

Title: Eusebio Eugenio K. Lopez vs. Commission on Elections and Tessie P. Villanueva (GR No. SPA 07-198)

****Facts:****

Eusebio Eugenio K. Lopez, a dual citizen of the Philippines and the United States, ran for Barangay Chairman of Barangay Bagacay, San Dionisio, Iloilo City in the elections held on October 29, 2007. On October 25, 2007, Tessie P. Villanueva filed a petition for disqualification against Lopez with the Provincial Election Supervisor of the Province of Iloilo, arguing that Lopez's American citizenship made him ineligible to run for any public office in the Philippines. Lopez responded by asserting his dual citizenship status under Republic Act (RA) No. 9225, or the Citizenship Retention and Re-acquisition Act of 2003, and claimed he met all qualifications for the position. Despite the controversy, Lopez won the election.

The Commission on Elections (COMELEC) Second Division issued a Resolution on February 6, 2008, disqualifying Lopez from the Barangay Chairman position, noting his failure to make a personal and sworn renunciation of his American citizenship as required by RA 9225. Lopez's motion for reconsideration was denied, leading him to file a petition for certiorari under Rule 65, in relation to Rule 64 of the Rules on Civil Procedure, questioning the COMELEC's decision.

****Issues:****

1. Whether or not a dual citizen can run for public office in the Philippines without making a personal and sworn renunciation of foreign citizenship.

****Court's Decision:****

The Supreme Court dismissed Lopez's petition, upholding the COMELEC's decision to disqualify him. The core of the Court's decision rested on the interpretation of RA 9225, which requires individuals seeking elective public office in the Philippines, who have re-acquired Philippine citizenship, to renounce any and all foreign citizenships personally and under oath before an authorized public officer at the time of filing their certificate of candidacy.

The Court differentiated Lopez's case from *Valles v. Commission on Elections*, noting that Lopez had actively sought American citizenship and later re-acquired Filipino citizenship,

thereby necessitating explicit renunciation of his foreign citizenship under RA 9225, a requirement he failed to fulfill.

****Doctrine:****

The key doctrine established in this case is that dual citizens intending to run for elective public office in the Philippines must make a personal and sworn renunciation of all foreign citizenships before an authorized public officer at the time of filing their certificate of candidacy, as mandated by Section 5(2) of RA 9225.

****Class Notes:****

- Dual Citizenship: Refers to an individual holding citizenship under the laws of more than one country.
- RA 9225 (Citizenship Retention and Re-acquisition Act of 2003): Allows natural-born Filipinos who have lost their Philippine citizenship through naturalization in a foreign country to re-acquire or retain their Philippine citizenship under certain conditions.
- Personal and Sworn Renunciation: A mandatory requirement for dual citizens seeking elective public office in the Philippines, involving a formal declaration of abandonment of any and all foreign citizenships before an authorized public officer.
- Certiorari under Rule 65: A legal recourse that questions whether an agency or lower court has made a decision without or in excess of its jurisdiction, or with grave abuse of discretion.

****Historical Context:****

This case underscores the Philippine legal system's approach to dual citizenship in the context of electoral eligibility, reflecting the complexities of balancing national allegiance with the realities of a globally interconnected society. RA 9225 marked a significant policy shift, recognizing and facilitating the reintegration of Filipinos who have acquired foreign citizenship, into the national polity, albeit with specific conditions aimed at ensuring singular allegiance to the Philippines in contexts of political participation.