

Title: Mariz Lindsey Tan Gana-Carait Y Villegas v. Commission on Elections, et al.

Facts:

Mariz Lindsey Tan Gana-Carait Y Villegas, herein petitioner, filed her Certificate of Candidacy (CoC) as Member of Sangguniang Panlungsod of Biñan, Laguna for the May 13, 2019 National and Local Elections (NLE). Thereafter, Rommel Mitra Lim filed a petition for disqualification against her before the Commission on Elections (COMELEC), alleging that Gana-Carait acquired United States (US) citizenship and sought election to public office without renouncing foreign citizenship. Dominic P. Nuñez also filed a similar petition to cancel her CoC, asserting that Gana-Carait is a dual citizen because she uses a US passport. Gana-Carait countered that she is a dual citizen by birth, not by naturalization, and argued that she did not commit material misrepresentation in declaring her eligibility in her CoC. The COMELEC First Division denied the disqualification petition but granted the petition to cancel her CoC, ruling that she was a dual citizen who did not take an oath of allegiance to the Republic of the Philippines or renounce her American citizenship pursuant to Republic Act No. 9225 (R.A. 9225). The COMELEC En Banc affirmed this decision, leading to Gana-Carait's petition to the Supreme Court.

Issues:

1. Whether Gana-Carait, being a dual citizen by birth and not by naturalization, is required to comply with the twin requirements of R.A. 9225 - taking an oath of allegiance to the Republic of the Philippines and renouncing foreign citizenship to run for public office.
2. Whether Gana-Carait committed material misrepresentation in her CoC by declaring herself eligible to run for public office despite her dual citizenship.

Court's Decision:

The Supreme Court granted Gana-Carait's petition, annulled, and set aside the COMELEC En Banc and First Division Resolutions, concluding that Gana-Carait is indeed a dual citizen by birth and not by naturalization. Consequently, the Court ruled that she is not subject to the provisions of R.A. 9225 that require dual citizens by naturalization to take an oath of allegiance to the Philippines and renounce their foreign citizenship before running for elective office. The Court held that Gana-Carait did not commit material misrepresentation in her CoC as she remained qualified under the law to run for the post she aspired for.

Doctrine:

This case reiterates the distinction between dual citizenship by birth and dual citizenship by naturalization under R.A. 9225. Dual citizens by birth are not required to take an oath of

allegiance and renounce foreign citizenship to run for public office, as these requirements apply only to naturalized citizens.

Class Notes:

- Dual Citizenship: Refers to a person concurrently regarded as a citizen of more than one state under the laws of those states.
- Republic Act No. 9225 (Citizenship Retention and Re-acquisition Act of 2003): Provides that natural-born Filipinos who became naturalized citizens of another country may re-acquire or retain their Philippine citizenship by taking an oath of allegiance to the Republic of the Philippines.
- Material Misrepresentation in a Certificate of Candidacy: A false representation of a material fact affecting eligibility to run for public office which can lead to the cancellation of the certificate of candidacy.
- Distinction between dual citizenship by birth and by naturalization: Dual citizenship by birth is involuntary and occurs by operation of different countries' laws. In contrast, dual citizenship by naturalization involves a voluntary act of acquiring another country's citizenship.

Historical Background:

The distinction between dual citizenship by birth and by naturalization reflects the complexities of nationality laws across countries. The enactment of R.A. 9225 aims to address the concerns associated with Filipino citizens who lose their nationality upon naturalization in another country, allowing for re-acquisition and retention of Filipino citizenship and specifically regulating the political rights of Filipinos who re-acquire Philippine citizenship, including the conditions under which they can run for or hold public office.