

Title:

Tabasa vs. Court of Appeals: A Case on the Repatriation and Deportation of Joevanie Arellano Tabasa

Facts:

Joevanie Arellano Tabasa, a natural-born Filipino citizen, became an American citizen by derivative naturalization when his father, Rodolfo Tabasa, was naturalized in the United States in 1968. Tabasa entered the Philippines as a “balikbayan” in 1995. Following a notice from the U.S. Embassy regarding the revocation of his passport due to criminal charges in the U.S., the Bureau of Immigration and Deportation (BID) detained him for deportation in 1996.

Tabasa filed a Petition for Habeas Corpus with the CA, arguing against the summary deportation order by the BID, claiming violation of due process, and asserting his marriage to a Filipino citizen and former natural-born citizenship status. Despite his temporary release on bail, the CA dismissed his petition. Tabasa appealed to the Supreme Court, contending his right to repatriation under RA 8171 and hence opposing his deportation.

Issues:

1. Whether the petitioner validly reacquired Philippine citizenship under RA 8171.
2. If valid repatriation under RA 8171 does not apply, whether the petitioner can still be considered for repatriation.
3. Whether the petitioner followed the correct procedure for repatriation.
4. Whether political or economic necessity must be explicitly proven for repatriation under RA 8171.

Court’s Decision:

The Supreme Court dismissed Tabasa’s petition for review and affirmed the CA’s decision. The Court elucidated:

1. Tabasa did not qualify for repatriation under RA 8171, which is reserved for natural-born Filipinos who lost their citizenship due to political or economic necessity or for Filipino women who lost citizenship by marrying foreigners. Tabasa’s derivative naturalization did not meet these criteria.
2. The attempt for repatriation was not conducted through the appropriate legal procedures, notably failing to file a petition with the Special Committee on Naturalization, rendering his actions ineffective.
3. The Court stressed that repatriation under RA 8171 requires explicit proof of loss of

Philippine citizenship due to political or economic necessity, which Tabasa failed to demonstrate.

4. Consequently, Tabasa was considered an undocumented alien subject to deportation since his U.S. passport was revoked, making him lose the privilege to stay in the Philippines.

Doctrine:

This case reaffirmed the principle that repatriation is a privilege and not an absolute right. It must be conducted in accordance with the law's stringent requirements, especially under RA 8171, which necessitates clear evidence of loss of Philippine citizenship due to political or economic necessity.

Class Notes:

- **Repatriation under RA 8171**: Limited to natural-born Filipinos who lost Philippine citizenship due to political/economic necessity and Filipino women who lost citizenship by marriage to aliens. Minors can benefit indirectly through a parent's successful repatriation.
- **Procedure for Repatriation**: Must be filed with the Special Committee on Naturalization, including all necessary documentation and evidence.
- **Requirements for Successful Repatriation**: Proof of loss of citizenship due to political or economic necessity is crucial.
- **Summary Deportation**: Applied to aliens without valid stay permits or whose documents, such as passports, have been revoked or expired.

Historical Background:

The case falls within the broader issues of citizenship, repatriation, and deportation within the Philippine legal system, focusing on the protections and procedures afforded to individuals seeking to regain Philippine citizenship. It highlights the importance of stringent legal compliance in matters of citizenship and the state's authority in regulating its acquisition and loss.