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Republic of the Philippines  
CONGRESS OF THE PHILIPPINES  
SENATE  
Pasay City

COMMITTEE ON JUSTICE  
AND HUMAN RIGHTS  
(Technical Working Group)

**DATE** : Friday, March 8, 2002  
**TIME** : 1:30 P. M.  
**VENUE** : Sen. Lorenzo M. Tañada Room  
**AGENDA** : Dual Citizenship Bills

**ATTENDANCE:**

Atty. Rusier I. Nolasco - Presiding Officer

**GUESTS/RESOURCE PERSONS:**

- Hon. Ricardo J. Paras III - Assistant Secretary, Department of Justice
- Atty. Teofilo Pilando, Jr. - Integrated Bar of the Philippines
- Atty. Ronaldo Ledesma - Chief, BSI, Bureau of Immigration
- Atty. Samilo Barlongay - UP College of Law
- Atty. Nilo C. Mariano - DOJ - ACSP
- Mr. Alex Chua - Department of Foreign Affairs
- Ms. Ma. Corazon Rodolfo - Director, Planning Research & Policy Officer,  
Commission on Filipino Overseas
- Ms. Song Medina - CFO

**SENATORS' STAFF:**

- Atty. Araceli Habaradas - Ofc. Of Sen. Pangilinan
- Mr. Gil Tawaya - Ofc. Of Sen. Angara
- Mr. Ronald P. Rodriguez - Ofc. Of Sen. Biazon
- Atty. Marlon Mercado - Ofc. Of Sen. Lacson
- Ms. Jane Solomon - Ofc. Of Sen. Legarda-Leviste
- Mr. Chino Mirabueno - Ofc. Of Sen. Pimentel, Jr.
- Atty. Rey Bantug - Ofc. Of Sen. Drilon
- Mr. Lerry Urbina - Ofc. Of Sen. Oreta

Atty. Butch Andres - Ofc. Of Sen. De Castro

**SENATE SECRETARIAT:**

Ms. Assumption Ingrid B. Reyes	-	Legislative Committee Secretary
Ms. Maria Gina P. Dellomes	-	Committee Clerk
Ms. Aida R. Guinhawa	-	Legislative Committee Stenographer
Ms. Lilia A. Sapida	-	- do -
Ms. Cielito E. De Guzman	-	- do -
Ms. Remedios L. Tumampos	-	- do -
Ms. Milagros D. Abueg	-	- do -
Ms. Paulette L. Manuel	-	- do -
Mr. Eric Jalandoon	-	Legislative Page
Ms. Rosemelita B. Vidallon	-	- do
Mr. Boy Lazaga	-	Audio Technician

AT 1:53 P.M., ATTY. RUSIER I. NOLASCO, PRESIDING OFFICER, CALLED THE TECHNICAL WORKING GROUP MEETING TO ORDER.

THE PRESIDING OFFICER. Good afternoon everyone. Welcome to the technical working group of the Committee on Justice and Human Rights. The bills we are discussing today all deal with dual citizenship.

We would like to acknowledge the presence of Atty. Samilo Barlongay from the UP College of Law; Atty. Teofilo Pilando, President of the Integrated Bar of the Philippines; Assistant Secretary Ricardo Paras III from the Department of Justice; Atty. Ronaldo Ledesma from the Bureau of Immigration; and Maria Corazon Rodolfo from the Commission on Filipino Overseas. We would also like to acknowledge the presence of Mr. Rey Bantug from the office of the Senate President, Senator Franklin Drilon; Mr. Butch Andres from the office of Senator de Castro; and Mr. Gil Taway from the office of Senator Angara.

We would all like to -- we would all welcome your inputs on the provisions of the bill. May we suggest, as working draft, Senate Bill No. 1354 which is authored by Senator Drilon. This was the version adopted by the House in his committee report on dual citizenship. So maybe we can adopt the version of Senator Drilon as a working draft, and from there, proceed to either incorporate or revise the provisions of this bill in accordance with the committee hearings held on dual citizenship.

MS. HARABADAS. Before we continue, we'd also like to put on record that, in addition to the bills considered in the previous hearings, Senator Noli de Castro also filed

his own version of the bill, Senate Bill No. 2027, entitled "AN ACT PROVIDING FOR THE RETENTION OF CITIZENSHIP BY FILIPINO CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP, AMENDING FOR THIS PURPOSE COMMONWEALTH ACT NO. 63, AND FOR OTHER PURPOSES." Copies of this bill will be distributed to our guests for their consideration in the course of the discussion.

THE PRESIDING OFFICER. As a matter of procedure, let us start with the title of the bill then proceed from there. We will study -- we will discuss the provisions in order and then if you have any comments or suggested revisions, please feel free to bring them up. So let's start with the title. The title is "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." Perhaps, we can go to Section 1, Short Title, This Act shall be known as the "Citizenship Retention Act of Year 2001." This is sufficient.

MR. PARAS. 2002.

THE PRESIDING OFFICER. A, 2002, yes. Section 2, Declaration of Policy.

MS. HARABADAS. In Senate Bill No. 1354, the declaration of policy is as follows: "Pursuant to Section 1 (2), Article IV of the Constitution which mandates that those whose fathers or mothers are citizens of the Philippines are among those embraced by the State as its citizens, it is hereby declared the policy of the State to recognize that Philippine citizenship acquired by parentage is constitutionally guaranteed and protected,

such that its natural-born citizens may not be automatically deprived of Philippine citizenship ipso jure absent any corresponding free, willful and voluntary act on their part to expressly and formally renounce their citizenship before proper Philippine authorities or without the commission of acts patently inconsistent with the retention of citizenship.” May we ask our speakers if there are any comments or suggested additions to the said section?

We recall that during the discussions, several classifications of several situations were considered with respect to possible granting of dual citizenship in addition to the situation where the Filipinos were born of Filipino parents. There were other situations cited by, I think, Commissioner Domingo. One is the group of Filipinos who might go through a naturalization process and she cites also another situation where children are -- whose parents convert -- get a different citizenship and then later on, passes on their citizenship to their children. We were wondering if our speakers would like to make additional inputs on this section to contemplate the other classifications, as we put it, as mentioned by Commissioner Domingo in the previous hearing.

THE PRESIDING OFFICER. Yes. In fact, Dean Magallona cited Section 4 of Article IV of the Constitution which says that, “Citizens of the Philippines who marry aliens shall retain their citizenship unless by their act or omission, they are deemed, under the law, to have renounced it.” So this bill should contemplate not only those dual citizens covered under Section 1, paragraph 2 of Article IV of the Constitution but also certain other provisions cited by Dean Magallona. Do you have any comments on this?

MS. HARABADAS. Perhaps we could seek the comment of Assistant Secretary Paras on Section 2, with respect to the feedback given by Dean Magallona on the previous hearing on the other supposed categories of Filipinos who may be entitled to -- who may possibly avail of dual citizenship.

MR. PARAS. Madam Chair, I think this is sufficient enough because it speaks of -- well, basically, we recognize *jus sanguinis* as the mode of acquiring or becoming a natural-born citizen. And this is if you are born of a Filipino father or mother. So if it is "or mother", then it already encompasses the other constitutional provisions stated by Dean Magallona relating to a Filipino mother. A Filipina who marries a foreigner does not *ipso facto*... /arg

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MR. PARAS. ... ipso facto lose her citizenship.

THE PRESIDING OFFICER. Yes, Atty. Bantug.

MR. BANTUG. Yeah, just to add to the inputs. Perhaps the Committee should also consider that under Section 4, Article IV, it may restate citizens of the Philippines. So this also includes this class of Filipino citizens who are not only natural-born -- who are not natural-born. Now, if we shall include this now in the declaration of policy, then we might be opened up -- the bill into possibilities that of this certain class of citizens, who have been previously naturalized as Filipinos, because right now the intention is to have the benefits of this proposed bill extended only to those natural-born. Now Section 4, Article IV, doesn't only cover natural-born, because it only states citizens of the Philippines. So, this may cover Filipino citizens acquired -- ah, I mean, who acquired Filipino citizenship through naturalization. So we might be looking into possibility of a certain person acquiring another citizenship aside from being a Filipino and another citizenship -- ah, aside on his original citizenship.

Like a Chinese, who eventually became a Filipino, and then by virtue of this provision, then we will have into play a third citizenship maybe.

MS. HABARABAS. Atty. Ledesma, would you like to follow?

MR. LEDESMA. Yes. I would like to subscribe to the



earlier comment of Asst. Secretary Paras.

You know, when you draft a bill, it must be so broad enough as to cover all possible instances. Is it now the intention of the technical working group to provide for here in Section 2 all possible instances when this proposed bill will find application? Is that the intention? Shall we list down in Section 2 all the instances when this particular Act, this particular law will apply? Because we believe that Section 2 is so broad enough as to cover all possible circumstances. In fact, I believe that when we draft laws, the law must be so crafted as to cover all possible instances. But if you're going to limit it, it's technically impossible to list down all the possible instances when this law will find application. So my suggestion is, we leave it as is so that it can cover as much ground as it could on this particular subject when it finds application in its enactment into law.

THE PRESIDING OFFICER. Thank you for your comments, Atty. Ledesma.

Atty. Barlongay.

MR. BARLONGAY. Yes, thank you. My reading of Section 2 is that it only covers Filipino citizens who acquired such citizenship by parentage and that means natural-born. So that other -- actually, I have no comment yet on the comments of others. This is just an analysis of what I see from the provision.

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And I also see from this that even if, let's say, they apply for citizenship in other countries, they will not automatically lose their Philippine citizenship. That's why they will have dual citizenship. Except in the same section that it is also possible for them by their free, willful and voluntary act to renounce their Philippine citizenship and that will be over and above their becoming citizens of other countries. In other words, if I were -- if I want to be a dual citizen of the Philippines and that country, I remain as such. But if I want to lose Philippine citizenship because I do not like it anymore, then I have to do something specific and express to that effect which I think is all right, because that's the prerogative of the person either to be one with a dual citizenship or not.

But as to the premise of this bill, as I see it from the provisions or -- then it covers only those with Filipino citizenship, Philippine parentage and it excludes therefore those who are not of Filipino parents. The intent maybe here is to give this right, ah to limit rather this right to natural-born Filipino citizens because of parentage, but not as to others, eh. Maybe the intent of the sponsor here of the bill is to recognize the fact that one who is by blood or by parentage a Filipino citizen maybe has more loyalty and more, yes, to his own country.

As to the comment of Dean Magallona, which I heard he has stated here, and he was referring to another provision

which is that marriage of a Filipina to a foreigner will not automatically make her lose Filipino citizenship, which is in the Constitution and that is true. Comparing that situation and this, that one is more limited because this one is broader. That one speaks only of marriage, this one is any other act than marriage, will not make that person lose -- just the acquisition of another citizenship will not make that person lose but that one is specific, just the marriage. So that provision, I think, cannot comprehend this. Maybe it is just a part but not the other way around.

Thank you, Ma'am.

THE PRESIDING OFFICER. Thank you, Atty. Barlongay.

Yes, Atty. Ledesma.

MR. LEDESMA. Is the technical working group amenable to a deletion of the phrase "pursuant to Section 1, Par. 2, until citizens"? So that Section 2 will begin as follows: "It is hereby declared the policy of the State, etcetera, etcetera ..."

THE PRESIDING OFFICER. You are amena -- ah, wait. Atty. Bantug, could you ... Yes. So it would cover also other possible situations where a natural-born citizen loses Filipino citizenship by acquisition of foreign citizenship. Because this -- the clause appears to limit it only to Section 1, Par. 2, Article IV. And maybe there are other situations which we have not yet considered.

Atty. Bantug.


MR. BANTUG. Yeah. Although as of now, I cannot think of any other situation whereby the application of this bill -- I mean, I cannot think of any other situation not covered by Article I -- ah, by Section 1. I mean, unless -- by the deletion of this, we would now expand the application of the proposed bill to also include former aliens who have become naturalized Filipinos. Shall we now give them the privilege of yet again acquiring another citizenship?

THE PRESIDING OFFICER. No. This, as I understand, dual citizenship bill is supposed to apply only to natural-born citizens who lose their Filipino citizenship by virtue of naturalization on a foreign country.

MR. BANTUG. But when we now refer to them as citizens of the Philippines, it should now also include citizens, I mean, Philippine citizens who became so because of naturalization. Whereas, the initial intent of this bill is for this bill to apply only to natural-born Filipinos. Because once we remove this, it will now apply to naturalized Filipinos.

MS. HABARABAS. Atty. Barlongay.

THE PRESIDING OFFICER. Yes, Atty. Barlongay.

MR. BARLONGAY. If the suggestion is adopted, it will broaden this section. Now, it is only limited not even to all natural-born Filipino citizens. It is only limited to those whose parents are Filipino citizens. Because under the Constitution .../las 

MR. BARLONGAY. ... because under the Constitution, there are four.

The first is those who are citizens of the Philippines at the time of the adoption of the Constitution.

Second, those whose fathers or mothers are citizens of the Philippines;

And the third is, those whose mothers are Filipino citizens. Meaning, the father is an alien and they were born before January 17, 1973 and upon reaching the age of majority, elect Philippine citizenship.

And No. 4 is those naturalized. According to the Constitution, the three enumerated are natural born. It is only No. 4, the naturalized, who is not a natural-born Filipino citizen.

Now, if we remove the phrase, "those whose fathers or mothers are citizens of the Philippines, the effect of that is, this would cover all the four, including naturalized, and are we prepared for that? A compromise maybe is, limit it to natural-born Filipino citizens, which means, we exclude No. 4 in Article III, Section 1.

THE PRESIDING OFFICER. Just a clarification, Atty. Barlongay.

MR. BARLONGAY. Yes.



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THE PRESIDING OFFICER. Just a clarification, Atty. Barlongay.

MR. BARLONGAY. Yes.

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THE PRESIDING OFFICER. You mentioned a while ago that all the three instances, from Section 1, No. 1, until Section 1, No. 4, Article IV of the Constitution, all those categories are considered natural-born citizens?

MR. BARLONGAY. No, no, no. I did not say that. All of them are Filipino citizens, but it is only from 1, 2, and 3 that they are natural born; No. 4, naturalized, they are not natural born.

THE PRESIDING OFFICER. Section ...

MR. BARLONGAY. Before, No. 3 were not considered natural born also under the 1973 Constitution or even 1935. But under the 1987 Constitution, because of that particular provision of the 1987 Constitution, from Nos. 1, 2, and 3, they are all considered natural born.

THE PRESIDING OFFICER. So, sir, if the intent of this bill is to cover natural-born citizens, then it should deem, this should also include those under situations 1 and 2, and not only those limited to Section 2 ...

MR. BARLONGAY. If the intention, assuming we agree, it is agreed, for this bill to cover all natural-born Filipino citizens, then, you have to include Sections 1 (1), 2 and 3. You only exclude 4.



THE PRESIDING OFFICER. But precisely, Section 2, the policy is limited to Section 1, paragraph 2.

MR. BARLONGAY. In other words, as the bill as is, does not include all kinds of natural-born Filipino citizens. It's only one of the three, and that is, those whose parents are Filipino citizens, and not even both but "or" because this is different from the 1935 Consitution, where if it is the father, yes, but now, even if it is the mother alone, if born after January 17, 1973, he is still a Filipino, without having to elect Philippine citizenship upon reaching the age of majority.

THE PRESIDING OFFICER. If we look at Section 3, it seems that all natural-born citizens are covered by the bill, since Section 3 provides that (reading):

"Any provision of law to the contrary notwithstanding, natural-born citizens of the Philippines ..."

So, this covers natural-born citizens of the Philippines, not only those under Section 1, paragraph 2, of the Constitution, but as pointed out by Atty. Barlongay, then, it should cover also Section 1, paragraphs 1 and 3 of the Constitution.

MR. BARLONGAY. Yes, if we are talking of natural-born Filipino citizens. I am not saying that that is

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our agreement. I am only clarifying this so that we can arrive at intelligent decisions and correct premises.

THE PRESIDING OFFICER. Attorney Bantug.

VOICE. Bantug.

MR. BANTUG. Yeah, given the fact that Section 3 of the proposed law, indeed, mentions natural-born citizens, then, it does appear that it also contemplates of the situation as enumerated in paragraphs 1 and 3 of Section 1 of Article IV.

Now, I just like to also for the added input of the committee, that laws covered under Section 1, paragraph 1, would also include, might also include naturalized Filipinos, not only Filipinos who acquire citizenship through the application of the principle of jus sanguini.

So, anyway I think everybody will also agree that citizens under No. 1 are maybe a vanishing breed at this time. Aba, '87 pa lang.

THE PRESIDING OFFICER. Attorney Barlongay.

MR. BARLONGAY. With respect to Article III, Section 1, paragraph 1 (reading):

"Those who are citizens of the Philippines at the time of the adoption of this Constitution."

I agree with the statement. I would just like to

*CR*

add, although this is a vanishing breed already, that those who came to the Philippines, who were residing in the Philippines as of April 11, 1899, and that was the time when the Treaty of Paris, exchange of notes, 'no, and if they continued to reside in the Philippines and their children, are considered Filipino citizens.

So, even if they are of Chinese blood or even Chinese parentage at the time, they would fall under No.1 and yet, they are not really of Filipino blood. But, of course, as I said, maybe as time goes on, that is a vanishing breed because their children after them are already really Filipino blood.

Thank you.

THE PRESIDING OFFICER. So, the question is, should we limit it to paragraph 2? Are we amenable to limit it to paragraph 2?

Okay. Any other ... If we are all amenable, then we can move on to Section 3, unless there are other serious objections or other views on the matter. Since apparently there are no other comments, would the technical working group be amenable to retain the present wording and then we can move on to Section 3?

Okay. Now, we move on to Section 3. (reading)

"Retention of Philippine Citizenship.  
Any provision of law to the contrary notwithstanding, natural-born citizens of the

Philippines who are naturalized citizens of a foreign country, are hereby declared to have reacquired their Philippine citizenship upon the effectivity of this Act, unless by their free, willful and voluntary act, they (a) previously renounced under oath their Philippine citizenship before a Philippine consular official abroad or any public officer authorized to administer an oath. Provided, however, that a renunciation which was merely a part of, or in connection with the oath of allegiance, which may have been required by the said foreign country for purposes of naturalization will not be a bar to the reacquisition of Philippine citizenship; (b) became a candidate or was elected to any public office in the country of which they are naturalized citizens or (c) served as a commissioned or non-commissioned officer in the armed forces of the country of which ... (ceg)

*Or*

THE PRESIDING OFFICER...in the Armed Forces of the country of which they are naturalized citizens.

Natural born citizens of the Philippines who after the activity of this act, become citizens of a foreign country shall retain their Philippine citizenship, unless such Philippine citizenship is lost, in the same manner provided in the preceding paragraph."

I just have some comments on this. I think during the Committee hearings, it was agreed to include appointments, those who were appointed to public office, under Section B. So, maybe we can add, "became a candidate or was elected or appointed to any public office in the country."

Another comment, which was raised--another question which was raised is whether an officer or one who has already retired from either the military or public service, should be allowed to avail of the benefits under this act. And another issue....

So, there are actually two pending issues here. One of the resource speakers also suggested that those who served in the civilian secret, served as intelligence of a foreign country should be prohibited from also reacquiring and enjoying the benefits of this act.

Do you have any comments on the two other....?  
With respect first.... Let us first deal with the  
issue of whether or not those who have retired from  
public service or military service should be allowed  
to avail of the benefits of this act.

MR. PARAS. Well, just to make.... My view is  
that, by the very wording of the sentence, since it  
is in the past tense, those--"a person who was  
elected or appointed," then it would cover even  
those who are now retired, because they were at  
point in time appointed or elected to public office.

THE PRESIDING OFFICER. Yes. The problem is  
during the Committee hearings there were--Senator  
Drilon was saying that, this is--if I can quote him:  
"If they are already retired at the time of the  
passage of the law, there should be no bar to  
automatic reacquisition."

So, he was contemplating that if they are  
retired from military service or public service,  
then they should be granted the benefits under this  
act. But he suggested that, if the act takes place  
in the future, meaning after the passage of the law,  
and then they run for public office or they served  
as officers of the military, then he said, "We can  
now provide that they would--that act would be a

renunciation of Philippine dual citizenship precisely to avoid dual allegiance."

So, what do you think about this because this may be asked during the deliberations on the floor?

Attorney Barlongay.

MR. BARLONGAY. Yes. I just want to ask some clarifications eh. I'm not clear about what Senate President Drilon said, otherwise I'll just make some assumptions. I don't know whether I got him correctly, if I may request for another reading of what he said?


THE PRESIDING OFFICER. Yes.

MR. BARLONGAY. Please.

I have a comment but I'm not sure whether my premise is correct.

THE PRESIDING OFFICER. Should I read the transcript? Okay.

Senator Drilon stated, "Now, those who become candidate in previous years, are they disqualified?" "Those who have served office and retired, are they disqualified?"

"In other words, if in 1970 they run for a mayor for San Jose California, are they now disqualified? If they already served in the U.S. Navy as an American citizen and now retired." Then Senator Arroyo interjects: "Retired here now." 

Then Senator Drilon states, "They retired here now, are they disqualified?"

"Now, under this provision, they are disqualified, as presently worded. As a matter of policy, should we disqualify them?" And then there are several discussions.

Senator Drilon then asked, "What happens for those who are in active service?" "Now, if they are in active service, the moment they retire, what happens? Are they automatic, meaning, should they be granted benefits of this act?" He says, "So, upon the passage of the law, they are now dual citizens." "All right, after the law is passed they run for public office, they want to be retired, do they acquire Philippine citizenship?" "Automatically."


Seriously speaking, I think we can, as a matter of policy. If they are already retired at the time of the passage of the law, there should be no bar to automatically reacquisition. If the act takes place in the future, we can now provide that they would-- that act would be a renunciation of Philippine dual citizenship precisely to avoid dual allegiance.

For example, if we pass this bill today, and the election next year, he runs for mayor of San Jose California, San Jose, he has deemed to have

lost Philippine citizenship. But if the situation where he run for mayor of San Jose California ten years ago, and he is no longer there, then automatic reacquisition of Philippine citizenship. That is one way of getting to that. But it appears from the present wording of Section 3 that, if you become a candidate or you were elected or appointed to public office or became an officer of the Armed Forces, regardless of whether or not you are in active service or you have retired already, then you cannot avail of the benefits of this act.

So, maybe we should distinguish between "active" service or.... Actually, I don't know what the consequences are if we distinguish between those who are "inactive" service or who are serving, in fact, in public office and those who have already retired.

But it's clear that upon the passage of the law, if subsequently they run for public office or are elected and appointed in public office or they become part of the officer corps of the military, then they are not entitled to the benefits. They automatically renounce. But the problem is, prior to the passage of the law.

Do you have any comments? Attorney Pilando. 



MR. PILANDO. Madam Chair, well, as stated by the representative from the Department of Justice, as presently worded, it's clear enough that they are--that these categories of citizens are disqualified. But unless we can adopt a policy decision to further refine these provisions, then maybe we can further go into those nuances.

MR. PARAS. Yeah, but we have to consult the senators. Because if the policy is to exclude those who shall hold public office after the effectivity of the law, then that prohibition found in the first paragraph should be transferred to the second paragraph and delete it from the first paragraph because this is the retroactive effect. And then the prospective effect, which is found in the second paragraph, it is in that paragraph that we should insert that prohibition. But then we'll have to consult the--it's within their legislative discretions.

THE PRESIDING OFFICER. Attorney Barlongay.

MR. BARLONGAY. Yes, in the matter of form or style, I think I agree with Secretary Paras. But with respect to the substance, the proceedings--the previous proceedings will tell us already the thinking of the senators. And Senate President Drilon, he was the one talking, was making

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distinction. And even from the practical  
standpoint, I agree with the distinction, if  
actually we have to amend this section. Because a  
person who is a candidate.../rlt

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MR. BARLONGAY. ... person who is a candidate or an active public officer, an incumbent public officer, in another country does not deserve to be given dual citizenship. But when he is already retired, he is not active there anymore, maybe, yes, he can be qualified and excluded from the disqualification.

Thank you.

THE PRESIDING OFFICER. Okay. A question may be raised during the defense of this bill, as to why we should distinguish between those who are in active service and those who have already retired. And just for purpose of -- for record purposes, since it may be brought up during floor deliberations and it may be asked of the sponsor of the bill, Senator Pangilinan, maybe we can ask the inputs of the resource persons on the consequences of making this distinction and if there is indeed a legal or valid basis for distinguishing both -- between those who have already engaged in -- those who have already retired and those who are still in active service because it might be argued that it just so happened that, at the time of the passage of the law, they are in active service, then they cannot avail of the benefits of this bill. It just ...

So, is there really a valid classification?



Atty. Barlongay.

MR. BARLONGAY. Yes, okay. What the Constitution prohibits is dual allegiance. Anaceli Mercado versus Manzano, the Constitution does not altogether prohibit dual citizenship, but dual allegiance. Okay.

So, I think, even if we distinguish, as long as it is about citizenship, I think that's constitutional. But if we try to include someone as qualified to acquire -- reacquire Philippine citizenship when, in fact, his allegiance is still with the foreign country, that will be unconstitutional and, I think, an incumbent public officer of the foreign country has an allegiance to that country because he takes an oath that he is going to defend the Constitution of that country as well as perform the duties of a public officer.

But if he is already retired, he does not have that oath and after all, he can still not avail of this by saying, "I do not want to acquire or reacquire Philippine citizenship." That is also his prerogative.

So, that's my comment, to summarize if it is dual allegiance that is prohibited, dual citizenship that is still within what is allowable by the Constitution. And holding a public office, active or retired, means something, general speaking, unless by other acts, they

*MDAbueg*

say, "My allegiance is still to that country even if I'm already retired."

Thank you.

THE PRESIDING OFFICER. Thank you, Atty. Barlongay, for your valuable and insightful comments.

Atty. Ledesma.

MR. LEDESMA. Suppose he is retired, okay, and he receives pensions and benefits from the foreign government, do we still consider him as a beneficiary of this law?

THE PRESIDING OFFICER. That appears to be the intention of the senators. I think the question ...

MR. LEDESMA. The question of allegiance will come in.

THE PRESIDING OFFICER. Yes. In that situation, they would still be bound, they would still owe allegiance to the country which gives the benefits and other retirement ...

Actually, in that situation, would it be really a conclusion to say that they owe allegiance just because he received retirement benefits?

MR. LEDESMA. Possibly, possibly.

THE PRESIDING OFFICER. It's possible, but is it really a matter of fact that they would be owing allegiance to the foreign country which gives them

*MDAbueg*

retirement benefits and other benefits because of public service or military service?

MR. LEDESMA. Would you like to lose your pension that way?

MR. BARLONGAY. Ah ...

THE PRESIDING OFFICER. Yes, Atty. Barlongay.

MR. BARLONGAY. Maybe we can check whether, under the laws of that country, if they acquire another or dual citizenship whether they will lose their pension. Because if they lose their pension and this person is willing to lose it, then, I think, his allegiance to the Philippines has been proven.

THE PRESIDING OFFICER. Thank you, Atty. Barlongay.

Atty. Ledesma.

MR. LEDESMA. Off-the-record, dollars 'yan.  
(Laughters)

THE PRESIDING OFFICER. Atty. Barlongay.

MR. BARLONGAY. Kaya nga eh. If these are dollars and still willing to lose it, then his allegiance to the Philippines must be strong and, therefore, maybe he deserves a reward in a matter of qualifying him to reacquire Philippine citizenship.

THE PRESIDING OFFICER. Asec Paras. (Silence)

Atty. Pilando.



MR. PILANDO. Madam Chair, maybe that might just be -- if the pension could just be treated as an -- say, compared it to a private -- just like a benefit.

MR. BARLONGAY. Yes.

MR. PILANDO. Yeah, it's a benefit of the individual and especially if the individual is a resident of the Philippines, then maybe the allegiance could be shifted to be for the Philippines or the country.

THE PRESIDING OFFICER. Thank you, Atty. Pilando.

MS. HABARABAS. Maybe at this point ...

THE PRESIDING OFFICER. Yes, Ms. Rodolfo.

MS. RODOLFO. With due respect to the legal experts, but the view of the Commission on Filipino Overseas is that many of our Filipinos, for example, those who became naturalized in the United States, only became naturalized because they wanted to avail of the benefits in the mother country, not necessarily because they owe allegiance to the U.S.

THE PRESIDING OFFICER. Allegiance. So ...

Yes. Atty. Habarabas.

MS. HABARABAS. Maybe, at this point, it is worthy to mention a portion of the position paper given by the Commission on Filipinos Overseas. It was stated there on the issue of national security. It's stated that --

*MDAbueg*

this is the provision on the protection of the State, which may have a critical impact on the dual citizenship proposal. (Reading)

"As previously cited, citizenship carries with it the corresponding obligation to uphold the interest of the State of which he is a member. This implies that a person who has dual citizenship will ultimately have to choose the State to which his allegiance belongs and which State interest he will uphold and defend, especially in times of conflict."

Now, when we go to that point of the issue of retired public officers, are they still confronted with a situation when they will have to choose to which State they will owe their allegiance and which State interest would they uphold? Is the fact of receiving benefits equated to a -- will that create a situation when they will have to decide to which State they will give their allegiance? Is that danger still present if you are already a retired official?

THE PRESIDING OFFICER. Can we ask the legal expertise? Can any of you give us your legal expertise on this topic? Because -- just for purposes of record, might be asked and they would have no way of answering this?

Atty. Barlongay.

MR. BARLONGAY. My thinking is ... /mda





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THE PRESIDING OFFICER. .... Atty. Barlongay.

MR. BARLONGAY. My thinking is, allegiance is a matter of heart and love. Although it is influenced by certain factors, it depends maybe on the preponderance of the factors and the nature of the person.

So, I was thinking if we can have a little survey of how do we feel about it and then, of course, that is not a sure indication that they are telling the truth or they are expressing their sincere sentiments. But, at least, it will give us an idea.

And to me, the mere receipt of benefits, as observed in that position paper, does not necessarily mean that their allegiance is to the country that is giving it to them. After all, that is -- they have earned it and that is theirs. On the other hand, there might be a law or even constitutional provision in that country which says that receipt of these benefits have strings attached and that they should maintain an allegiance. So, if there is such a provision, technically, it cannot be.

Thank you.

THE PRESIDING OFFICER. Thank you, Atty. Barlongay.

Asec. Paras.

MR. PARAS. You know, I subscribe to that idea also.

Number one, 'yong pension or retirement benefits earned 'yon, eh. Hindi ba? You know, we are taking up that the retirement of the judiciary, retirement of our prosecutors. That's theirs. You worked for it for 20 years.

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Now, if there are strings attached, as Atty. Barlongay would say, then they will then have to decide. If they will be confronted with a situation where, if they would have to -- if they would still want the money, then the provision on the renunciation of the Philippine citizenship would have to be done before a Philippine consul. That is how it will operate, I think.

MS. HABARADAS. Thank you, Asec. Paras.

Maybe, as a corollary issue, since we are taking up this matter of being retired, a point was raised during the committee hearings on the automatic acquisition of dual citizenship. Like I understand, if you run for a public office, then you are not entitled to dual citizenship but is the fact of retirement will give you an automatic acquisition of dual citizenship?

There was a long discussion on a question of automatic recognition or should these natural-born Filipinos undergo a particular process in order to obtain the status of dual citizenship. It's the issue between undergoing a process or should it be an automatic recognition.

MR. PARAS. I think immigration has -- that's their jurisdiction, eh, 'yong...

MR. LEDESMA. Yes. The bureau would rather that there is a procedure or a simplified procedure which the dual citizenship is confirmed only for good purposes. As you know, the bureau is the main repository of all records of the aliens, whether dead or living. And we have to keep these records in order for future references. So, our position is, we are strongly in favor of a simplified procedure. We are not in favor of an



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automatic recognition. We'll rather that there is a -- they undergo a process -- okay -- an administrative process -- to confirm, affirm or recognize such dual citizenship.

MS. HABARADAS. Thank you, Atty. Ledesma. But, maybe, it's worthy to note again the observations of the Senate President during the hearings that he was contemplating a situation where there will be a lot of paperwork when we consider all the Filipinos who are overseas. He was considering a situation where we just keep the status quo and when the situation calls for it, then that will be the time that you will present an evidence of the fact that you are a natural-born citizen.

May we obtain your comments on that?

THE PRESIDING OFFICER. Atty. Pilando.

MR. PILANDO. Madam Chair, considering that there might be some predisposition of some senators already on the issue, maybe, the provision for the rules and regulations to implement the law could provide a sort of a simplified process.

THE PRESIDING OFFICER. Actually, there are -- I agree with you, Atty. Pilandao. I was supposed to suggest that. Perhaps, it can be taken up in the drafting of the IRR, a simplified process.

Atty. Ledesma.

MR. LEDESMA. Yes. In fact in Section 6 of this proposed -- in this bill, there is a provision for necessary rules and regulations. We welcome this provision very much because it affirms our position that there is a need for a procedure for these applicants to undergo. An administrative procedure at that.



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THE PRESIDING OFFICER. Thank you, Atty. Ledesma.

Perhaps we could go back to the issue of ... because as it is, Section 3 provides that, all those natural-born citizens who are naturalized in a foreign country... automatically they acquire Filipino citizenship upon the passage of the law, except for the instances enumerated in (b) and (c).

We already argued a while ago that, perhaps, we should make a distinction between those who are in active service or who are -- and those who are already retired.

Can I conclude that that we agree that we can make a distinction between those who are in active service and those who are retired?

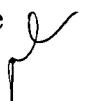
Atty. Ledesma.

MR. LEDESMA. Whether in active service or retired, I believe the issue of dual allegiance is still unresolved.

MS. HABARADAS. I think, as pointed by Atty. Barlongay earlier, it is a question of finding out if there are strings attached. So, it's a matter of finding out what is the situation or how the laws are being implemented in other countries. So, when we consider that's the situation, then we could make the appropriate decision later on.

THE PRESIDING OFFICER. Can we get the sentiment of the resource -- of the IBP?

MR. PILANDO. Madam Chair, with regard to that system of, again, trying to look into, maybe, the applicable laws in the foreign country to see if there would be



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some strings attached to the benefits being received by a retiree. I wonder how the practical implications of that...

MS. HABARADAS. And the laws in the different countries may be different. So, we have to take it from the viewpoint of Philippine law. Are we more -- are we leaning towards giving them the benefit or not? It may -- the question of having strings attached will be different from each -- between countries.

So, probably, we could get a general sentiment from the panel as to whether we would -- are we inclined to giving them the benefit of the law or not.

MR. PILANDO. Well, Madam Chair, if I may. It seems that we might be more comfortable if things here would be defined under -- in terms of Philippine laws. Otherwise, we might be lost in a different -- if we use different construction of the terms. Like, for instance, the use of "public office." If we start using that definition of other jurisdictions, then even the "public office" might have different constructions.

THE PRESIDING OFFICER. Yes, Atty. Barlongay.

MR. BARLONGAY. Thank you, Madam Chair.


Just an elaboration from what Atty. Pilando said. Substantially, I agree with him. We should look at it from the standpoint of Philippine laws. But even from that perspective, seeing it from the standpoint of Philippine laws, we also know from experience and logic that if a person is a public officer in another country, as a rule, as a general rule, his allegiance is to that country, even if we apply our own criterion or criteria for that.

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THE PRESIDING OFFICER. Thank you, Atty. Barlongay.

MR. BARLONGAY. Thank you, ma'am.

MS. HABARADAS. Then, Atty. Barlongay .... /plm 

MS. HABARADAS. ... Then, Atty. Barlongay, are we of the general understanding that, since from the last statement given, we are not inclined to give the benefits of this law to retired public officers?

MR. BARLONGAY. No, I'm sorry. I was referring to those in the active service that, to me, is a clear instance of -- I'm sorry if I misled you. To me, that's a clear instance of dual allegiance. I could be wrong but, you know, if you are a public officer of a country, you take an oath of allegiance there, is it not? And for that, we know. I should have really focused my mind on a situation where he is already retired. If he is already retired, I'm inclined to give him the benefit, except that while, as I said, we see it from the Philippine law, nevertheless, we cannot ignore the fact that that person, for practical purposes, will have to reckon with the systems and laws of other country but as to whether to let go or not with his benefits. But anyway, at bottom, however, that person will be the final one to make a decision. And if he considers -- even if he considers the laws of another country, if he is going to make a decision that he is for the Philippines, then that's it. It will simplify matters regardless of the laws of that country. The allegiance and the dual citizenship issue would be solved. It really will depend on them. So, maybe, in the implementing rules and regulations, in a very brief and simple thing, there should be some kind of guide or a manner of determining that person's willingness to just have one allegiance, and that is to the Republic of the Philippines.

THE PRESIDING OFFICER. Thank you, Atty. Barlongay. So, perhaps, we can amend paragraphs (b) and (c) to make these provisions apply on to those who are in active service, if that is the consensus of the members of the technical working group. So for

paragraph (b), maybe we can rephrase it as follows: "is a candidate or is currently holding an elective or appointive public office in the country of which they are naturalized citizens." Because -- this is the suggested wording because, as presently worded, if you are -- if you became a candidate, then you cannot avail of this -- the benefits of this Act. But I think just because you previously also were a candidate but you are not now a candidate for public office, then you should not be disqualified from availing of the benefits of the Act. We should also grant the same leeway to those who are candidates for public office. So would the members of the technical working group be amenable to this suggested revision? Paragraph (b) is "presently a candidate or is currently holding -- currently occupying -- is currently occupying any public office, elective or appointive", that's subject to style, "elective or appointive". So paragraph (b), "is a candidate for, or is currently occupying any public office, elective or appointive, in the country of which they are naturalized citizens." Or (c) "serves ..." Sir, would it be proper to say that, letter (c) "serves as an incumbent commissioned or non-commissioned officer in the armed forces of the country of which they are naturalized citizens -- is in active service as a commissioned or non-commissioned." So letter (c) should read, "is in active service as a commissioned or non-commissioned officer of the armed forces." Would this be an agreeable or adequate revision, subject to style?

And finally, there's another point. Should we include this paragraph (b), subparagraph (b), "those who are in active service as part of the secret intelligence agency -- civilian secret service intelligence agency of the foreign country" under the prohibition? This was a proposal of the National Security Council that we include, under the



disqualification, those who are, in fact, members of the Civilian Secret Intelligence Service of the country of which they are naturalized.

Atty. Ledesma.

MR. LEDESMA. If I were a member, I won't reveal it to you. How would you ...

THE PRESIDING OFFICER. Yeah, that's right. That's right.

MR. LEDESMA. How would you find out?

THE PRESIDING OFFICER. Or maybe add a general phrase on this Act.

MS. HABARADAS. "Occupying any position which might -- occupying a position which calls for allegiance to the ..."

THE PRESIDING OFFICER. But, Atty. Ledesma, does this mean that if they are in secret service of a foreign country, they should be allowed?

MR. LEDESMA. No intelligence officer will admit to you that he is actually involved in covered operations.

THE PRESIDING OFFICER. Yes, it would be a civilian service. There is no member from the National Security Council. Maybe if they were here, they would be able to justify their proposed amendment.

Atty. Pilando.

MR. PILANDO. Madam Chair, maybe the criminal laws could already attend to those, I mean, if they are destructive or maybe -- maybe national security considerations can be attended to by our criminal laws.

THE PRESIDING OFFICER. Thank you, Atty. Pilando. Atty. Bantug.

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MR. BANTUG. Yeah. I skipped my thought earlier. But we now include appointive public positions as part of its qualification. When this bill was initially drafted, it was indeed part that both elective and appointive positions. But an input was made, how about those, for example, a mailman in the US postal service? Will that mere fact of being employed in the USPS disqualify him now from the benefit of this Act? Yeah, since it is now placed in general terms, so it would appear to include all appointive public officials.

THE PRESIDING OFFICER. Is the position of US mailman appointive position?

MR. BANTUG. In the same manner as we are. I think we are all appointive officials.

THE PRESIDING OFFICER. Yeah. They would be included under the provision of this bill. They would be disqualified from availing of the benefits if they are actually serving as mailman. But in the .... upon retiring, they can avail of the benefits of this law upon retirement.

Atty. Barlongay.

MR. BARLONGAY. Yes, thank you, Madam Chair. Under Philippine law and jurisprudence, public officers, that's a general term. It could apply to the highest and also to the lowest. Usually, public officers, defined in the Administrative Code, is one who exercise his discretion, right, as distinguished from ministerial officers. But all of them are government employees eh. But for purposes of applying our criminal laws, as held in several cases, Supreme Court said that no matter how lowly you are, there was a case about a mail sorter in the Bureau of Post at that time, he was considered, she, she was a person, she opened a letter . . . /arg

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MR. BARLONGAY. ... she opened a letter with some, I think, dollars inside and she stole it. The Supreme Court said that she is liable under our criminal laws. So just an input, I don't know how it will help us make that rather as a basis one way or another for making our decision.

Thank you.

THE PRESIDING OFFICER. Thank you, Professor Barlongay. Atty. Bantug, would that answer your question?

MR. BANTUG. Yeah. I think that's a very valid point raised by Atty. Barlongay, and it will come into application once this bill is finally passed. Maybe they can look into the records and see what the intent is.

THE PRESIDING OFFICER. Thank you, Atty. Bantug.

MR. BARLONGAY. Excuse me, Madam Chair.

THE PRESIDING OFFICER. Atty. Barlongay.

MR. BARLONGAY. Are we leaving this topic at this point? Because if we are, then I would like to make a little input for clarification or for clarity of record. Because it was mentioned that in case of the dual citizenship, that is something that has to be applied or something to that effect. But there is a possibility that a person has dual citizenship because of something that is by accident.

Like in the case of Edu Manzano, he has Filipino parents but that is jus sanguinis in the Philippines. He happened to be born in the United States and under the

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American Law. that's *jus soli* or place of birth. So in the Supreme Court, he has dual citizenship. But it did not disqualify him for running as vice mayor of Makati, because the issue there is not your allegiance, his allegiance as to the Philippines. It is different if he acquires another citizenship or citizenship of another country voluntarily, not by accident.

Thank you.

THE PRESIDING OFFICER. Thank you, Professor Barlongay, for your comments.

MR. BARLONGAY. Thank you. I would like to acknowledge Ingrid Reyes, who's my student.

THE PRESIDING OFFICER. So we can leave the Section 3. Just for purposes of record, we all agree that we should no longer include the proposal of the National Security Council to include those serving the Secret Intelligence Service of a foreign country.

Okay?

MR. BARLONGAY. Excuse me. As far as I am concerned, it's okay with me with the opinions of the others. But I see a point in that. If it involves national security maybe that is one exception, eh. But the point being raised here is about evidence eh. It is said that a person will not voluntarily admit that he is a member. Be that as it may, as long as we have a law or a disqualification, it's a matter of evidence. Maybe today, he can suppress that

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fact but maybe tomorrow, somehow it will be found out, he will be found out.

**THE PRESIDING OFFICER.** That's a valid point, Professor Barlongay, because you're right. He may be entitled to the benefits of this law if it becomes passed, but in the future, if somehow Philippine officials are able to gather evidence that he is, in fact, a member of the Secret Service Intelligence of, let's say, United States or any other country, then he may be disqualified from the benefits of this law, and I think that it should be included.

But I would like to get the sentiments of the other resource speaker in response to the point raised by Professor Barlongay.

**MR. LEDESMA.** Madam Chair, if his membership in the intelligence service of the foreign state is a state secret, I don't see any reason how a public official or Filipino can gain access to such information.

**THE PRESIDING OFFICER.** Thank you, Atty. Ledesma.

Atty. Bantug, maybe you can give your comments on this.

**MR. BANTUG.** Yeah, I am inclined to go by the recommendation of Atty. Barlongay, because it is better that we have it there whether we find evidence that would link him into such activity or not.

**THE PRESIDING OFFICER.** Perhaps we can include it just for the purpose of the working draft. And maybe if -- it may be questioned on the floor, then we leave it to them to



delete that particular provision, unless there are ...

Atty. Ledesma.

MR. LEDESMA. Madam Chair, that's practically a death sentence for that ... Once he is exposed to be a member of a covert operation or a covert intelligence team, his life will be in danger.

THE PRESIDING OFFICER. Professor Barlongay.

MR. BARLONGAY. Be that as it may, he is not forced to become a Filipino citizen. If he wants to remain as a secret agent because he will be exposed, then he can do something about his life. He can just -- I do not want to -- just like that. Do not avail of the benefits of a Filipino citizen. On the other hand, if there are people who would like to become Filipino citizens, there might be really conflict in national security. I'm also concerned with our national security.

THE PRESIDING OFFICER. Atty. Pilando.

MR. PILANDO. Well, Madam Chair, going by this predisposition of the senators, I think this is an effort to try to make the policy as liberal as possible within, of course, the bounds of the provisions of law. And so, giving more restrictions which, in practical sense, is difficult to implement may just be an exercise of, say, maybe an exercise in futility. And especially since -- if we are going to include the disqualification for somebody active in the secret service of a foreign country, I think what we are

trying to bar there will be the hostile act to the country which becomes the dual allegiance rather than the position of secret -- being in a position of secret agent or part of the secret service of that particular country.

Thank you.

THE PRESIDING OFFICER. Thank you, Atty. Pilando.

MR. BANTUG. If I may add, Madam Chair.

THE PRESIDING OFFICER. Yes, Atty. Bantug.

MR. BANTUG. Wouldn't that be included in paragraph, 'yong serving in the armed forces? Isn't that broad enough?

THE PRESIDING OFFICER. You should contemplate civilians.

MR. BANTUG. Uh-huh, civilians.

THE PRESIDING OFFICER. With services, military service.

MR. BANTUG. Okay.

THE PRESIDING OFFICER. Let's cite a specific example. For example, Person A is a natural-born citizen and he was naturalized as an American citizen. He serves in the civilian secret service intelligence in the United States, but upon approval of this Act, he can be granted dual citizenship. If later it is discovered that he is in fact serving as a member of the civilian secret service in the United States, through news reports, or through other evidence that may be gathered, then he still remains a Filipino citizen, a dual citizen. He would not be

disqualified, under the law, as presently worded.

Atty. Pilando.

MR. PILANDO. Madam Chair, well, in general, I think he might not be covered by the disqualification. But if by his position as a civilian agent, there would have -- may have been hostile acts against the country, then I think there are appropriate provisions to disqualify him.

I suppose, Madam Chair, for instance, the penal provision on treason, that would -- might be sufficient to cover those feared situations.

THE PRESIDING OFFICER. This would pertain to criminal liability on the part of the dual citizen. .../las





THE PRESIDING OFFICER (MS. NOLASCO). ... on the part of the dual citizen?

MR. PILANDO. Yes, Madam Chair, but I think there is also an implication on the ...

THE PRESIDING OFFICER. Citizenship.

MR. PILANDO. Yes, Madam Chair.

THE PRESIDING OFFICER. Attorney ... Yes.

MR. LEDESMA. I'll just reiterate my position that adding such a provision here might only lead to a superfluity, Madam Chair, owing to the difficulty of establishing his membership in a secret intelligence organization. And as you said that if we can rely on evidence, like newspaper reports, kawawa naman iyung tao.

THE PRESIDING OFFICER. Okay. Professor Barlongay.

MR. BARLONGAY. Yes. Suppose that is the situation, but later on he is no longer even a civilian agent; and in the meantime, being considered as a Filipino citizen, dual with American, for example, he enjoyed certain rights and privileges of a Filipino citizen.

So, the question is, when the time comes that is discovered, and he has availed of these benefits, what shall we do with him? Shall he keep the benefits,

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which in the meantime he was able to avail of despite his violation, which he pretty well know? I'm just raising a question.

THE PRESIDING OFFICER. He should not.

MR. LEDESMA. Madam Chair. Can we just ...

VOICE. (Inaudible)

MR. LEDESMA. I'd just like to propose. Can we just include as paragraph (d) a ... on over encompassing disqualification for all other situations, like in such other persons who may be disqualified by law, rules and regulations, something to that effect?

THE PRESIDING OFFICER. Okay. That's a very good suggestion, Atty. Ledesma.

So, we will include under paragraph (d) or maybe we can place it on ...

Professor Barlongay.

MR. BARLONGAY. Yes. If that would be another law that will determine it, that's all right. But if it is delegated to other administrative agency to determine, and we do not have what we call the standards, that might be challenged as an invalid delegation. Unless we put on the law the standard, then, we may not be able to validate,

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delegate it to administrative agency. But if it is the law itself, that will make a standard a separate law to be enacted in the future, that's all right. Just a little caution.

THE PRESIDING OFFICER. So, Professor Barlongay, how would you phrase this general clause to be inserted as paragraph (d) of Section 3?

MR. BARLONGAY. My answer is, I agree except I cannot think at the moment about what that standard would be. So, let us try to determine what would be a reasonable standard so that it will pass the test of unlawful, against unlawful delegation to a (?) agency.

Thank you.

MS. HABARADAS. Taking off from that point, maybe we could add paragraph (d) stating that "a person who's occupying a position, which might call for an exercise of dual allegiance, but probably we need to define now dual allegiance.

As I recall from some of the position papers and during the committee hearings, there were several points raised as to the necessity of defining dual allegiance to make the law ... A point was raised that there is a necessity to clarify the concept of dual allegiance, while the Supreme Court has already made a distinction between dual allegiance and dual

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citizenship, there were concerns raised as to the necessity of clearly defining the concept of dual allegiance and, perhaps, that could serve as a standard in clarifying that additional paragraph (d).

THE PRESIDING OFFICER. Professor Barlongay would this be an acceptable ...

MR. BARLONGAY. Yes, I agree because there, the standard would be the idea of dual allegiance and then ...

THE PRESIDING OFFICER. Which was defined ...

MR. BARLONGAY. ... we can define it a little more and I think it can pass that test, the requirement of a specific standard.

Thank you.

THE PRESIDING OFFICER. Thank you, Professor Barlongay.

So, paragraph (d) should perhaps read "and those serving ... those presently occupying or holding positions, professions or occupations, which require dual allegiance to another country ...

So, as revised, paragraph (d) should read, "and those occupying or holding positions, professions or occupations, requiring allegiance to a country other than the Philippines.



Subject to style. Would this be an amenable provision?

Atty. Ledesma, would this be amenable to ...  
Professor Barlongay? Okay.

Yes, Atty. Pilando.

MR. PILANDO. Madam Chair, ...

THE PRESIDING OFFICER. Subject to style.

MR. PILANDO. For consistency, the previous letters, covers, positions and I think the proposed letter (d) would not only involve positions but also professions or occupations, and we might be expanding the restriction too much. There might be situations for, say, some occupations or professions might require some gray areas of in terms, say, allegiance.

THE PRESIDING OFFICER. That situation would come in for lawyers, in particular.

MR. PILANDO. Well, maybe, Madam Chair, maybe the legal profession might in a way, I mean, if we cover it because maybe in some jurisdictions, there would be to a certain extent "allegiance" to the jurisdiction of the particular state.

THE PRESIDING OFFICER. Considering that situation, are we now considering the exclusion of this class of citizens?

MR. PILANDO. Actually, no, Madam, first I'm just

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trying to be uniformed, I mean, since we are speaking of positions in letter (c) and even letter (b), and here in letter (d), we are including occupations and professions.

THE PRESIDING OFFICER. So we should limit only the two positions?

MR. PILANDO. Positions, since I think this was originated from the national security concerns, rather than from other ...

Atty. Ledesma.

MR. LEDESMA. Madam Chair ... (ceg)



THE PRESIDING OFFICER...Attorney Ledesma.

MR. LEDESMA. Madam Chair, I was suggesting, those occupying other civilian or military positions requiring allegiance to another country or something to that effect.

MS. HABARADAS. But adding that, as paragraph (D), wouldn't be--wouldn't it also contemplate a situation like, in case of lawyers, they will be also asked to pledge their allegiance to another state. Even excluding the word "occupations" or the word "occupations," that might still be contemplated by the last proposed paragraph (D).

THE PRESIDING OFFICER. Yes, Atty. Pilando.

MR. PILANDO. Well, maybe, that would come to fore once we start discussing how we would define "dual allegiance," as I understand, the technical working group is going to discuss at appropriate time.

THE PRESIDING OFFICER. Okay. Thank you Atty. Pilando.

So, are we all agreed that we can adopt Section (D)--paragraph (D)? Those occupying civilian or military positions requiring allegiance to a country other than the Philippines? ↴

Okay, at this point, maybe we can define "dual allegiance" or leave it to the Supreme Court's interpretation.

What do you suggest, Atty. Pilando? Asec Paras.

MR. PARAS. I think we cannot finish this even if we stay here until the evening. We have to research, and, you know, the problem with the Supreme Court decisions is that they contemplate dual allegiance in connection with Commonwealth Act 63. But we are precisely amending Commonwealth Act 63.

So, our concept of allegiance would be different now.

THE PRESIDING OFFICER. Yes, Asec Paras.

MR. PARAS. You know, it would really be difficult because you compare the Frivaldo and the Labo case, Frivaldo and Labo were disqualified because they violated--because of Commonwealth Act 63. And then the only distinction, as far as I remember between the Manzano case and the Labo and the Frivaldo cases was that, in Frivaldo and Labo, it was voluntary on their part when they sought naturalization in Australia, and in the U.S.; while in the Manzano case, it was involuntary on his part because it was by accident, he was born in the U.S. f



of Filipino parentage. That will now no longer apply because what we are, in effect, saying is that, even if he voluntarily seeks naturalization in a foreign country, that is not a renunciation of his citizenship.

So, iba na ang magiging concept ng allegiance natin. `Yong ``dual allegiance`` now would be something more than just merely taking your oath of office--oath of allegiance because of citizenship. It will be more than that.

THE PRESIDING OFFICER. Attorney Bantug.

MR. BANTUG. Yeah, first, I would just first I would like to make of record my--well, my initial reservation on the proposed addition of paragraph (D), merely for purposes of conducting further studies and consultation with my principal. But as an aside also, I feel that the proposal to have that some sort of a blanket disqualification clause, I think it's rather broad, `no, because now we are looking into acts.

The first proposal was in regard to position or professional occupation, which I think a bit restrictive. But in the latter proposal, I think it's too broad that it can contemplate of just about any situation, just about any act that a Filipino

might be able commit and be construed as an act of owing allegiance to another country.

So, in the meantime, I would like to withhold, I mean, the Office of the Senator would like to withhold any assent or dissent to that particular proposal.

THE PRESIDING OFFICER. Maybe, in future technical working groups, we can.... This will be subject to the concurrence of our principal. And maybe we can also leave the concept of allegiance for future TWG meeting, future discussion.

We can move on to Section 4. Irrevocability of renunciation. "A valid renunciation of Philippine citizenship under the provisions of this Act shall be irrevocable, without prejudice to its reacquisition under the laws governing judicial naturalization of aliens. A renunciation made by parents shall not have the effect of divesting their minor children of Philippine citizenship."

MR. PARAS. Madam Chair, what will be applicable here is not the judicial reacquisition. What will be applicable here is R.A. 8171, Repatriation. This was, I think, enacted in 1996 or 1997. Repatriation of Philippine citizenship. This applies to Filipino women who, in effect, validly renounced their Philippine citizenship who were

married, no, to aliens. And those Filipino--those naturalized Filipinos who validly renounced. Talagang ayaw na nilang mag-Filipino and then they eventually come back. That would apply, not judicial.

THE PRESIDING OFFICER. Thank you, Asec Paras.

MR. PARAS. The title of the law, R.A. 8171, An Act Providing for the Repatriation of Filipino Women, Who Have Lost Their Philippine Citizenship by Marriage to Aliens and of Natural-born Filipinos.

THE PRESIDING OFFICER. So, we can amend Section 4 by deleting the phrase, "governing judicial naturalization of aliens."

MR. PARAS. Yes.

THE PRESIDING OFFICER. And replacing it with R.A. 8171.

MR. PARAS. 8171.

THE PRESIDING OFFICER. So, it would read: "A valid renunciation of Philippine citizenship under the provisions of this Act shall be irrevocable without prejudice to its reacquisition under Republic Act 8171.

Yes, Professor Barlongay.

MR. BARLONGAY. Thank you. Comment.

Yes, under Republic Act 8171, it is repatriation without going to court. Just like the

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Repatriation Law, which was passed during--I mean,  
that was involved in the case of..../rlt  
case of..../rlt

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MR. BARLONGAY. ... in the case of Frivaldo who applied for that under that Committee on Philippine Naturalization, but this R.A. 8171 is much later.

And under repatriation, whether in the first repatriation and on the second, R.A. 8171, it is not judicial by putting ... I agree because by putting this judicial only, it will be a cumbersome process and, in effect, it renders inutile Republic Act 8171, when it is one of the ways by which a person can reassume or reacquire his Philippine citizenship.

However, if we put R.A. 8171 only, in effect, we are also limiting the way by which Philippine citizenship may be reacquired. What we know is that Philippine citizenship may be reacquired by an act of Congress or by repatriation or by naturalization because you can also become a Philippine citizen by naturalization.

So, my only apprehension is that if we limit it to Republic Act 8171, in effect, we are excluding other modes of reacquiring, and are we prepared to do so? That's my question.

THE PRESIDING OFFICER. Thank you, Professor Barlongay.

Asec Paras.

MR. PARAS. Yes, oo. I agree. So, we can open

*MDAbueg*

all the avenues, it's just that judicial is more cumbersome. And if I were the former Filipino, I would go to -- I would rather go through the administrative process. It's just that, let's open all avenues.

THE PRESIDING OFFICER. So, maybe we can just revise this by including all forms of ...

MR. PARAS. Repatriation ...

THE PRESIDING OFFICER. ... without prejudice to its ...

MR. PARAS. ... naturalization ...

THE PRESIDING OFFICER. ... reacquisition under existing laws.

MS. HABARABAS. I do not know if it's worthy to consider this item at this point, considering Senate Bill No. 1340 of Senator Loren Legarda. In Section 2, paragraph 3, it appears that Senator Legarda's version had the intention of divesting the Congress with the authority to reinstate Philippine citizenship.

So, I was just wondering if we are willing to include that proposal in Senator Legarda's version to include in the working draft the exclusion or to divest Congress of its authority to reinstate Philippine citizenship. I'm just raising the question because it has been contemplated under Senator Legarda's version.

MR. PARAS. You know, if you insert that, that's

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unconstitutional because the Constitution itself grants Congress the power to enact laws on -- the laws or reacquisition. How can you divest Congress when the Constitution itself vest that power on Congress?

THE PRESIDING OFFICER. You are, in effect, limiting the rights available to a naturalized -- to a citizen who wants to reacquire citizenship. You're limiting their rights.

MR. PARAS. You are limiting Congress.

THE PRESIDING OFFICER. Limiting Congress.

MR. PARAS. You cannot do that.

THE PRESIDING OFFICER. So, would we all be amenable to just rephrasing this as a valid ...

(Reading)

"Section 4. Irrevocability of Renunciation. A valid renunciation of Philippine citizenship under these provisions of this Act shall be irrevocable without prejudice to its reacquisition under existing laws. A renunciation made by parents shall not have the effect of divesting their minor children of Philippine citizenship."

We now proceed to Section 5, Civil and Political Rights.

Ingrid.

THE COMMITTEE SECRETARY (MS. REYES). (Reading)

"Civil and Political Rights. - Unless Philippine citizenship is lost in the manner provided for under this Act, natural-born citizens of the Philippines who acquire

*MDAbueg*

foreign citizenship shall, except when placed under interdiction by a court of competent jurisdiction, continue to enjoy full civil and political rights: **Provided**, That those intending to exercise their right of suffrage must meet the requirements under Section 1, Article V of the Constitution: **Provided**, further, That those intending to run for any public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath."

THE PRESIDING OFFICER. Actually, I have a question with respect to Section 5? Section 5 provides that when any person who is a dual citizen runs for public office in the Philippines, then he shall be required to renounce citizenship of the foreign country. I was -- because during the Committee hearing on dual citizenship, Senator Drilon was citing other instances which would mean renunciation and I was wondering where we would include this.

He was saying that maybe we should also service in the armed forces as renunciation of Philippine citizenship. This would be a prospective application. I'm not sure whether we should include it in Section 5 or Section 4. Service in the armed forces should be taken to mean as -- should mean renunciation of Philippine citizenship.

MR. LEDESMA. Madam Chair, excuse me. Isn't it

*Abdubueg*



provided under C.A. No. 63 already ...

THE PRESIDING OFFICER. That would ...

MR. LEDESMA. ... as a ground to losing Philippine citizenship?

THE PRESIDING OFFICER. Yes, Atty. Ledesma. So, we don't need to include it anymore, unless there are other comments on Section 5.

We now go to Section 6. (Reading)

"Rules and Regulations. - The Department of Foreign Affairs and the Department of Justice shall within sixty (60) days from the effectivity of this Act jointly issue the necessary rules and regulations for the proper implementation of this Act."

I recall that the position paper of one of the resource persons is deletion of Department of Foreign Affairs since this is not, I think, within their jurisdiction or I think they do not have the ...

Atty. Ledesma.

MR. LEDESMA. Yes, Madam Chair, we suggested that the deletion. Because under the Administrative Code and under existing regulations, the administrative review of all administrative findings of Philippine citizenship is submitted to the Department of Justice.

So, I believe, the Honorable Department is in a better position to determine on the administrative level, at least, who is qualified to be a Philippine citizen.

*Arduabueg*

THE PRESIDING OFFICER. Yes. So, we can -- unless there are other -- there are objections from the other members, we can delete this particular department.

So, Section 6 would read - (Reading)

"Rules and Regulations. - The Department of Justice shall within sixty (60) days from the effectivity of this Act jointly issue the necessary rules and regulations for the proper implementation of this Act."

ONE FEMALE SPEAKER. (Inaudible, not using the microphone.)

THE PRESIDING OFFICER. Okay, "shall issue," yeah, "shall issue."

Going back to Section 5, maybe in order to harmonize this with the provisions with Section 3, we should also include appointive public officials; provided, further, that those intending to run for any public office or -- subject to style, or those intending to run for any public office ... /mda

*mda*

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MS. LEDESMA. .... “those intending to run for any public office or – subject to style or “those intending to run for any public office or intending to be appointed...”

Atty. Ledesma.

MR. LEDESMA. Madam Chair, may I suggest that those seeking elective or appointive public office.

THE PRESIDING OFFICER. Thank you, Atty. Ledesma for that valuable...

Section 7 to 9 are just standard provisions.


Atty. Ledesma.

MR. LEDESMA. Excuse me, Madam Chair. May we just go back to Section 6. It says here that “...the Department of Justice shall within sixty (60) days from the effectivity of this Act issue the necessary rules and regulations for the proper implementation of this Act.”

May I suggest an additional comma, (,), “which rules and regulations shall take effect upon proper compliance with publication requirements as provided under the Administrative Code.” Because under the Administrative Code, as I understand, any rule, regulation by a government agency that seeks to implement a law as complied with certain publication requirements like furnishing a copy of the rules and regulations to the UP Law Center.

THE PRESIDING OFFICER. Thank you, Atty. Ledesma.

Yes, Professor Barlongay.

MR. BARLONGAY. Just an additional input. I agree. 

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Actually, as far as UP Law Center is concerned, it's not the publication but the filing. The publication is -- I agree -- is necessary to put it here, although that will be coupled with the filing in the UP Law Center. Yes. And definitely, this should be published, not just filed in the UP Law Center because these are also regulations affecting the public in general, as held in the case of Tañada versus Tuvera.

Thank you.

THE PRESIDING OFFICER. Thank you, Professor Barlongay.

Yes, Ms. Rodolfo.

MS. RODOLFO. Yes, Madam Chair.

I just wish to reiterate one of the points that was raised by Executive Director Molano during the first committee hearing. This is with regard to the inclusion of a provision that would allow for the transmittal of dual citizenship. We have a proposed formulation.

THE PRESIDING OFFICER. You can read it aloud so we can incorporate it...

MS. RODOLFO. It reads this way, "The legitimate and married child below 18 years of age of a Filipino parents who avail of the benefits under this Act shall hold dual citizenship status as the right from one or both parents."

MS. REYES. Miss, can we request you to read again the provision?

THE PRESIDING OFFICER. Yeah. Will you repeat?

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MS. RODOLFO. The title is: Transmitting Dual Citizenship. "The legitimate and married child below 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."

THE PRESIDING OFFICER. Ah, okay.

VOICE. Derivative.

THE PRESIDING OFFICER. Derivative 'yan. Oo. That would be a very good addition to this bill.

Are there any comments from the resource persons?

This should be a separate provision. Okay.

MR. BARLONGAY. Excuse me.

THE PRESIDING OFFICER. Yes, Professor Barlongay.

MR. BARLONGAY. It's a matter of term. I understand the meaning of "transmitting." But for legal purposes, it's not derivative, the better word.

THE PRESIDING OFFICER. Yes. Derivative, yes.

So, maybe, this could be included as Section 4. Section 4 on derivative.

Can we have a copy of the amendments so we can include it?

So, Section 4 of the present law would be Section 5 and so on and so forth.

Atty. Habaradas.

MS. HABARADAS. Since we are done with each provision of the draft bill, I'd like to mention a point raised by Dean Magallona in the second hearing, as to the

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problem with respect to the diplomatic protection. I was wondering if it's a matter that we should consider in drafting the bill or should we leave it as it is.

Dean Magallona was raising the possible problem of diplomatic protection with respect to dual citizens. Let's say in a case of Filipino citizen who is also considered an American citizen might be needing diplomatic protection and then if the Philippine Embassy would like to extend protection to its citizen, then the American government might say that they are treating that citizen not as a Pilipino citizen but as merely an American citizen. He was discussing that point on the possible problems on diplomatic protection.

MR. PARAS. ... (Off mike) diplomacy. Kaya nga, you know, it's subject to negotiations and treaties. That's the hard part of it, eh. As their problem arises, then that's the reason why we have, you know, we have ambassadors there to thresh out all these problems, at least.

You know, as clearly said in the previous hearings, we cannot impose our laws on American soil, neither can the American law apply here.

MS. HABARADAS. Thank you, Asec. Paras.

So, I get it that we just leave as it is and it's a matter of dealing with each situation as it comes.

MR. PARAS. Can I just raise a point?


There's this constitutional provision which prohibits -- I'm envisioning the constitutional provision prohibiting public officers and employees from seeking

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naturalization in a foreign country or even immigrant status. Do you remember that? It's in the -- the constitutional provisions on public officers and accountability. I think Section 18, the last section of that.

Article 11, Section 18, "Public officers and employees owe the state and this constitution allegiance at all times. And any public officer or employee who seeks to change his citizenship or acquire the status of an immigrant of another country during his tenure shall be dealt with by law."

So, parang it's a proscription that while you are holding public office here in the Philippines, you should not apply.... /plm 

MR. PARAS. ... you should not apply for naturalization. I'm talking about prospectively. You should not apply for foreign citizenship nor acquire immigrant status. Now, how will you reconcile that with the prospective effect of this -- of the bill? We will have to exclude them from availing of the benefits of this law -- of this bill during their tenure. During their tenure lang naman.

THE PRESIDING OFFICER. Thank you, Asec Paras for that valuable insight. We have to include that -- we have to disqualify public officers from -- incumbent public officers from -- yeah, incumbent and future public officers. That could be in a separate provision.

MR. PARAS. Or we can look at this second paragraph of Section 3, "Natural-born citizens of the Philippines who, after the effectivity of this Act, become citizens of a foreign country, shall retain their citizenship", then so and so.

THE PRESIDING OFFICER. Because we add a proviso.

MR. PARAS. "Provided that those who shall occupy public office shall, during their tenure, not ..." Parang ganyan eh.

THE PRESIDING OFFICER. From what I understand, not only during their incumbency but also ...

MR. PARAS. Even after.

THE PRESIDING OFFICER. Yes, even after.

MR. PARAS. After, puwede na.

THE PRESIDING OFFICER. Yeah, after, puwede na.

MR. PARAS. Oo. It is -- the prohibition is only during their tenure.



THE PRESIDING OFFICER. "Provided that those who are incumbent ..."

Yes, Professor Barlongay.

MR. BARLONGAY. I suggest -- I agree with the suggestion of Asec Paras. I suggest that we use the word "tenure" because that has already a settled meaning and that's also in the Constitution, instead of saying "incumbent." But the idea is good. I think this should be included. You retain, meaning, the actual -- the period within which they are actually holding public office. So that if they resign either from a public -- from an elective or appointive office, then they will already be qualified.

THE PRESIDING OFFICER. Okay. Maybe we can include it under the Exceptions because there is already an existing exception, "unless such Philippine citizenship is lost in the same manner provided in the preceding paragraph." So maybe under -- after the word "unless", we can add a semi-colon -- a colon, (a) would be "such Philippine citizenship is lost in the same manner provided in the preceding paragraph;" and (b), "unless such person is ..." or, maybe, we will just add a proviso, "provided that public officials, during their tenure, shall not be entitled to avail of the benefits under this Act." Okay. So we'll just add a proviso, "Provided that public officials, during their tenure, shall not enjoy -- cannot avail of the benefits under this Act."

Thank you, Asec Paras. Let me just read the second paragraph, Section 3, "Natural-born citizens of the Philippines who, after the effectivity of this Act, become citizens of a foreign country shall retain their Philippine citizenship unless such Philippine citizenship is lost in the same manner provided in the preceding paragraph; Provided that

public officials, during their tenure, shall not avail of -- shall not be entitled to avail of the benefits of this Act." Okay.

MS. HABARADAS. Thank you very much to all our resource speakers. Maybe as a final note, we would like to inform the body that we'll be calling again another technical working group for the purpose of presenting to the panel the draft as revised, as amended. And in the second technical working group, we have to be concentrating on the concept of dual citizenship -- dual allegiance, I'm sorry, based on the proposal of Dean Magallona that there might be a need to have a legislative amplification of the concept of dual allegiance.

THE PRESIDING OFFICER. Thank you very much to everyone.

(The meeting was adjourned at 4:01 P.M.)

