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Monday, June 23, 1986

OPENING OF SESSION

At 5:07 p.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

THE PRESIDENT: Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Vicente B. Foz.

Everybody remained standing for the Prayer.

PRAYER

MR. FOZ: Almighty God, give us the strength to work harder than ever before. Teach us to share further the little that we know and have, so that we, Your servants, may achieve our common goal.

Make us forget our self-interests, prejudices, suspicions, intolerance and hatred, and listen to our people who are far wiser than us. Persuade those of our people who still revere on a pedestal a fallen and false idol, to go the way of peace. Help us, Lord, to meet our self-imposed deadline for the sake of our nation and for Your greater glory. Amen.

ROLL CALL

THE PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Present Brocka Present

Alonto Present Calderon Present

Aquino Present Castro de Present

Azcuna Present Colayco Present

Bacani Present Concepcion Present

Bengzon Present[*] Davide Present

Bennagen Present Foz Present

Bernas Present Garcia Present

Rosario Braid Present Gascon Present

Guingona Present Rigos Present

Jamir Present Rodrigo Present

Laurel Present Romulo Present

Lerum Present Rosales Present

Maambong Present Sarmiento Present

Monsod Present Suarez Present

Natividad Present Sumulong Present

Nieva Present Tadeo Present

Nolledo Present Tan Present

Ople Present[*] Tingson Present

Padilla Present Treñas Present

Quesada Present Uka Present

Rama Present Villacorta Present

Regalado Present Villegas Present

Reyes de los Present

The President is present.

The roll call shows 45 Members responded to the call.

THE PRESIDENT: The Chair declares the presence of a quorum.

APPROVAL OF JOURNAL

MR. ALONTO: Madam President, I move to dispense with the reading of the Journal of the previous session and to approve the same.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. ALONTO: Madam President, I move that we proceed to the Reference of Business.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Proposed Resolutions on First Reading and Communications, the President making the corresponding references:

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 216, entitled:

RESOLUTION DECLARING THE PHILIPPINES A NUCLEAR FREE COUNTRY AND SHALL NOT BE USED FOR STORING OR STOCKPILING NUCLEAR WEAPONS OR DEVICES.

Introduced by Hon. de los Reyes, Jr.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 217, entitled:

RESOLUTION PROVIDING FOR A CATEGORICAL COMMITMENT TO SECURE A BETTER MORAL ENVIRONMENT FOR OUR COUNTRY.

Introduced by Hon. de los Reyes, Jr.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 218, entitled:

RESOLUTION INCLUDING BETRAYAL OF PUBLIC TRUST AS ADDITIONAL GROUND FOR IMPEACHMENT.

Introduced by Hon. de los Reyes, Jr.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 219, entitled:

RESOLUTION DECLARING THAT THE EXPLOITATION, DEVELOPMENT AND UTILIZATION OF FISHING GROUNDS AND MARINE PRODUCTS BE RESERVED TO FILIPINO CITIZENS.

Introduced by Hon. Sarmiento and Tadeo.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 220, entitled:

RESOLUTION FOR CREATING A MULTI-SECTORAL COMMITTEE IN EVERY PRIVATE SCHOOL TO OVERSEE FINANCIAL MATTERS.

Introduced by Hon. Villacorta and Gascon.

To the Committee on Human Resources.

Proposed Resolution No. 221, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION DECLARING THAT ENVIRONMENTAL PROTECTION AND PRESERVATION SHALL BE THE RESPONSIBILITY OF THE STATE AND THE CITIZENS OF THE COUNTRY.

Introduced by Hon. Quesada and Bennagen.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 222, entitled:

RESOLUTION ADOPTING PROVISIONS ON SCIENCE AND TECHNOLOGY FOR INCLUSION IN THE PROPOSED NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

Introduced by Hon. Quesada, Bennagen and Villacorta.

To the Committee on Human Resources.

Proposed Resolution No. 223, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION PROHIBITING ELECTIVE AND APPOINTIVE OFFICIALS FROM OBTAINING LOANS FOR BUSINESS PURPOSES FROM GOVERNMENT-OWNED BANKS OR FINANCIAL INSTITUTIONS.

Introduced by Hon. Davide, Jr.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 224, entitled:

RESOLUTION TO FURTHER STRENGTHEN THE INDEPENDENCE OF THE JUDICIARY BY GRANTING THE SUPREME COURT AUTOMATIC AUTHORITY TO AUGMENT ANY ITEM OF THE GENERAL APPROPRIATIONS FOR THE JUDICIARY FROM SAVINGS IN OTHER ITEMS OF SUCH APPROPRIATIONS.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 225, entitled:

RESOLUTION TO STRENGTHEN FURTHER THE COMMISSION ON ELECTIONS BY GRANTING IT EXCLUSIVE AUTHORITY TO DEPUTIZE LAW ENFORCEMENT AGENCIES AND INSTRUMENTALITIES AND THE ARMED FORCES, IF NECESSARY, FOR THE PURPOSE OF ENSURING FREE, ORDERLY, HONEST, AND CLEAN ELECTIONS.

Introduced by Hon. Davide, Jr.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 226, entitled:

RESOLUTION TO ARRANGE THE PROVISIONS IN THE BILL OF RIGHTS IN LOGICAL SEQUENCE TO FACILITATE COMPREHENSION BY THE PEOPLE.

Introduced by Hon. Villegas.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 227, entitled:

RESOLUTION TO INTRODUCE A SEPARATE ARTICLE ON SOCIAL JUSTICE AND TO SET CRITERIA FOR DISTINGUISHING ITS PROVISIONS FROM THOSE PROPER TO THE BILL OF RIGHTS AND OTHER ARTICLES.

Introduced by Hon. Villegas.

To the Committee on Social Justice and Social Services.

Proposed Resolution No. 228, entitled:

RESOLUTION TO INCLUDE AS SECTION ON THE ARTICLE STATING OUR DECLARATION OF PRINCIPLES A COLLECTIVE VISION OF THE FILIPINO PEOPLE.

Introduced by Hon. Rosario Braid.

To the Committee on Preamble, National Territory, and Declaration of Principles.

COMMUNICATIONS

Communication from the Deputy Executive Secretary, transmitting a draft constitution submitted by Mr. Floro S. Caritan, national nominee for the Constitutional Commission.

(Communication No. 25 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from the Executive Secretary, transmitting a letter from Mr. Bernardo S. Ugsalan of Talakag, Bukidnon, requesting prerogatives for tribal chieftains in their respective localities and the preservation of ancestral lands of national cultural communities.

(Communication No. 26 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from the Honorable Froilan M. Bacuñgan, Commission on Elections, transmitting proposals focusing on civil, political and human rights.

(Communication No. 27 — Constitutional Commission of 1986)

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Letter from the Honorable Commissioner Cirilo A. Rigos, enclosing a resolution of the National Movement for Dual Filipino-American Citizenship Status.

(Communication No. 28 — Constitutional Commission of 1986)

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

MR. ALONTO. Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

COMMITTEE MEMBERSHIP

MR. ALONTO: Due to the withdrawal from the Committee on General Provisions of two distinguished Commissioners, I move that Commissioners Nollado and Aquino be elected members to this Committee.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. ALONTO: Madam President, I wish to inform this body that Commissioner Tan has withdrawn from the Committee on Citizenship due to pressure of work.

THE PRESIDENT: Let the statement of the Assistant Floor Leader be duly noted.

MR. ALONTO: Madam President, I ask that Commissioner Sarmiento be recognized.

MR. SARMIENTO: Madam President, I rise on a parliamentary inquiry.

To the best of my recollection, the Commission agreed in principle on the matter of franking privilege. Commissioner Nollado, the father of the idea of conducting public hearings, and this humble Representation were in Naga City yesterday. In that beautiful place of Bicolandia, the people, the ordinary citizens, asked us about sending their mails, manifestos and position papers to this Constitutional Commission free of charge.

May I know from the Chair the status of this franking privilege?

THE PRESIDENT: For the information of the Commission, that particular resolution and corresponding communication were sent to the Office of the President last week, but since then no action has been taken as yet. Aside from that, a letter was also sent to the Honorable Gonzales, the Minister of Justice.

The Secretary-General is, therefore, requested to follow up our communication and to seek immediate action.

MR. ALONTO: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

SUSPENSION OF SESSION

MR. ALONTO: I move for the suspension of the session.

THE PRESIDENT: The session is suspended.

It was 5:21 p.m.

RESUMPTION OF SESSION

At 5:36 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ALONTO: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. ALONTO: I ask that Commissioner Bengzon be recognized.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, some of our fellow Commissioners said that they do not have enough committee memberships and that they would want to become members of other committees. Madam President, the records show that there are three committees with only seven members; namely, the Committee on Preamble, National Territory, and Declaration of Principles, the Committee on Amendments and Transitory Provisions, and the Committee on Local Governments.

In view of this, I would like to move, with the consent of the body, that the membership in these three committees be increased from seven to eleven.

THE PRESIDENT: Is there any objection to the motion of the Chairman of the Steering Committee, Commissioner Bengzon? (Silence) The Chair hears none; the motion is approved.

The membership in the Committees on Preamble, National Territory, and Declaration of Principles; Local Governments; and Amendments and Transitory Provisions is hereby increased from seven to eleven.

MR. BENGZON: Thank you, Madam President.

Those who are interested may submit their names to the Office of the President.

THE PRESIDENT: Thank you.

MR. ALONTO: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. ALONTO: I ask that we continue the freewheeling discussion on the citizenship proposals.

THE PRESIDENT: Is there any objection to the motion that the Commission continue the freewheeling discussion on the subject of citizenship and such other matters as may be the pleasure of the body?

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, before we act on the motion, I rise on a point of parliamentary inquiry.

THE PRESIDENT: The Commissioner may proceed.

MR. MAAMBONG: I was listening to Commissioner Sarmiento, and I understand that the request to grant franking privilege is supposed to be directed to the people who will send us mails. Is that the request we made to the Office of the President, Madam President?

THE PRESIDENT: That is tight, in accordance with the resolution of Commissioners Tingson and Tan.

MR. MAAMBONG: Madam President? considering that I myself find it incongruous that the people who will send us mails will be granted franking privilege whereas the Members of the Constitutional Commission will not be granted the same privilege, in the sense that we cannot send communications to the people for free, I wonder, by way of parliamentary inquiry, if the Chair would entertain a motion to the effect that we also grant franking privilege to the Members of the Constitutional Commission. I feel that it looks a bit awkward that we should not be given that privilege.

I understand that in previous constitutional conventions that worked on our Constitutions, the delegates were granted this franking privilege. I would like to put this request to a motion, Madam President.

THE PRESIDENT: As an amendment to whatever request has already been relayed to Malacañang.

MR. MAAMBONG: Yes, Madam President. I now move, Madam President, that the request for franking privilege which has been sent to the Office of the President of the Philippines be amended by also extending franking privilege to the Members of the Constitutional Commission.

MR. DE LOS REYES: I second the motion, Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: May I make a comment on the motion at this point?

THE PRESIDENT: Please proceed, Commissioner Bacani.

BISHOP BACANI: Madam President, I think we have our allowances to cover our mail expenses.

MR. MAAMBONG: Madam President, I am not particularly interested in the fact that we are given allowance for this. I am thinking of the principle where Members of the Constitutional Commission are not granted franking privilege, whereas delegates to the previous constitutional conventions were granted this privilege.

THE PRESIDENT: The Chair understands that Commissioner Bacani is objecting to the motion, so we have to put it to a vote.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: May I make some remarks on this point?

THE PRESIDENT: Please proceed, Commissioner Rodrigo.

MR. RODRIGO: A constitution is a fundamental law directly enacted by the people. So, there is more reason for us to listen to the people than for us to communicate to them.

I really do not think that there is anything awkward in giving the people a chance to communicate to us, postage-free, without giving that same privilege to ourselves. As a matter of fact, I think our people will appreciate this.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: It is customary and normal that when we receive communications, even though we could not really reply in such a manner that would satisfy the sender, we make a reply. And I think all of us are agreed that we receive mails and they are increasing everyday, Madam President. It is inconvenient for us to go to the Post Office, buy stamps and mail our letters. I do not think the Post Office will lose much money, if we are granted franking privilege.

I submit, Madam President.

THE PRESIDENT: Is the Commission now ready to vote?

SOME MEMBERS: Yes.

VIVA VOCE THE PRESIDENT: As many as are in favor of the motion of Commissioner Maambong, please say yea.

SEVERAL MEMBERS: Yea

THE PRESIDENT: As many as are against, say nay.

SEVERAL MEMBERS: Nay.

VOTING

THE PRESIDENT: Which is which now? We really cannot distinguish the yeas and the nays. We will just go by the raising of hands.

Those in favor of the motion of Commissioner Maambong to also grant franking privilege to the Commissioners, please raise their hand. (Few Members raised their hand)

Those against the motion, please raise their hand. (Several Members raised their hand.)

The results show 9 votes in favor and 26 against, the motion is lost. Now, I think there was a motion to continue the freewheeling discussion on citizenship. That was the subject of our last meeting;

DISCUSSION ON CITIZENSHIP

Continuation

MR. ALONTO: Madam President, I ask that Commissioner Concepcion be recognized.

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you, Madam President. In more ways than one, the matter of citizenship is very important in the Philippines. From the point of view of policy, there is the question of whether or not we should

liberalize the acquisition of Philippine citizenship. The second point is whether or not we favor double nationality. Both bring with them some important problems. Firstly, who are citizens of the Philippines? They are those provided for in Article IV of the 1973 Constitution.

The 1935 and 1973 Constitutions provide that citizens of the Philippines are, firstly, those who were citizens of the Philippines at the time of the adoption of said constitutions. Secondly, under the 1935 Constitution, "those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands." This provision has no counterpart in the 1973 Constitution. The reason is obvious. In 1973 those born in the Philippines of foreign parents who had been elected to public office in the Philippines before the adoption of the 1935 Constitution were already part of those who were Filipinos at the time of the adoption of the 1973 Constitution.

Thirdly, under paragraph (3) of Section I of Art. II of the 1935 Constitution "those whose fathers were citizens of the Philippines" were citizens thereof. This tenet has been maintained in the 1973 Constitution, which, however, has liberalized it in two respects: Pursuant to Section 1, Art. III of the 1973 Constitution, a female citizen who marries an alien retains her Philippine citizenship unless, by her act or omission, she is deemed to have renounced her citizenship. Furthermore, her children, by an alien father, became citizens of the Philippines upon birth. These children, pursuant to the 1935 Constitution, do not follow their mother's nationality, but may elect Philippine citizenship upon reaching the age of majority. Accordingly, they are natural-born citizens of the Philippines under the 1973 Constitution, although they were not so under the 1935 Constitution.

Pursuant thereto, citizens of the Philippines are not only those who are so at the time of the adoption of the said Constitution, and, inter alia, those whose fathers are citizens of the Philippines regardless of the mother's nationality. As regards those born of Filipino mothers, the 1935 Constitution merely gave them the option to choose Philippine citizenship upon reaching the age of majority, even, apparently, if the father were an alien or unknown. Upon the other hand, under the 1973 Constitution, children of mixed marriages involving an alien father and a Filipino mother are Filipino citizens, thus liberalizing the counterpart provision in the 1935 Constitution by dispensing with the need to make a declaration of intention upon reaching the age of majority. I understand that the committee would further liberalize this provision of the 1935 Constitution. The Committee seemingly proposes to further liberalize the policy of the 1935 Constitution by making those who became citizens of the Philippines through a declaration of intention to choose their mother's citizenship upon reaching the majority age by declaring that such children are natural-born citizens of the Philippines.

The nationality of the child of a Filipino father follows his nationality not that of the alien mother. Thus, we favor the father's nationality. This rule is reversed when the father is an alien and the mother a Filipina. We then favor the mother's nationality.

The first question is: Why does the draft resolution adopt the provision of the 1973 Constitution and not that of the 1935?

It may be said that our policy is Filipino first and always. But this is not so under the policy of the 1973 Constitution. Rather, its result is the opposite. Why?

Prior to the adoption of the 1935 Constitution, there had been very few petitions for naturalization. The 1935 Constitution provided that the exploitation, development and utilization of our natural resources was limited to citizens of the Philippines and to corporations or associations at least 60 percent of the stocks or shares thereof were owned by citizens of the Philippines. Soon thereafter there came an avalanche of petitions for naturalization in our courts of justice. These petitions had significant features:

- (a) over 95 percent of the petitioners were nationals of the same country;
- (b) practically all of them were engaged in business in the Philippines; and
- (c) almost all of them had been residents of the Philippines for many years.

It was thus obvious that the main goal of their petitions for naturalization was to qualify for the enjoyment and utilization of our natural resources. It did not take long for us to feel the effects of the sudden increase in the number of these naturalized citizens. For a number of years now, there is hardly any field of endeavor in the Philippines which is not dominated by such naturalized Filipinos.

Upon the other hand, who would profit by the retention of the Philippine citizenship by the Filipina wife of an alien and the Philippine citizenship of their child? It is neither the child nor the child's Filipino mother, but her alien husband and father of the child. This alien can, and has generally availed of the privileges of his Filipino wife and that of their common child.

Then, again, conferment of Philippine nationality upon this child does not merely put him on the same level as the child whose father and mother are both citizens of the Philippines. Indeed, the alien father married to a Filipina belongs to a group which is well organized and provided with financial means and other resources available to Filipinas in general. Hence, the grant of Philippine citizenship to the child of an alien father and a Filipino mother entails an unfair discrimination against the full-blooded Filipino. And this is amply attested to by the predominance of aliens in our economy.

I would prefer, therefore, to submit an amendment, a proposal for amendment to revert to the provisions of the 1935 Constitution. How would Father Bernas react to this idea?

MS. AQUINO: Madam President, may I be recognized?

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I do not intend to debate the honorable Commissioner Concepcion on the proposition that he has advanced, although I am constrained to note the very unfortunate implications of his proposition. It is dangerously and implicitly stated in his exposition that the principle of *jus sanguinis* is capable of being dichotomized between the male and the female parentage. This does not speak well of our protestations of commitment to the equality of rights of sexes. It is only on that point that I would like to register my observation, Madam President.

If, as it holds, the formulations of the Article on Citizenship already recognize three basic principles: 1) the continuation of citizenship at the time of the adoption of the 1986 Constitution; 2) the recognition of naturalization as a legal procedure for acquisition of citizenship; and 3) the principle of *jus sanguinis*, why do we have to unduly distinguish between the male and the female parentage?

Thank you, Madam President.

THE PRESIDENT: Thank you.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, let me just comment. The first comment is a follow-up on what Commissioner Aquino has said. Precisely, the reason behind the modification of the 1935 rule on citizenship was a recognition of the fact that it reflected a certain male chauvinism, and it was for the purpose of remedying that this proposed provision was put in. The idea was that we should not penalize the mother of a child simply because she fell in

love with a foreigner. Now, the question on what citizenship the child would prefer arises. We really have no way of guessing the preference of the infant. But if we recognize the right of the child to choose, then let him choose when he reaches the age of majority. I think dual citizenship is just a reality imposed on us because we have no control of the laws on citizenship of other countries. We recognize a child of a Filipino mother. But whether or not she is considered a citizen of another country is something completely beyond our control. But certainly it is within the jurisdiction of the Philippine government to require that at a certain point, a child be made to choose. But I do not think we should penalize the child before he is even able to choose. I would, therefore, support the retention of the modification made in 1973 of the male chauvinistic rule of the 1935 Constitution.

MR. RODRIGO: Madam President, will Commissioner Bernas yield to a few questions?

THE PRESIDENT: Commissioner Rodrigo is recognized, afterwards Commissioners Padilla and Guingona will follow.

MR. RODRIGO: According to the 1935 Constitution, the following are citizens of the Philippines:

Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

We have incorporated this in the draft and, more, we consider them natural-born citizens.

FR. BERNAS: Yes.

MR. RODRIGO: My question is: When this provision in the 1935 Constitution was enacted, the voting age, as well as the age of majority, was 21. What is the age of majority now that the voting age has been reduced to 18?

FR. BERNAS: The age of majority really depends on the purpose for which it is being determined. For purposes of the Election Law, the age of majority is 18. For purposes of marriage, it is something else. For purposes of entering into other contracts, it is something else also, as I recall.

MR. RODRIGO: Madam President for purposes of this provision, what is the age of majority?

FR. BERNAS: For purposes of this provision, the intendment is, I think, 21.

MR. RODRIGO: It says, "upon reaching the age of majority." Is there a time limit within which the option to choose citizenship may be availed of?

FR. BERNAS: The established jurisprudence on the subject is that it must be within a reasonable time upon reaching the age of majority and this reasonable time has been extended up to three years after reaching the age of majority.

MR. RODRIGO: After three years?

FR. BERNAS: Yes.

MR. RODRIGO: Beyond that would not be a reasonable time anymore?

FR. BERNAS: Although there have been extraordinary cases, three or four years was considered reasonable time in the case of an individual who was under the impression all along that he was a natural-born citizen.

MR. RODRIGO: Thank you.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, I concur with the views of Commissioner Concepcion. In the 1935

Constitution, the provisions on citizenship were separated into "those whose fathers" and "those whose mothers." In the 1973 Constitution, they were joined without choice or election provided in Commonwealth Act 625. However, paragraph 3 of the 1973 Constitution reads:

Those who elect Philippine citizenship pursuant to the provisions of the Constitution of nineteen hundred and thirty-five.

It appears incongruous that in the 1973 Constitution, nothing is mentioned about election, and yet it makes reference to the right of election pursuant to or in accordance with the 1935 Constitution. That is why Commissioner Bernas had to explain this paragraph 3 which, according to him, is only transitory. It applies only to a certain date, January 17, 1986.

Madam President, although I was not a Delegate of the 1971 Constitutional Convention — for I was an incumbent Senator — I feel that the 1973 Constitution which joined or placed in the same level paragraphs 3 and 4, about fathers and mothers, was at the instance of the feminist movement for equal rights of women with men. I know of many prominent female lawyers — one of them is our distinguished Secretary-General — who have been fighting for equal rights, because they feel that there are provisions in the Civil Code which do not guarantee or provide for equal rights and are in a way discriminatory in favor of the father or the male as against the mother or the female.

But the fact is that when a Filipino male marries a female foreigner, the father has the choice of residence, being the head of the family under the Civil Code. Thus, they usually reside in the Philippines. And most of the time, if not always, their children are born in the Philippines. On the other hand, a Filipina citizen who marries a foreigner usually follows the residence of her husband and they reside abroad. Moreover, the child carries the surname of the father. This is also true in the case of a child born of a Filipino father and an alien wife, the child carries the surname of the Filipino father.

So, if a Filipina marries an American, the couple usually resides in the United States. Thus, their child is born in the United States. Under the accepted principle re of *jus soli*, which is commonly followed in other countries — although we do not give precedence to *jus soli* because we rather adhere to the rule of *jus sanguinis* — that child is an American citizen. Yet the 1973 Constitution provides that said child whose mother is a Filipina is a Filipino citizen. That gives rise to what Commissioner Romulo raised about dual citizenship. If that happens, for example, in Australia or in Canada, I suppose it is the same situation.

Let us take the case of a Filipina who marries a German national who is neither working, doing business, nor residing in the Philippines. Usually, the couple lives in Germany and their child is born in Germany. So, the question is complicated by that situation. The fact is that the child whose mother is a Filipina and married to a foreigner and residing abroad gives rise to complications.

Madam President, I believe that while we must respect the equality of rights of both male and female, especially before the law, we cannot ignore the fact that it is only the female, in this instance a Filipino mother, who gave birth to the child. So, I suggest that this Commission restore paragraphs 3 and 4 of the 1935 Constitution with this amendment, so that paragraph 4 would read: "Those whose mothers are citizens of the Philippines and ARE BORN IN THE PHILIPPINES, or upon reaching the age of majority, elect Philippine citizenship."

With the retention of paragraph 4 and with that suggestion that they must be born here, their right of citizenship as a Filipino citizen is recognized as natural born.

Now, paragraph 3 of the 1973 Constitution may have some meaning because it expressly mentions those who elect Philippine citizenship. We do not even have to say, "pursuant to the provisions of the Constitution of

nineteen hundred and thirty-five." What I am driving at is that for a student of law, he can say: "those who elect Philippine citizenship." The 1973 Constitution does not mention any such right or election. It still makes reference to the 1935 Constitution. So, we might as well retain the two separate provisions of the 1935 Constitution — fathers first, then mothers — so as to grant the children practically the same rights of citizenship. If the child of a Filipino mother married to a foreigner is born in the Philippines, I agree that the child is a Filipino citizen. After all, there will be no problem for dual citizenship. At any rate, we would give the child the option or the right to elect upon reaching the age of majority.

Thank you, Madam President.

MR. DE LOS REYES: Madam President, will Commissioner Padilla yield to a few questions?

MR. PADILLA: Willingly.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: In the 1935 Constitution, when the child is illegitimate — the Filipino mother is not married to the alien — the child follows the citizenship of his mother.

MR. PADILLA: That is correct.

MR. DE LOS REYES: Therefore, if we allow that situation to continue, an illegitimate child practically enjoys better rights than a child whose Filipino mother has the decency to marry the alien father. Moreover, if we revert to the previous concept in the 1935 Constitution, it will encourage alien fathers to continue their illegitimate relations with the Filipino mothers so that their children can have Filipino citizenship. That is one of the reasons why we adopted the provisions in the 1973 Constitution.

MR. PADILLA: I agree with Commissioner de los Reyes that the relationships should be legitimate; that is, with marriage. But if the couple is not married, the Civil Code provides that the citizenship of the child follows that of the mother. It is not because we want to encourage illegitimate or nonmarital relationship between a Filipina and a foreigner, but the fact remains that in such a case, we cannot establish paternity of the child. We know the fact of birth by a mother, the fact of maternity is a ground for recognition. But birth in itself is not a ground for paternity. There is really no clear relation between the child and the father unless there are grounds for voluntary recognition or compulsory acknowledgment.

MR. DE LOS REYES: Yes. But we know for a fact that because of this provision, alien fathers were encouraged to marry their Filipina live-in partners because they had no more fear that if they marry, their children will follow the citizenship of their fathers.

That is all, Commissioner Padilla.

MR. PADILLA: It does not follow that a foreign husband marries a Filipina simply because the former wants the child to be a Filipino. That is non sequitur, because the foreigner marries the Filipina perhaps because he wants his child to follow his citizenship. That is the usual way — the child follows the citizenship of his father.

THE PRESIDENT: Commissioner Guingona wants to be recognized.

MR. GUINGONA: Thank you, Madam President.

There are some observations I would like to make which are not related to the point at issue. But in connection with the discussion we have just heard, at the risk of being branded a male chauvinist, I would like to say that the citizenship laws really distinguish between the father and the mother. For example, under many citizenship laws, the wife follows the citizenship of the husband. I am not aware of any law which provides that the husband

follows the citizenship of the wife.

Anyway, my observations are: First, with regard to Section 1, paragraph 2 of Resolution No. 7 which says: "Those whose fathers or mothers are citizens of the Philippines," I am wondering if we could use the expression "Those born of a Filipino father or mother." I suggest this in order to avoid some questions that may arise because of the nonuse of the word "born." For example, a child is born of a Filipino father and during his minority, the father becomes a naturalized citizen of another country. During the minority of the child, his citizenship is challenged because his father is no longer a Filipino. Therefore, the problem of determining whether that child under this provision is Filipino or not will now come out. Also, this is clear as far as lawyers are concerned: That adoption is a civil act and does not have an effect on citizenship because citizenship is a political status. But I would like to seek clarification from Honorable Bernas whether his Committee has considered this matter of legal adoption. A child who is legally adopted by a Filipino father would automatically be the child of that Filipino father.

Finally, I would like to mention that one of the matters discussed very heatedly in the 1971 UP Law Center Constitution Project was the issue of dual citizenship which I think should be discussed at length, if we have the time.

Thank you.

MR. DE LOS REYES: Madam President, will the Gentleman yield to one more question?

MR. GUINGONA: Willingly.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Did Commissioner Guingona say that the danger lies in the fact that when a Filipino woman marries, an alien, she follows the citizenship of her husband?

MR. GUINGONA: No, I did not talk about danger. I was just comparing. I just said that there were distinctions found in citizenship laws — even in our laws — such that the woman follows the citizenship of her husband. Nowhere do we find a provision which says that the husband follows the citizenship of the wife.

MR. DE LOS REYES: I thought the Commissioner expressed that fear. Nevertheless, this point on the Filipino woman following the citizenship of her husband is taken care of by Section 2, which states:

A female citizen of the Philippines who marries an alien shall retain her Philippine citizenship, unless by acts or omission as defined and determined by law she is deemed to have renounced her citizenship.

MR. GUINGONA: I was not expressing any fear but since the Commissioner mentioned it, I would like to express the fear in connection with this because here we will have a case of dual citizenship.

THE PRESIDENT: Will Commissioner Bernas answer the query of Commissioner Guingona?

FR. BERNAS: As far as the effect of adoption on the citizenship of the individual is concerned, the Committee just assumed that we are following the old rule. The rule on adoption is a civil rule, not a political rule.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Since Commissioner Bernas is already on the podium, may I be permitted to ask a few clarificatory questions?

FR. BERNAS: Willingly.

THE PRESIDENT: Commissioner Regalado may proceed.

MR. REGALADO: In the discussion we had the last time, I understand that your Committee was liberalizing Section 4 of Article III which states that a natural-born citizen is one who is a citizen of the Philippines from birth without having to perform any act to acquire or perfect his Philippine citizenship. There was an amendment to this section which is under consideration to the effect that a child born of mixed parentage and who elects Philippine citizenship upon reaching the age of majority would also be considered a natural-born child.

FR. BERNAS: Yes.

MR. REGALADO: That is quite important because under our Constitution, there are many public offices that can be held only by natural-born citizens.

FR. BERNAS: Yes.

MR. REGALADO: Let us draw some parallelism with some situations and see if there is a common denominator. Let us say that a Filipino male, natural-born Filipino citizen, happened to lose his citizenship while abroad by naturalization. After a few years, he came back to the Philippines and, through the process of repatriation by simply taking his oath of allegiance to the Philippine Republic, he reacquired his Philippine citizenship. Would the Committee consider that within the context of the liberalized amendment adopted by the Committee, he be considered a natural-born citizen which he actually was at the time of birth?

FR. BERNAS: The Committee did not consider that. My own personal thinking on this is that the status of being a natural — born citizen is like a balloon — once it is pricked, it is gone forever.

MR. REGALADO: With respect to a child who became a Filipino citizen by election, which the Committee is now planning to consider a natural-born citizen, he will be so the moment he opts for Philippine citizenship. Did the Committee take into account the fact that at the time of birth, all he had was just an inchoate right to choose Philippine citizenship, and yet, by subsequently choosing Philippine citizenship, it would appear that his choice retroacted to the date of his birth so much so that under the Gentleman's proposed amendment, he would be a natural-born citizen?

FR. BERNAS: But the difference between him and the natural-born citizen who lost his status is that the natural-born who lost his status, lost it voluntarily; whereas, this individual in the situation contemplated in Section 1, paragraph 3 never had the chance to choose.

MR. REGALADO: Let me move to another situation.

A natural-born Filipino citizen is overtaken by a world war in a foreign country. He joins the armed forces of that foreign country which is an ally of the Philippines, and, as a consequence, he had to take an oath of allegiance to that foreign country. If I remember my Revised Naturalization Law, one of the ways of losing Philippine citizenship is by serving in the armed forces of a foreign country — let us say, a friendly foreign country. A case in point took place during the Second World War when the son of one of our former Senators who enlisted in the British Air Force had to take an oath of allegiance thereby losing his Philippine citizenship by reason of such foreign military service. Let us assume that he came back to the Philippines after the war, took his oath of allegiance to the Philippine Republic, and was repatriated as a Filipino citizen. Would he be extended the liberalized policy of being deemed a natural-born Filipino citizen under Section 4?

FR. BERNAS: First of all, my recollection of the Naturalization Law on this subject is that, if an individual serves in the armed forces of a nation with which the Philippines has a mutual defense pact, he is not stripped of his

Philippine citizenship.

MR. REGALADO: In other words, the Gentleman would distinguish it from the case of a natural-born Filipino who takes foreign citizenship by naturalization. If he takes an oath of allegiance to a friendly foreign country as in this case, he would not lose his Philippine citizenship.

FR. BERNAS: That is my recollection of our Naturalization Law — that if the Philippines has a mutual defense treaty with a nation, a Filipino who serves in the army of that nation does not lose his citizenship. But if he takes his oath of allegiance there, that is another question.

MR. REGALADO: Let me turn to another point.

There has been some concern expressed about citizenship by naturalization through legislative process which was allowed in the previous regime. One of the reasons, I understand, advanced for the argument against their having to go through judicial confirmation of their citizenship, even in a summary proceeding, is that such judicial confirmation process would affect the workload of our courts of justice. The other reason given was that they had already acquired the rights of citizenship and, therefore, this proposed requirement should not be retroactive, since there is still the remedy of denaturalization in the event they turn out to have been unworthy of being Filipino citizens through that legislative process.

Has the Gentleman's Committee ascertained the number of foreigners who were so naturalized by legislative process under the previous regime?

FR. BERNAS: No, the Committee did not make any official effort to ascertain but the Committee did make an effort to recollect.

MR. REGALADO: I remember having read some decrees conferring Philippine citizenship on particular persons and then, later, there was the simplified method — administrative in initiation but legislative in conferment of Philippine citizenship — through presidential decrees on quite a number of them. I was just thinking that perhaps the number of those citizens who acquired citizenship by such legislative process under the previous regime could be considered and yield some help on the matter. If there were just a few of them, I suppose judicial confirmation would not be such an unwieldy imposition on the judiciary. But if they were by the thousands, it might affect, of course, the work-load of the judiciary. We should also consider the point raised by Commissioner Concepcion about the fact that even in judicial naturalization, there were some irregularities and much more so in this legislative process, the number of people so conferred such citizenship by legislative fiat could also pose a danger to the security of our country.

Is there any way for the Gentleman's Committee to possibly determine the number of naturalized citizens as a consequence of that legislative process?

FR. BERNAS: I think that is a matter which can easily be answered by the Ministry of Justice.

MR. REGALADO: Thank you, Commissioner Bernas.

THE PRESIDENT: Commissioner Concepcion seeks to be recognized. He may proceed.

MR. CONCEPCION: Thank you, Madam President.

Prior to 1935 nobody paid attention to the matter of citizenship. There were very, very few cases of petitions for naturalization and yet we had a sizeable population of foreigners who had resided in the Philippines for 20, 30 or 40 years, but the framers of our 1935 Constitution realized — when the Constitutional Convention of 1934-35 met to draft the Constitution — they realized then that foreigners were getting an increasing control of practically

everything in the Philippines. And so, they felt they should do something to see to it that something was left for the Filipinos. The 1935 Constitution adopted a policy of partial Filipinization in the enjoyment of natural resources and in the operation of public utilities. Hence, the restrictive provisions in the Constitution of 1935. But the fact that citizenship was a major factor of our development in this country, was made manifest by the fact that, as soon as the 1935 Constitution was ratified, thousands of these foreigners — who had resided in the Philippines for many years and did not care to apply for naturalization — started filing hundreds, then thousands of cases for naturalization. I do not think that the members of the 1935 Constitutional Convention were then more sympathetic to the Filipinos or to the Philippines than they were before. The only explanation for the provisions on citizenship in the 1935 Constitution is that citizenship is the back-door to the enjoyment of our natural resources and the operation of public utilities. The liberalization of the provisions on citizenship in the 1973 Constitution has led to a very marked increase in our applicants for naturalization and what the Constitutional Convention of 1935 was afraid of became a reality. In the movies, clubs, in finances and banking, practically in every branch of endeavor, from prostitution to production of goods in business and trade, we are dominated now by naturalized citizens. This condition was considerably worsened by the 1973 Constitution and certain decrees issued during the martial law regime. It is important to control the door to the enjoyment of natural resources and operation of our public utilities, if we wish to maintain the policy of Filipinization in relation thereto. I am sure that the distinction between children born of a foreign father and children born of a Filipino mother was not motivated by any idea of inequality. I maintain that by giving these to children of Filipino mothers whose fathers are foreigners will give these children rights which are more effective than those possessed by other Filipinos. We have an illustration in the so-called Parity Amendment to the Constitution of 1935. Theoretically, the Americans were given the same rights as the Filipinos, but, in fact, the Americans got better rights than those of Filipinos. Reason: In the competition between the Filipinos and Americans, the Filipinos were always at a disadvantage because, the Americans had better and greater financial facilities. And this is also true as regards naturalization. First, aliens who are poor do not apply for naturalization. If they do, they would not qualify for naturalization. They could validly claim to have a lucrative occupation. There was a time when it was held that "lucrative" meant enough to keep body and soul together or, not a burden on society. But subsequent decisions construed "lucrative" as meaning that the applicant would be an asset to the community. Then again, applicants for naturalization were mostly businessmen who generally have better financial backing than that of the average Filipinos. Even banks are now under the overriding influence of aliens or naturalized citizens. If our citizenship and naturalization laws maintain this present policy, I am afraid that aliens or naturalized citizens will dominate not only our economy but, also, our policy-making organs.

The present and the proposed constitutional provisions on citizenship are inimical to national interest and conducive to serious problems of double nationality and conflict of laws. It undermines family unity, for the alien husband's national law may be inconsistent with the Philippine law on the rights and prerogatives of the Filipina wife, particularly on the parental authority over the children and the administration and disposition of the conjugal property. No less serious are the effects of conflicts of allegiance arising from double nationality.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Concepcion kindly yield to a question or two?

MR. CONCEPCION: Gladly.

MR. OPLE: I think the Commissioner's remarks touched on a subject of great strategic importance for national development and this has to do with citizenship as the key to economic opportunities in the country. If I got the

Commissioner's bearings right, he would as much as possible tighten up this access to economic opportunities in the Philippines by more astringent naturalization laws?

MR. CONCEPCION: Correct.

MR. OPLE: Does not the Commissioner think that this insight into our situation is a little bit late because most of the overseas communities in the Philippines that presumably the Commissioner referred to, according to my impression, are already naturalized, leaving just a few perhaps of the older generation who have remained obdurate in their attachment to, let us mention the word, China, and therefore would like to die as Chinese rather than take the daring act in their old age of changing their citizenship? So, there are a few left who are subject to naturalization.

I think what has happened is, an assimilation policy, whether intended or not, has been put into effect since the 1935 Constitution. As a result, you have your national community now considerably enriched by fresh infusions from another race. Today some columnists speak of the resurgence of the celestial Filipinos and their new prominence in the halls of power.

I do not know about the exact correlation between a policy of assimilation through naturalization and the distribution of economic opportunities. I think some of us will recall that in the earliest decades of the Spanish colonization, the Chinese in the Philippines were prevented from engaging in agriculture. The Commissioner must recall that in the 16th and 17th centuries, recognized until just about the era which Rizal wrote of in the *Noli Me Tangere* and *El Filibusterismo*, they were denied access to agriculture and, therefore, they decided to go massively into commerce and trade. And, of course, the Filipinos remained the peasants, while the Chinese emerged as the new class in business and industry

And more recently, I would like to ask Commissioner Concepcion if he remembers the Filipino retail trade, the act nationalizing the retail trade, because of the profound concern that the Commissioner is now reiterating — that even down to the last hamlet in the country it was these, I call them celestial Filipinos or our celestial guests, who were running the sari-sari stores. I think the effect was a massive displacement. And today, most of the sari-sari stores are, in fact, run by Filipinos. In the meantime, the celestial peddlers and small storekeepers have graduated into banking — I think the Commissioner also referred to that — to a degree that they seem now to hold the levers of power through the control of banking. So that whenever by law or by policy one sought to displace them in one area, by some special gift that they seem to possess and which we seem to lack, they just graduate into a higher rank of control and prominence in our economic life. And, therefore, perhaps, in the first place, it might be too late because most of them have now become naturalized Filipinos; in the second place, the assimilation policy seems to be not a total failure.

I remember a book out of the University of Chicago three or four years ago wholly devoted to the thesis of how to make the most of the overseas Chinese minorities in the economies of Southeast Asia, which means one can regard them as an asset or a blessing rather than a bane, and I do not know whether this is supported by the experience of Commissioner Concepcion. But certainly, I know many Filipino-Chinese who seemed to have grown a deep attachment to this country and who now seem to share the deepest values that we have as Filipinos. There might be exceptions.

But I do not know if the experience of the Members of the Constitutional Commission supports the observation that, in fact, the assimilation policy has worked well and the Filipino-Chinese among us, especially the younger generation, seem now to strongly identify with our own national values and aspirations.

But, of course, I have no quarrel with the thesis put forward by Commissioner Concepcion. I just thought we

could put some of his remarks in a longer historical perspective. And as far as I am concerned, I will not quarrel with his proposal for raising the standards for the naturalization of future Filipinos.

Thank you, Madam President.

MR. CONCEPCION: Madam President.

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: May I react to the words of Commissioner Ople?

THE PRESIDENT: Please proceed.

MR. CONCEPCION: I will say only two things. First, do we want still to maintain the policy of relative Filipinization of the enjoyment of natural resources and the operation of public utilities? If we want to maintain the same, we must see to it that the matter of acquisition of citizenship by naturalization is made as strict as possible.

And the second point that I would want to advert to is that although we seemingly are more prosperous now, yet I feel that the Filipino people are poorer, much poorer than before, and that aliens or naturalized citizens are much richer than before. It is for the nation or the Filipino people to decide what policy to adopt.

I feel that by adopting a policy leading to double citizenship of a child of alien father and Filipino mother, that child has better opportunities than those now available to children whose parents are both natural-born citizens of the Philippines. Then too, double nationality is conducive to the complex problems of conflict of laws, of private international law.

Suffice it to say that these problems are among the hardest, the solutions to which are the least developed in the entire field of law.

Thank you, Madam President.

THE PRESIDENT: Does Commissioner Villacorta seek to be recognized?

MR. VILLACORTA: Thank you very much, Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: May I address some questions to Commissioners Concepcion and Bernas?

I am glad that the discussions on citizenship are on the less legalistic subject of assimilation. I would like to ask the Commissioners about the advisability of requiring naturalized citizens to genuinely integrate themselves in the national mainstream. A psychologist has said that one becomes a Filipino when he thinks he is a Filipino.

As Commissioner Concepcion has suggested, too many of our naturalized citizens are Filipinos only in name and for convenience. Would it be all right to require them to adopt a Filipino name, learn the national language and send their children to Filipino schools? Moreover, would it be advisable to oblige them to respect Filipino customs and traditions and never to exercise discrimination in commerce and employment against natural-born Filipinos? Our naturalization laws are inadequate in meeting these requirements.

This proposal of mine is twofold; it carries with it an incentive. In order to motivate naturalized citizens to assimilate themselves and also to reduce a two-way discrimination, would it be all right to propose that naturalized citizens who have proven themselves to be worthy of being called Filipinos for over a period of time be considered natural-born citizens? In other words, the stigma of being a second-class citizen which breeds

mutual discrimination and invites corruption and unpatriotic acts will phase itself out after a probation period. Those who refuse to be assimilated and become guilty of unpatriotic activities will be denaturalized.

This proposal could be true to our ideal of building a just and humane society because discrimination in any form, particularly racial discrimination, will now be absent in our country.

MR. CONCEPCION: Madam President.

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: Rather than emphasize the disposition of the naturalized citizen — to be integrated into our community — what I believe to be of more importance is proof of the fact that the one seeking naturalization after so many years of residence in this country really do feel like a Filipino citizen.

I suppose the Members of the Commission are aware of the fact that, when we were induced by the Americans to withdraw recognition of the Chinese government in Taiwan and to recognize the People's Republic in mainland China, practically all members of the nationalist group in the Philippines applied for citizenship. I do not think that this is a manifestation of their identification with the Philippines. It was obvious that they sought Philippine citizenship to avoid being under a communist or socialist rule.

In the same manner, with regard to those who did not apply for naturalization from 1935 to 1973, despite many years of residence in the Philippines, were they merely motivated to do so in view of the provision concerning conservation of our natural resources and the operation of public utilities?

We welcome people who really feel like Filipinos when applying for naturalization. Of course, there may be individual exceptions, but, as a matter of general trend, that is not a fact.

Since one of the requirements for naturalization is a reasonable command of the language, most of these applicants for naturalization take lessons in Filipino-Tagalog. The applicants' manifest eagerness to comply with this requirement unfolded a number of very interesting situations.

Sometimes, applicants for naturalization answer a few simple questions from the fiscal, and the applicant would say "O, wala nang tanong? About sa Constitution, tanungin mo ako, how about so and so or such and such." In other words, they had been rehearsed by somebody, hoping that the questions would address themselves to those who are asked to demonstrate that they studied and reasonably possessed our native language.

Thank you, Madam President.

THE PRESIDENT: Thank you.

The Vice-President is recognized.

MR. PADILLA: I would like to state, Madam President, that our Revised Naturalization Law, Commonwealth Act No. 473, provides for those who are qualified and those who are disqualified for naturalization. So, the purpose mentioned by Commissioner Villacorta are good but these are already provided for in the Naturalization Law. In other words, in addition to some requirements regarding residence and so forth, the law requires that the applicant for naturalization should have all the qualifications and none of the disqualifications. And in those provisions, one requirement is that the applicant should be able to speak English or Spanish or a native dialect. It also requires that he send his children to Filipino schools where Philippine history, among others, is taught and that they mingle socially with Filipinos with the intention of imbibing our customs and traditions.

So, if the foreigner has applied for and was granted citizenship judicially under the naturalization law, there are enough safeguards for the applicant to be a good Filipino citizen. The problem is that there are many foreigners,

especially of Chinese descent residing in the Philippines, who have obtained Filipino citizenship not through judicial procedure but through executive or administrative proceedings, through liberalization of the naturalization law by letters of instruction of the former Chief Executive. But the problem is that many of these naturalized citizens have already acquired their rights as citizens and it may not be possible to divest them of their citizenship unless they fall under the provisions of the naturalization law which also provide for the cancellation of their certificates of citizenship.

During the time when I was a member of Congress for three terms, there was no naturalization by legislation except in very few exceptions — like in the cases of those priests and educators who had spent practically their entire lives in the Philippines and had rendered valuable services to the education of our youth. So, when they mentioned the legislative process, I sort of recognized reacted adversely because Congress had not granted naturalization by legislation. What had been granted were naturalizations through LOIs, which were administrative in nature through the Solicitor General's Office. In the past, as former solicitor generals, we were very strict with regard to applications for naturalization. And even when the trial court had granted them their petitions for naturalization, we usually appealed to the Supreme Court for a review if we felt that there had been no complete compliance with the qualifications and the disqualifications under the Naturalization Law.

One more comment about Commissioner Guingona's remark that instead of saying "those whose fathers or mothers are citizens of the Philippines," it should be "children born of Filipino fathers or mothers": the problem with that suggestion, Madam President, is that we may be recognizing the principle of *jus soli* when our jurisprudence and legislating have been adhering to the principle of *jus sanguinis*.

Thank you.

MR. ALONTO: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. ALONTO: There being no more matters in the agenda, I move that we adjourn until five o'clock tomorrow afternoon.

THE PRESIDENT: The session is adjourned until tomorrow at five o'clock in the afternoon.

It was 7:07 p.m.

[*] Appeared after the Roll Call.

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