

Title: Rommel C. Arnado vs. Commission on Elections and Florante Capitan (G.R. No. 210164)

Facts: Rommel C. Arnado, a natural-born Filipino citizen, lost his Philippine citizenship upon becoming a naturalized citizen of the United States. In preparation for his political aspirations in the Philippines, Arnado reacquired his Philippine citizenship under Republic Act No. 9225 (RA 9225) and executed an Affidavit of Renunciation of his foreign citizenship. He then filed his Certificate of Candidacy (CoC) for the mayoralty post in Kauswagan, Lanao del Norte for the May 2010 elections. Despite a pending petition for disqualification and/or cancellation of his CoC due to his use of a US passport after renouncing his foreign citizenship, Arnado won the election and was proclaimed mayor.

The Commission on Elections (Comelec) First Division initially disqualified Arnado, but the Comelec En Banc later reversed this decision. The case eventually reached the Supreme Court, resulting in the landmark *Maquiling vs. Comelec* decision, which disqualified Arnado from holding elective public office due to his use of a US passport after renouncing his American citizenship. Thus, Arnado's Philippine citizenship, effectively negating his Affidavit of Renunciation.

For the May 2013 elections, Arnado once again filed a CoC for the mayoralty position. Florante Capitan, his opponent, filed a petition to disqualify Arnado based on the *Maquiling* ruling. The Comelec Second Division disqualified Arnado, a decision affirmed by the Comelec En Banc. Despite this, Arnado was elected and proclaimed as mayor, leading to his filing of the instant Petition for Certiorari with the Supreme Court, challenging the Comelec's resolution.

Issues:

1. Whether the Comelec committed grave abuse of discretion in disqualifying Arnado for the May 2013 elections based on the use of his US passport after renouncing his foreign citizenship.
2. Whether the Comelec's interpretation of RA 9225 in disqualifying Arnado aligns with the law's intent and the principles established in the *Maquiling* case.
3. Whether the subsequent Affidavit of Renunciation executed by Arnado affirms his qualification to run for public office in the May 2013 elections.

Court's Decision:

The Supreme Court dismissed Arnado's petition, affirming the Comelec's resolution. The Court held that Arnado's use of his US passport after renouncing his American citizenship effectively recanted his Affidavit of Renunciation, disqualifying him from holding elective office as per Section 40(d) of the Local Government Code and Section 5(2) of RA 9225. The subsequent Affidavit of Renunciation executed by Arnado could not cure the defect in his qualification because it was done after the filing of his CoC for the May 2013 elections.

Doctrine:

The use of a foreign passport after renouncing foreign citizenship effectively negates the renunciation, disqualifying the individual from holding elective public office in the Philippines as mandated by RA 9225 and the Local Government Code.

Class Notes:

- RA 9225 allows natural-born Filipinos who lost their Philippine citizenship by naturalization in a foreign country to reacquire or retain their Philippine citizenship by taking an Oath of Allegiance to the Republic of the Philippines.
- An additional requirement for those seeking elective public office is the personal and sworn renunciation of any and all foreign citizenships before any public officer authorized to administer an oath, concurrent with or before the filing of their CoC.
- The use of a foreign passport after making an Affidavit of Renunciation is considered an act of recanting the renunciation and results in disqualification from holding elective public office in the Philippines.

Historical Background:

The Arnado vs. Comelec case underscores the legal implications and issues arising from dual citizenship concerning eligibility for elective public office in the Philippines. It is a pivotal case that clarifies the application of RA 9225, particularly on the matter of renouncing foreign citizenship and its impact on a candidate's qualifications for public office. The decision reflects the Philippine legal system's stance on ensuring allegiance to the Republic and its Constitution among elected public officials, addressing concerns about dual allegiance.