiance.

Well, in our jurisdiction, the 1987 Constitution proscribed dual allegiance which is considered inimical to the national interest.

That is Article IV, Section 5.

THE SENATE PRESIDENT. Director ...

MR. TENERIFE. Yes, Your Honor.

THE SENATE PRESIDENT. Siguro... since you are here, maybe we can focus on ... Do you see any security aspect, security problem if policy of dual citizenship is allowed under our laws? Do you see any problem in relation to security? Is it possible that there can arise conflict, I mean, conflict of allegiance which will affect security issues?

MR. TENERIFE. I am not pointing to a nationality. But, I think, a while ago, you were telling us about that case wherein some Chinese nationals have been -- were able to acquire Filipino citizenship.

I think there must be some security problems there.

THE SENATE PRESIDENT. But that's the other side. That's precisely ... That's the opposite of this issue. We were discussing that in relation to the meaning of dual allegiance under the Constitution in the context that it was included. And we were citing that example made by Senator

Ople who was then a ConCon commissioner, that the problem arises when we grant Philippine citizenship to nationals of China who continue to have allegiance to China. So the problem is the opposite. We have problems when we grant them dual citizenship - - When we allow citizenship.

In other words, it has no application, to my mind, in the case where we allow our Filipino citizens to retain their Filipino citizenship notwithstanding their acquisition of another citizenship,

MR. TENERIFE. Your Honor, I do not see any problem there. On the contrary, it will be advantageous to us because we be gaining some intelligence information from these people. I mean, from our citizens.

THE CHAIRMAN. If I may add to the point earlier raised by Senator Drilon. In the area of security, law enforcement, I am sure the NBI, the Interpol, you know, you have -  
- well, law enforcement issues that affect aliens and citizens ... pyb/

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THE CHAIRMAN. ... law enforcement issues that affect aliens and citizens, 'no? Sometimes, you ... especially with the Immigration Commission, 'no, Bureau of Immigration wherein clearly if it is an alien, there are options of deportation being classified as undesirable alien and so forth and so on.

So there, in terms of enforcement, we might have to get some inputs regarding how a dual citizenship law will create, you know, some problems in terms of how to deal with alien, you know; the additional definition of alien and citizen.

In the end, with the NBI ho ba, how do you look at possible problem areas in terms of enforcing the law when you now have ... Dati kasi, well, you know, hypothetically, before when you are an alien, you are an alien, it's clear, 'no? When you are a citizen, you are a citizen, it's clear.

Now, with this dual citizenship, you have this new kind of animal, who's both an alien and a citizen, who holds different passports, who might ... well, who will have two citizenships.

Maybe you may not answer it now but, perhaps, in the next hearing, you can prepare and look into it and see how the enforcement aspect, law-enforcement aspect, may be affected by the fact that you now have

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individuals who enjoy two citizenships.

MR. TENERIFE. Yes, Your Honor. We are going to -- along with the BID people -- I think we should be coordinating with each other in dealing with these potential problems.

THE CHAIRMAN. Because protection, for example, from ... or allowing or providing protection for a citizen, that is our duty. Now that you have dual citizens, how do you draw the line between and providing it to you because you are a Filipino but at the same time I know you are an American citizen or you are a Norwegian or you are Dutch and so forth and so on, 'no? So, maybe we can look into that, 'no?

Would Miss Sana have some reactions?

MS. SANA. It's actually a little different. Parang iyun I'm trying to understand how it works. Kasi mayroon mga instances na nabasa kami na, for example, British-Filipino citizen. In Britain, it's not allowed but it's tolerated and you don't have to give up your Philippine passport when you apply for British citizenship.

Kaya iyung mga Filipino, dalawa iyung passports nila. So uwi sila dito, they will use their Philippine passport. Ngayon babalik sila, they will still have to use their Philippine passport. Sasabihin nila they

*Or*

will go to Britain but so they will be required to present the visa.

So sasabihin nila, "Ay, hindi, actually ako ay British citizen." Then that's the time ... So hindi pupuwede iyung ganuon. You have to be consistent. So ginawa ng solusiyon ng BID. They will have to be processed. Kasi, in fact, mayroon naman dual citizenship na de facto tayo eh.

So, 'yun nga. Mayroon process na gagawin so that hindi ka ganuon nako-confuse, na pag pasok mo, oh, it's okay because it's your country. And tuwing pupunta ka, sasabihin mo you are going to Britain. Sasabihin nila, "You're an alien in Britain." Then you will say, "I'm not an alien." Pero hindi, ang documents kailangan consistent.

So there's a process that you have to go through para hindi ka magkaroon ng ganuong dilemma.

SEN. DRION. So there is a de facto dual citizenship you are saying?

MS. SANA. Oho

SEN. DRILON. Marami ba 'yan? Ah, no, no, I mean. No, because we are asking these questions not out of fancy but when Senator Pangilinan presents this on the floor, these will be the factors which will be cited.



Example, very important, when you make a statement from your experience as Kakammpi, that in fact, dual citizenship is a fact. Yes, there is nothing wrong with that. Ha? Dual citizenship is a fact because we have Filipino workers, who are holding two passports, they become British citizens, they do not surrender their Philippine passports, they renew their Philippine passports and our embassy would not ask, "Are you still a Filipino citizen?"

Of course not. They will just re-issue the Philippine passport. So, in effect, as you said, pag-uwi dito, mayroon Philippine passport; paglabas, Philippine passport, pag hinanap iyung visa, "Hindi, British national ako."

So, you know, therefore, dual citizenship is a fact and by recognizing, in fact, the reality out there, we make it less difficult for our citizens. Para tayong mga ... Here, we are more popish than the Pope. We say there, "You are no longer our citizen because you have acquired British citizenship" and yet our Filipinas still hold the Philippine passport. Nobody can check whether or not he, in fact, has become a British national.

That's why I'm saying, "Is this a reality and is this happening right now?" Maybe you can state that on

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the record, Miss Sana.

MS. SANA. Yes, Your Honor.

SEN. DRILON. As a resource person.

MS. SANA. Yes, Your Honor. This thing happens. Kasi there are countries that do not allow, legally they do not have the law that allows dual citizenship. But like in the case of Britain, as I understand it, when you take a British citizenship, you are not required to submit your passport from your old, from your previous citizenship.

THE CHAIRMAN. You are not required to surrender.

MS. SANA. So you can keep. So unless the person, the Filipino comes forward, goes to the embassy and says, "I already acquired a British citizenship and perhaps this will be a violation of our laws," pero sino po ba iyung ganuon na pupunta sa embassy para lang sabihin na "Parusahan ninyo ako." Paparusahan.

THE CHAIRMAN. So would you say this ... what other countries would you think, aside from England?

MR. MOLANO. Mr. Chairman, I believe that something like 90 ...

THE CHAIRMAN. Ninety.

MR. MOLANO. ... different countries in the world recognize, you know, dual citizenship in one form or

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another.

THE CHAIRMAN. So you're saying that we can have 90 countries wherein you have a Filipino passport and you have that particular country.

MR. MOLANO. Yes, Your Honor.

THE CHAIRMAN. That would be ... would you have some of the ...? That would be Mexico, I think.

MR. MOLANO. Would be one of them like ...

THE CHAIRMAN. Israel.

MR. MOLANO. ... Italy, the United States ...

THE CHAIRMAN. The United States. So you can have two passports, 'no? Your Filipino passport and your United States passport and so forth and so on among all these 90 countries?

MR. MOLANO. Yes, although, Mr. Chairman, in the case of the United States, it's neither explicitly recognized nor disallowed. They simply tolerate it.

THE CHAIRMAN. Ignore.

MR. MOLANO. Ignore it.

THE CHAIRMAN. Pretend it's not there.

MR. MOLANO. Yes. That's right, Mr. Chairman.  
That's right.

THE CHAIRMAN. They have no explicit policy prohibiting it, neither do they have any policy encouraging it. *cr*



MR. MOLANO. Yes, sir. As a matter of fact ...

THE CHAIRMAN. And I think that would go with all other 90 countries, more or less.

MR. MOLANO. And the others explicitly recognized.

THE CHAIRMAN. So there are countries ... Would you have a list of these, Mr. Molano, so we can place it on a ...

MR. MOLANO. I have a ... Your Honor, I have a list here. Would you like me to read out some of the names of the country?

THE CHAIRMAN. Yes.

MR. MOLANO. Bangladesh, Brazil, Canada, Columbia, Egypt, Yugoslavia, France, Hungary, Macedonia, Ireland, Israel, Italy, Jordan, Lebanon, Malta, Netherlands, New Zealand.

THE CHAIRMAN. Ninety countries.

MR. MOLANO. More than 90, Mr. Chairman.

THE CHAIRMAN. Under ... well, under principles of international law, if you have 90 countries observing this particular practice, it is in effect an accepted custom, it could be considered eventually, in fact, international law that dual citizenship is although not expressly recognized, it is recognized still, 'no? I mean, 90 would constitute probably more

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than half. Probably, two-thirds of the United Nations?

So what you we're saying here is, in fact, dual citizenship is practised, although not expressly recognized, is in fact, de facto it is recognized.

MR. MOLANO. Mr. Chairman ...

THE CHAIRMAN. Yes, you may proceed.

MR. MOLANO. ... may I go back to the point earlier about law enforcement over people with dual nationalities. We would be covered by the 1930 Hague Convention, which among others, contains the provision -- Article III says (reading):

"Subject to the provisions of the present Convention, a person having two or more nationalities, may be regarded as its national, by age of the states whose nationality he possesses."

In other words, if we have a Filipino with, say, a Canadian citizenship and who commits a crime in the Philippines, he can be regarded as a Filipino by the Philippine government. Therefore, subject to the jurisdiction of Philippine laws.

So that should sort out this problem of law enforcement.

THE CHAIRMAN. Do you have other questions?

SEN. DRILON. I was mulling over what Kakammpi said. In fact, the dual citizenship could be a way of

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overcoming -- if that's a correct term -- of allowing  
globalization of human or allowing freedom of movement,  
if you ... (ceg)

*cr*

SEN. DRILON. ...freedom of movement, if you cannot, in fact, have it by express provision of the laws of foreign country, because we have no control over them. By allowing our citizens without losing our Filipino citizenship to become citizens of another country, then they would have access to the other countries. The borders would disappear. For example, if you become a citizen of, say, England, or one of the EU countries, then you have free access to the entire Europe, and it becomes borderless. That's one aspect also of this issue.

THE CHAIRMAN. Considering, Senator Drilon, that we do have, in fact, a significant number of people out there. That is a significant number of access. If we are to talk about being able to penetrate the markets, being able to...

SEN. DRILON. Remove discrimination.

THE CHAIRMAN. ...remove discrimination and ensure free access.

Are there any other

Mr. Chua, you--yes, he is done already, unless, he has--

Actually, I have a question to Mr. Molano.

Was it you, sir, who has mentioned something about passing on their citizenship to their offsprings? Why would you say that this is an interest--I'm just

curious--wanting their children to be Filipino. Can you elaborate?

MR. MOLANO. Mr. Chairman, the reason why I mentioned that earlier was that, there were some bills that have been submitted as some kind of a substitute to this non-loss of citizenship thing in which, you know, privileges of a citizen are restored--economic privileges of a citizen are restored, but that doesn't really touch on the real issue of citizenship, which is the thing that could be passed on to their offsprings. If you simply restore the economic privileges of a former citizen, it says nothing about their being able to, you know, pass on the citizenship to their offsprings. Suppose they come back here, what happens to their offsprings if they're not given Filipino citizenship? This is very important to us.

THE CHAIRMAN. Okay. And in the area of loss of--you mentioned this also earlier, loss of citizenship only if there is an express renunciation in front of the Philippine government, which means, this is probably the--what you're saying here is that, we recognize dual citizenship and the only time that we should, in fact, say that a Filipino is no longer a Filipino citizen is if he or she expressly renounces, not in the U.S., not in Europe, not in Norway, etcetera, but here, otherwise, he or she continues to maintain his Filipino

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citizenship. You're saying this in terms of procedure as to how to determine with certainty whether a person continues to enjoy citizenship or not. (Mr. Molano kept nodding his head.) Broad. In other words, every one and any one will be considered enjoying dual citizenship until and unless he comes to the Philippines and renounces it before Philippine authorities.

MR. MOLANO. Your Honor, he can also renounce it before a Philippine consul abroad.

THE CHAIRMAN. Yes, yes. Meaning, kailangan Pilipinas. Kailangan Philippine soil.

MR. MOLANO. Yes. But, well, this is really...

THE CHAIRMAN. Yes. But wouldn't that be too all-encompassing and, therefore, covers everybody and anybody, therefore? How will we monitor, for example--well, are there any problems that you foresee if that is the only determination that--in other words, everyone is a dual citizen. Those who have already acquired citizenship of another country and are still Filipinos, you're all dual citizens, except only if you renounce it.

MR. MOLANO. Okay. Yes, Mr. Chairman. That was stated in view of the existence or the operation of Commonwealth Act 63 which says that one loses his citizenship when he applies for another citizenship.

SEN. DRILON. Right, right.



MR. MOLANO. And so, you know, this is a measure to take the place of the provisions of Commonwealth Act 63.

As far as those who have already lost their citizenship in the past before the passage of this law, we feel, we believe that a provision should be included to allow them to easily reacquire their Philippine citizenship by taking oath of allegiance before a proper authority. I mean, this law is not--well, the way we see it, it doesn't show that this law is going to grant dual citizenship to those who have already lost their citizenship. In other words, it's something...

SEN. DRILON. Well, Mr. Chairman, in that regard, my proposal is just to recognize that they continue to be citizens of the Philippines. In other words, you repeal Commonwealth Act 63 which has caused the loss of Philippine citizenship so that you don't have to do anything. The moment we enact this law, a former Filipino citizen is recognized once more as a citizen of the Republic without his taking any other step, such as an Oath of Allegiance. That is the proposal that we have, by repealing Commonwealth Act 63, give the repeal a retroactive effect, give the repeal of Commonwealth Act 63 which caused the loss of Philippine citizenship retroactive effect. Because when you are a natural-born citizen, you do not register anywhere. I mean, you do not take your oath as a Filipino citizen, you are

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recognized. Because it is the recognition of your citizenship by the state, the Philippine government, through a law.

That's our proposal, Mr. Chairman.

THE CHAIRMAN. Would you like to react to that, Mr. Molano?

MR. MOLANO. Just another thing. In addition to this, the other reason why we have this, Mr. Chairman, is that, it may be possible that there are Filipinos who do not want to continue being Filipino citizens and who might be required to renounce their citizenship because of the nature...

SEN. DRILON. Then if they do not want to become Filipino citizens, they renounce. There is a provision for that. In other words, if the loss of citizenship is because of having taken citizenship of another country, you lose your Philippine citizenship not by virtue of your naturalization but because of an express renunciation before a Philippine consulate. You see? But if you don't make that express renunciation, then you are recognized as a citizen...

MR. MOLANO. Yes.

SEN. DRILON. ...without doing any additional act. That is the proposal. Otherwise, magkakagulo tayo kung mag-oath-oath ka diyan. How many millions are you talking about? So, the proposal is the opposite - if



you do not want to become a Filipino citizen, you renounce.

MR. MOLANO. Mr. Chairman, wouldn't we be putting the state in an awkward position if we suddenly say, "that all of these who've lost their citizenship can be citizens again, if they do not really want to be...yeah..."

SEN. DRILON. If they don't want to become citizens, then renounce it.

MR. MOLANO. Okay. Then, again, there is this possibility of renouncing...

SEN. DRILON. Yeah, it's provided, you renounce it.

THE CHAIRMAN. But until and unless you renounce, you will be considered a citizen and, therefore, all those who lost their citizenship under the commonwealth act are now citizens unless they renounce, and since they are citizens, they enjoy, you know, privileges and rights, such as--so it's an...

MS. NUQUI. The right to vote.

SEN. DRILON. The right to vote.

THE CHAIRMAN. Including the right to vote?

SEN. DRILON. If they have residence. Yeah, if they have residence. If they qualify under the law, we might as well make it very--I mean, wala nang gray area. If they are citizens, they are citizens. They have the right to vote if they qualify. If they have residence,

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they vote. If they have no residence, even if they are Filipino citizens, they cannot vote.

THE CHAIRMAN. And the right to vote gives with it the right to be elected or run--or seek office

SEN. DRILON. Yeah, also they have residence requirement... /jmb



**THE SENATE PRESIDENT** . . they have residence, they vote. If they have no residence, even if they are Filipino citizens, they cannot vote.

**THE CHAIRMAN.** And the right to vote gives him the right to be elected.

**THE SENATE PRESIDENT.** Yeah, also they have residence requirement.

**THE CHAIRMAN.** Or seek public office. So, in a hypothetical situation, someone who has been in the US in and out every year for the past 20 years, who has actually taken up residency there, but also here in the Philippines every so often, is an American citizen 15 years now, will now be a Filipino citizen as well. And, therefore, may opt to vote if he has a house here, may opt to buy property unless he renounces.

Yes, Ms. Sana.

**MS. SANA.** Mr. Chair, clarification. Sorry po, with your indulgence. So, iyong pag nag-swear ka ng allegiance, hindi na iyon parang in contradiction with the provision in the Constitution of dual allegiance. So, iyong interpretation n'yo, sir, sabi n'yo, the intent of the law, iyon iyong ia-uphold. Iyon ang ano niya?

**THE SENATE PRESIDENT.** No, because as we were – this is part of the records of the Constitutional Convention and cited by the Supreme Court in the case of Manzano, that the phrase there “dual citizenship” is declared contrary to public policy.

In the explanation of the proponent, Senator Ople, he cited the Chinese nationals who became Filipino citizens and said, “We must guard against this problem of Filipino citizens owing allegiance to another country.”



“Filipino citizens owing allegiance to another country in the context of having been naturalized in the Philippines.”

**THE CHAIRMAN.** Okay. In the position paper of your office, Mr. Molano, it says – well, you quoted the Supreme Court ruling on dual citizenship, the Manzano case. “Dual allegiance refers to a situation where a person simultaneously owes by some positive act loyalty to two or more states.”

“While dual citizenship is involuntary, dual allegiance is a result of an individual’s volition.”

So, going to the question raised earlier by Ms. Sana, if you take your oath of office, allegiance as a US citizen, what happens to you? Are you now one with dual allegiance if you’ll – or is that dual citizenship?

**MR. MOLANO.** Mr. Chairman, okay, I believe this could be answered in the context of what Senate President Drilon has spoken about earlier, that when the Constitution of the Philippines refers to dual allegiance, this part of the Constitution was really introduced to mean the situation of other citizens coming to take up Philippine citizenship.

**THE CHAIRMAN.** Filipinos who were not natural-born but were naturalized.

**MR. MOLANO.** Yes, sir.

**THE CHAIRMAN.** And, therefore, may have allegiance to another country, the country of their origin.

**MR. MOLANO.** Yeah, and then...



**THE SENATE PRESIDENT.** Let me, Mr. Chairman, quote on the record the statement of Senator Ople, Commissioner Ople then. He says:

“I want to draw attention to the fact that dual allegiance is not dual citizenship. When I speak of double allegiance, I speak of unsettled kind of allegiance of Filipinos, of citizens who are already Filipinos but who, by their acts, may be said to be bound by a second allegiance, either to Peking or Taiwan. And the discussion was really on the recess...”

What we would like the committee to consider is to take the constitutional cognizance of the problem of dual allegiance.. For example, we know what happens to the triennial election of the Federation of Filipino-Chinese Chambers of Commerce which consist of 600 chapters all over the country. There is a Peking ticket, as well as a Taipei ticket. Not widely known is the fact that Filipino-Chinese community is represented in the legislative Yuan of the Republic of China in Taiwan. And until recently, the sponsor might recall, that Mainland China is the People’s Republic of China. They have the Associated Legislative Council for Overseas Chinese wherein all of Southeast Asia including European and Latin countries were represented. So, at the same time, the Filipino-Chinese were also represented in that overseas council.”

So, it clearly refers to that particular class of Filipino citizens, not to native-born Filipinos who become citizens of another country.

**THE CHAIRMAN.** Thank you, Senator Drilon. I have no other questions for now unless there are final parting shots from any of our resource persons. Ms. Mendoza, wala na po.



With that, again, we would like – well, first, we would like to reiterate our appreciation for the resource persons for coming over. This is one of several other hearings that we will be conducting. You will be notified of the future hearings, not so much for you to attend but if you can send some observers so that you can at least see how the bill and how the hearings go for your own information and your own guidance. We will be having the Department of Justice and the Immigration Bureau and other related agencies in the next hearing. Again, we would like to thank you for your time and effort and maraming salamat po.

There being no other matters, this committee hearing is hereby adjourned. Thank you very much.

(The hearing was adjourned at 3:15 p.m.)

