

**\*\*Case Title:\*\***

Renato M. David vs. Editha A. Agbay and People of the Philippines, G.R. No. 756 Phil. 278 (2011)

**\*\*Facts:\*\***

Renato M. David, a natural-born Filipino, migrated to Canada in 1974 and became a Canadian citizen. In 2000, upon retirement, he returned to the Philippines and purchased a 600-square meter lot in Gloria, Oriental Mindoro. It was later found that the land was public and part of the salvage zone. On April 12, 2007, David filed a Miscellaneous Lease Application (MLA) for the land with the Department of Environment and Natural Resources (DENR), declaring himself a Filipino citizen. Editha A. Agbay opposed the MLA on grounds that David, being a Canadian citizen, was ineligible to own land in the Philippines. She also filed a criminal complaint for falsification of public documents against him under Article 172 of the Revised Penal Code (RPC).

David re-acquired his Filipino citizenship under Republic Act No. 9225 (R.A. 9225) on October 11, 2007. He defended that he intended to re-acquire his Philippine citizenship at the time of the MLA and was advised by a CENRO officer that he could declare himself as Filipino. He also claimed to have been misled by the Agbays into believing the land was titled.

The Provincial Prosecutor found probable cause to indict David for falsification on January 8, 2008, and recommended filing information in court. David's petition for review to the DOJ was denied, further solidifying probable cause. Consequently, information for falsification was filed in the MTC, and a warrant for David's arrest was issued.

David filed an urgent motion for re-determination of probable cause, which the MTC denied, citing that R.A. 9225 makes a distinction between those who became foreign citizens before and after its effectivity. The MTC added that David was still a Canadian citizen when he filed the MLA. David's ensuing motion for reconsideration was also denied. He then filed a petition for certiorari under Rule 65 to the RTC, alleging grave abuse of discretion by the MTC. The RTC denied the petition.

**\*\*Issues:\*\***

1. Whether David may be indicted for falsification when he declared himself a Filipino citizen at the time of filing his MLA, given his subsequent re-acquisition of Philippine citizenship under R.A. 9225.

2. Whether the MTC properly denied David's motion for re-determination of probable cause on the ground of lack of jurisdiction over his person.

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

**\*\*1. Indictment for Falsification:\*\***

The Supreme Court held that the act of falsification was consummated when David declared himself a Filipino citizen (at a time when he was still a Canadian citizen under the governing law Commonwealth Act No. 63). His subsequent re-acquisition of Philippine citizenship did not retroactively validate his declaration in 2007, as R.A. 9225 does not apply retroactively in this context. Therefore, the elements of falsification were present.

**\*\*2. Jurisdiction over the Person:\*\***

Jurisdiction over the person of the accused can be waived when he seeks affirmative relief from the court. By filing a motion for re-determination of probable cause, David effectively submitted to the court's jurisdiction. The MTC's statement that it lacked jurisdiction over David's person was erroneous; however, no grave abuse of discretion was committed by the MTC in denying the motion based on its merits.

**\*\*Doctrine:\*\***

R.A. 9225 differentiates between Filipinos who lost citizenship before its effectivity (requiring re-acquisition) and those who retain citizenship upon acquiring foreign nationality after its effectivity. The act of falsification is a consummated act at the time it occurs, irrespective of subsequent changes in citizenship status.

**\*\*Class Notes:\*\***

- **\*\*Falsification (Art. 172 in relation to Art. 171, Revised Penal Code):\*\***

1. Offender is a private individual or public officer not taking advantage of official position.
2. Committed acts of falsification enumerated in Art. 171.
3. Falsification done in a public, official, or commercial document.

- **\*\*Criminal Procedure Principles:\*\***

- Jurisdiction over the person can be waived by seeking affirmative relief.
- Custody of the law is required only for bail, not for motions involving probable cause.

**\*\*Historical Background:\*\***

R.A. 9225 was enacted to address dual citizenship issues arising from Filipino emigrants acquiring foreign nationalities. It intended to simplify re-acquisition and retention of Philippine citizenship, particularly impacting communities with strong ties abroad, such as

Filipino-Canadians. This case is situated in the broader context of legal complexities surrounding dual citizenship and land ownership rights in the Philippines.