

### Title:

Jacot v. Dal and COMELEC

### Facts:

- \*\*December 13, 1989:\*\* Nestor A. Jacot, a natural-born Filipino, became a naturalized US citizen.
- \*\*June 19, 2006:\*\* Jacot filed a request at the Philippine Consulate General (PCG) in Los Angeles to reacquire Philippine citizenship under Republic Act No. 9225 (Citizenship Retention and Re-Acquisition Act of 2003). His request was approved, and he took an Oath of Allegiance to the Republic of the Philippines before Vice Consul Edward C. Yulo.
- \*\*September 27, 2006:\*\* The Bureau of Immigration issued Jacot Identification Certificate No. 06-12019, recognizing his Filipino citizenship.
- \*\*March 26, 2007:\*\* Jacot filed his Certificate of Candidacy for the position of Vice-Mayor of Catarman, Camiguin.
- \*\*May 2, 2007:\*\* Rogen T. Dal filed a petition for disqualification against Jacot before the COMELEC Provincial Office in Camiguin, arguing Jacot had not renounced his US citizenship as mandated by Section 5(2) of RA 9225.
- \*\*May 6 and May 8, 2007:\*\* Jacot countered that his Oath of Allegiance and the oath in his Certificate of Candidacy sufficed as renunciations of his foreign citizenship.
- \*\*May 14, 2007:\*\* Jacot garnered the highest number of votes in the elections for Vice-Mayor.
- \*\*June 12, 2007:\*\* The COMELEC Second Division disqualified Jacot for failing to make the requisite sworn renunciation of US citizenship.
- \*\*June 27, 2007:\*\* Jacot executed an “Oath of Renunciation of Allegiance to the United States and Renunciation of Any and All Foreign Citizenship.”
- \*\*June 29, 2007:\*\* Jacot filed a motion for reconsideration with the COMELEC.
- \*\*September 28, 2007:\*\* The COMELEC en banc dismissed Jacot’s motion for lack of merit.
- \*\*Petition to Supreme Court:\*\* Jacot sought a special civil action for Certiorari under Rule 65, presenting for the first time an “Affidavit of Renunciation of Allegiance to the United States and Any and All Foreign Citizenship” dated 7 February 2007, claiming his former counsel advised against its presentation earlier.

### Issues:

1. \*\*Whether public respondent (COMELEC) exercised grave abuse of discretion in holding that Jacot failed to comply with the renunciation requirements under RA 9225.\*\*
2. \*\*Whether public respondent (COMELEC) exercised grave abuse of discretion regarding

compliance with COMELEC procedural rules on motion fees.\*\*

3. \*\*Whether upholding COMELEC's decision would frustrate the popular will of the voters of Catarman, Camiguin.\*\*

### ### Court's Decision:

1. \*\*Compliance with RA 9225:\*\*

- The Court held that Jacot's Oath of Allegiance and his Certificate of Candidacy did not satisfy the personal and sworn renunciation requirement for foreign citizenship under Section 5(2) of RA 9225.

- Section 3 of RA 9225 mandates a special Oath of Allegiance to reacquire or retain Philippine citizenship, separate from Section 5(2)'s requirement for running for elective positions, which necessitates a distinct sworn renunciation of all foreign citizenship.

2. \*\*Procedural Compliance:\*\*

- The Court found no sufficiently detailed discussion in the decision about procedural compliance, focusing primarily on the substantive issue of citizenship renunciation.

3. \*\*Frustration of Electoral Will:\*\*

- The Court emphasized that popularity cannot override legal qualifications for candidacy. The electorate's erroneous belief in a candidate's eligibility does not negate statutory disqualification criteria. Strict adherence to citizenship laws is pivotal for public office candidates, ensuring a sole allegiance to the Philippines.

### ### Doctrine:

- \*\*Dual Citizenship vs. Dual Allegiance:\*\*

- The Court distinguished dual citizenship as an involuntary status often from birth and dual allegiance as arising from an individual's voluntary act of pledging loyalty to another state.

- \*\*Separate Requirements for Elective Office:\*\*

- Explicit renunciation of foreign citizenship is required under RA 9225 as a distinct and additional procedure for those seeking public office.

### ### Class Notes:

- \*\*RA 9225:\*\*

- \*\*Section 3:\*\* Oath of Allegiance to reacquire or retain Philippine citizenship.

- \*\*Section 5(2):\*\* A separate personal and sworn renunciation of all foreign citizenship necessary for seeking elective public office.

- \*\*Dual Citizenship:\*\* Involuntary, often from birth under conflicting national laws.

- **Dual Allegiance:** Result of voluntary actions such as naturalization in a foreign country.
- **Case Precedent:** Lopez v. COMELEC, which similarly disqualified a candidate under RA 9225 for failing to renounce foreign citizenship.

**Historical Background:**

- **Philippine Citizenship Laws:** RA 9225 was enacted to facilitate dual citizenship for Filipinos who had acquired foreign citizenship. This Act intended to enable reacquisition of Philippine citizenship while imposing specific conditions for those aspiring for public office, reflecting legislative intent to ensure exclusive allegiance to the Philippines from public servants.
- The jurisprudence around citizenship laws evolved post RA 9225 to address the intricacies of dual citizenship and the unique obligations of those seeking elective office.