

REVISED RULES GOVERNING PHILIPPINE CITIZENSHIP UNDER REPUBLIC ACT (R.A.) NO. 9225 AND ADMINISTRATIVE ORDER (A.O.) NO. 91, SERIES OF 2004

BI MEMORANDUM CIRCULAR NO. MCL-08-006 2008, September 03, 2008

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WHEREAS, R.A. No. 9225 declares that natural-born citizens of the Philippines who become citizens of another country shall retain or reacquire Philippine Citizenship upon taking an oath of allegiance to the republic and subject to such other conditions provided therein;

WHEREAS, to encourage a higher turn-out of applicants for retention and re-acquisition of Philippine citizenship, there is need to further simplify the rules and regulations implementing R.A. 9225.

WHEREAS, in keeping the spirit and intent of the law, former natural-born Philippine citizens seeking to avail of the benefits of RA 9225 shall be presumed to be natural born citizens unless proven otherwise.

WHEREAS, A.O. No. 91, Section 1 designates the Bureau of Immigration (Bi), in consultation with the Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Office of the Civil Registrar-General and National Statistics Office (NSO), as the implementing agency of R.A. No. 9225;

WHEREAS, the A.O. No. 91, Section 2 authorizes the BI to promulgate and issue rules and regulations to implement R.A. No. 9225;

WHEREFORE, by authority of A.O. No. 91, Section 2 in relation to Commonwealth Act No. 613, Section 3, as amended, the following rules are hereby adopted to carry out the provisions of R.A. No. 9225.

SECTION 1. Coverage - These rules shall apply to former natural-born citizens of the Philippines, as defined by Philippine law and jurisprudence, who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country.

SECTION 2. Former natural-born Philippine citizen in the country- A former natural born citizen of the Philippines who is in the country shall file a verified petition for retention/ acquisition of Philippine citizenship with the Bureau of Immigration.

If the former Philippine citizen is registered as an alien with the Bureau, he/she shall in his petition a request for the cancellation of his/her Alien Certificate of Registration (ACR or ACR-I card) and Immigrant Certificate of Residence (ICR) or Certificate of Residence for Temporary Visitors (CRTV), as the case may be.

He/she shall likewise be issued a Certificate of Re-acquisition/Retention of Philippine Citizenship (CRPC) subject to the provisions of these rules. Thereafter, he/she may opt to apply for a Philippine passport with the Department of Foreign Affairs (DFA) as he/she may deem necessary.

SECTION 3. Former natural-born Philippine citizen abroad - A former natural-born citizen of the Philippines who is abroad shall file a verified petition with the nearest Philippine Foreign Post for retention/reacquisition of Philippine citizenship.

If the former Philippine citizen who is abroad is registered as an alien with the Bureau, he/she shall include in his petition a request for the cancellation of his/her Alien Certificate of Registration (ACR or ACR I-card) and Immigrant Certificate of Residence (ICR) or Certificate of Residence for Temporary Visitors (CRTV) as the case may be.

The concerned Philippine Foreign Posts are hereby authorized to issue Certificates of re-acquisition/retention of Philippine Citizenship subject to the provisions of these rules. Thus, applicant may likewise apply for the issuance of a Certificate of Re-acquisition/ Retention of Philippine citizenship or opt to apply for a Philippine passport as he/she may deem necessary.

SECTION 4. Petition and Photographs - Applicants for retention/reacquisition of Philippine citizenship, must indicate in his Petition the following:

- a. His/her full name as shown in the foreign naturalization certificate or foreign passport. In case of change of name, the applicant should also state the name appearing in the birth certificate or the old Philippine passport
- b. His/her latest forwarding address;
- c. His/her date and place of birth and civil status;
- d. Name and citizenship of the parents at the time of applicant's birth,
- e. Name, date and place of birth of child beneficiary, if any;
- f. Two (2) recent passport size photographs over royal blue background shall be attached to the petition.

SECTION 5. Fees - Applicants in the Philippines shall attach the official receipt for the amount of P2,500.00, as proof of payment of processing fee. Applicants abroad shall attach the official receipt for the amount of US\$50 or its equivalent in foreign currency acceptable to the Philippine Foreign Post concerned.

Each beneficiary shall be assessed a separate processing fee of P1.250 or 25.00 or its equivalent in foreign currency acceptable to the Philippine Foreign Post concerned.

SECTION 6. Proof as natural-born citizen of the Philippines - A former natural-born Citizen of the Philippines shall enjoy the presumption that he/she was a natural born Filipino provided, that proof of Philippine citizenship, a copy of at one of the following shall be submitted, the original of which shall be presented and appropriately marked by the evaluating officer "original seen and verified".

1. Philippine Birth Certificate;
2. Old Philippine passport;
3. Voter's affidavit or voter's identification card;
4. Marriage Contract indicating the Philippine citizenship of the applicant; and
5. Such other document that would show that the applicant is a former natural born citizen of the Philippines as may be acceptable to the evaluating officer.

In all cases, the evaluating officer may require the submission of additional documents if there is reasonable ground to believe that the applicant is not a former natural-born Filipino.

If the document/s submitted as proof of natural-born Philippine citizenship is/are document/s issued by the Bureau, the same should be verified with Bureau's Alien Registration Division.

SECTION 7. Discrepancy in the name of the applicant - Where the name of the applicant in his/her birth certificate or other documents submitted for consideration, is different from that in his/her foreign passport and other documents, the applicant shall execute an affidavit explaining such difference and attach as supporting

documents, at least two (2) public or private documents showing the correct name of the applicant, the original of which shall be presented and appropriately marked by the evaluating officer "original seen and verified".

In such case, the Order granting the application shall state the name as appearing in the birth certificate, followed, as an alias, by the name as appearing in the foreign passport.

If the applicant secured a correction of entry of his/her birth certificate with the appropriate Local Civil Registrar or the Court, the Order and Identification Certificate if any, shall state the name of the applicant as reflected in the annotated birth certificate.

For documents issued abroad, the applicant shall submit copies that have been duly authenticated by the Philippine Consulate in the place where the document was issued.

SECTION 8. The Oath of Allegiance - Applicants under these Rules shall take and give their Oath of Allegiance to the Republic of the Philippines as follows:

I (name of the applicant) solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and legal orders promulgated by the duly constituted authorities of the Philippine, and I hereby declare that I recognize and accept the supreme authority of the Philippines and will maintain true faith and allegiance thereto, and that I impose this obligation upon myself voluntarily without mental reservation or Purpose of evasion.

SECTION 9. Certificate of Naturalization - Applicants shall be required to submit a photocopy of their Certificate of Naturalization. In the absence of the same, the applicant may submit an affidavit explaining the circumstances by which the foreign citizenship was acquired.

SECTION 10. Compliance and Approval Procedures -All petitions must strictly comply with the preceding requirements prior to filing at the Central Receiving Section at the Ground Floor, Bureau of Immigration Building, Intramuros, Manila or the nearest Philippine Foreign Post, as the case may be.

At the Central Receiving Section of the Bureau of Immigration, the Processor shall conduct pre-evaluation of the documents filed in support of the petition. Should the documents submitted be deficient, the Processor shall immediately return the same to the petitioner advising the latter of the deficiency. If, on the other hand, the documents are complete, the same shall be immediately assigned to an evaluating officer who shall evaluate the same without further proceedings.

If the petition is found to be sufficient in form and in substance, an Order of Approval and Certificate of Re-acquisition/Retention of Philippine Citizenship shall be submitted to the Commissioner of Immigration or Consul-General, as the case maybe, for his/her approval/signature.

For applications of BI registered aliens filed under Section 2, a copy of the Order of approval, Certificate of Re-acquisition/Retention of Philippine Citizenship and the ACR or I-card and ICR/CRTV, as the case may be, shall be forwarded to the Chief of Alien Registration Division (ARD) for the cancellation of the applicant's registration.

For applications of BI registered aliens filed under Section 3, the Consul General shall require the applicant to surrender his/her original ACR or, I-Card and ICR/CRTV, or in its absence, an affidavit of loss of said documents for transmittal to the BI, before issuing the Order of Approval and the Certificate of Re-acquisition/Retention of Philippine Citizenship. The BI upon receipt of the applicant's records shall immediately cancel the subject's ACR or i-Card and ICR/CRTV.

In case of petitions that do not comply with the requirements, the applicant shall be notified to submit the required

documents within thirty (30) days from receipt thereof. Otherwise, the petition shall not be favorably acted upon by the BI or by the Philippine Foreign Post.

If after evaluation, the documents submitted fail to establish the applicant was a former citizen of the Philippines, the applicant shall be notified of such fact in writing by the Commissioner of Immigration or by the Philippine Foreign Post.

SECTION 11. Re-acquisition/Retention of Philippine Citizenship - Subject to full compliance with these Rules, the Oath of Allegiance shall be the final act to retain/reacquire Philippine citizenship.

In case the applicant is in the Philippines, applicants under these rules shall, as far as practicable, take their oath of allegiance before the Commissioner of Immigration or any duly authorized official of the Bureau. If the oath was taken before any other officer authorized by law to administer oaths, the same shall be allowed only upon submission of a written justification therefor. In the latter case, the applicant shall submit the Oath of Allegiance and the written justification to the BI to form part of his records.

In case the applicant is abroad, only the consul General or duly commissioned foreign service officer of the Philippine Foreign Post concerned shall administer the Oath of Allegiance.

SECTION 12. Repository of records - The BI Records Section shall maintain the integrity of all the documents filed under these Rules. It shall send official copies of the CRPC and Oath of Allegiance to the NSO.

SECTION 13. Copies for the applicant. Correction of errors -The applicant shall be provided with official copies of the Order of Approval and the Oath of Allegiance. Further, all CRPC which may be issued under these Rules shall indicate Philippine Citizenship under D A No 9225 and A.O. No. 91, s. of 2004. Any clerical error or errors in the entries of the CRPC may be corrected, upon written request to and approval by the Commissioner of Immigration. The NSO shall be promptly provided with a copy of the corrected CRPC.

SECTION 14. Confidentiality of Records-Any application, document or information given before the BI or any Philippine Foreign Post shall not be divulged in any manner to any person or entity without the express written consent of the person to whom such application, record or information belongs.

SECTION 15. Other beneficiaries of R.A. No. 9225 - A child whether legitimate, illegitimate or adopted, below eighteen (18) years of age, shall be considered to have re-acquired the Philippine citizenship at the same time the father or mother re-acquires Philippine citizenship provided that the applicant includes the child as beneficiary and pays the appropriate fees prescribed under Section 5.

Each beneficiary shall be required to submit: (i) photocopy of birth certificate; and (ii) photocopy of foreign passport.

A child who is 18 years of age or above at the time of the parent's acquisition of Philippine citizenship but was born when either parent was still a Filipino citizen, shall be considered to have been a natural born Filipino and may apply for Re-acquisition/Retention of Philippine Citizenship on his/her own behalf.

In addition, the applicant must show proof that whether or both parents were Filipino citizens at the time of his/her birth.

SECTION 16. Beneficiary is adopted - If the beneficiary under Section 4 of R.A. 9225 is a child who was adopted abroad, the applicant shall submit the adoption decree duly authenticated by the appropriate Philippine consulate.

If the beneficiary was adopted in the Philippines, the applicant shall submit a certified true copy of the adoption decree.

SECTION 17. Philippine citizens who became aliens after the effectivity of R.A. 9225 - These Rules shall likewise apply to Philippine citizens who have become a citizen another country after the effectivity date of R.A. 9225.

SECTION 18. Automated System - For petitions filed at the Bureau of Immigration „ Petitions under these rules shall be incorporated with the existing automated system with the Bureau to ensure efficiency and integrity. The order of approval and the Certificate of Re-acquisition/Retention of Philippine Citizenship shall be systems-generated and signed by the Commissioner prior to its issuance.

For petitions filed at the Philippine Foreign post - The Bureau of Immigration shall provide the Department of Foreign Affairs with a digitized format of the Certificate of Re acquisition/Retention of Philippine Citizenship to promote uniformity.

SECTION 19. Exemption from Administrative Review- Retention/Re-acquisition of Philippine Citizenship under these Rules shall not be subject to the affirmation by the Secretary of Justice pursuant to DOJ Policy Directive of 7 September 1970 and DOJ Opinion No. 108 (series of 1996).

However, the Order of Approval issued under these Rules may be revoked by the Department of Justice upon a substantive finding of fraud, misrepresentation or concealment on the part of the applicant and after an administrative hearing initiated by an aggrieved party or by the BI.

Notwithstanding the exemption from administrative review as provided herein, nothing in these rules shall be construed as to diminish the administrative supervision of the Secretary of Justice over the BI. Consistent with this, the BI shall submit a monthly report to the DOJ of approved petitions for retention/reacquisition of Philippine citizenship.

SECTION 20. Repealing Clause - Provisions of other memorandum circulars inconsistent herewith are hereby repealed or modified accordingly.

SECTION 21. Effectivity - This memorandum circular takes effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

(SGD.) MARCELINO C. LIBANAN
Commissioner

Approved by:

(SGD.) RAUL M. GONZALES
Secretary
Department of Justice

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