JOEVANIE ARELLANO TABASA, PETITIONER, VS. HON. COURT OF APPEALS, BUREAU OF IMMIGRATION AND DEPORTATION AND WILSON SOLUREN, RESPONDENTS.

G.R. NO. 125793. August 29, 2006

Ponente: VELASCO, JR., J.

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VELASCO, JR., J.:

Citizenship is a priceless possession. Former U.S. Chief Justice Earl Warren fittingly emphasized its crowning value when he wrote that "it is man's basic right for it is nothing less than to have rights."[1] When a person loses citizenship, therefore, the State sees to it that its reacquisition may only be granted if the former citizen fully satisfies all conditions and complies with the applicable law. Without doubt, repatriation is not to be granted simply based on the vagaries of the former Filipino citizen.

The Case

The instant petition for review[2] under Rule 45 of the 1997 Rules of Civil Procedure contests the denial by the Court of Appeals (CA) of the Petition for Habeas Corpus interposed by petitioner Joevanie Arellano Tabasa from the Order of Summary Deportation issued by the Bureau of Immigration and Deportation (BID) for his return to the United States.

The Facts

The facts as culled by the CA from the records show that petitioner Joevanie Arellano Tabasa was a natural-born citizen of the Philippines. In 1968,[3] when petitioner was seven years old,[4] his father, Rodolfo Tabasa, became a naturalized citizen[5] of the United States. By derivative naturalization (citizenship derived from that of another as from a person who holds citizenship by virtue of naturalization[6]), petitioner also acquired American citizenship.

Petitioner arrived in the Philippines on August 3, 1995, and was admitted as a "balikbayan" for one year. Thereafter, petitioner was arrested and detained by agent Wilson Soluren of the BID on May 23, 1996, pursuant to BID Mission Order No. LIV-96-72 in Baybay, Malay, Aklan; subsequently, he was brought to the BID Detention Center in Manila.[7]

Petitioner was investigated by Special Prosecutor Atty. Edy D. Donato at the Law and Investigation Division of the BID on May 28, 1996; and on the same day, Tabasa was accused of violating Section 8, Chapter 3, Title 1, Book 3 of the 1987 Administrative Code, in a charge sheet which alleged:

- That on 3 August 1995, respondent (petitioner herein [Tabasa]) arrived in the Philippines and was admitted as a balikbayan;

- That in a letter dated 16 April 1996, Honorable Kevin Herbert, Consul General of [the] U.S. Embassy, informed the Bureau that respondent's Passport No. 053854189 issued on June 10, 1994 in San Francisco, California,

U.S.A., had been revoked by the U.S. Department of State;

- Hence, respondent [petitioner Tabasa] is now an undocumented and undesirable alien and may be summarily deported pursuant to Law and Intelligence Instructions No. 53 issued by then Commissioner Miriam Defensor Santiago to effect his deportation (Exhibit 3).[8]

The pertinent portion of the Herbert letter is as follows:

> The U.S. Department of State has revoked U.S. passport 053854189 issued on June 10, 1994 in San Francisco, California under the name of Joevanie Arellano Tabasa, born on February 21, 1959 in the Philippines. Mr. Tabasa's passport has been revoked because he is the subject of an outstanding federal warrant of arrest issued on January 25, 1996 by the U.S. District Court for the Northern District of California, for violation of Section 1073, "Unlawful Flight to Avoid Prosecution," of Title 18 of the United States Code. He is charged with one count of a felon in possession of a firearm, in violation of California Penal Code, Section 12021(A)(1), and one count of sexual battery, in violation of California Penal Code, Section 243.4 (D).[9]

The BID ordered petitioner's deportation to his country of origin, the United States, on May 29, 1996, in the following summary deportation order:

> Records show that on 16 April 1996, Mr. Kevin F. Herbert, Consul General of the U.S. Embassy in Manila, filed a request with the Bureau to apprehend and deport the abovenamed [sic] respondent [petitioner Tabasa] on the ground that a standing warrant for several federal charges has been issued against him, and that the respondent's Passport No. 053854189 has been revoked.
>
> By reason thereof, and on the strength of Mission Order No. LIV-96-72, Intelligence operatives apprehended the respondent in Aklan on 23 May 1996.
>
> In Schonemann vs. Commissioner Santiago, et al., (G.R. No. 81461 [sic, "81461" should be "86461"], 30 May 1989), the Supreme Court ruled that if a foreign embassy cancels the passport of an alien, or does not reissue a valid passport to him, the alien loses the privilege to remain in the country. Further, under Office Memorandum Order No. 34 issued on 21 August 1989, summary deportation proceedings lie where the passport of the alien has expired.
>
> It is, thus, apparent that respondent has lost his privilege to remain in the country.[10]

Petitioner filed before the CA a Petition for Habeas Corpus with Preliminary Injunction and/or Temporary Restraining Order[11] on May 29, 1996, which was docketed as CA-G.R. SP No. 40771. Tabasa alleged that he was not afforded due process; that no warrant of arrest for deportation may be issued by immigration authorities before a final order of deportation is made; that no notice of the cancellation of his passport was made by the U.S. Embassy; that he is entitled to admission or to a change of his immigration status as a non-quota immigrant because he is married to a Filipino citizen as provided in Section 13, paragraph (a) of the Philippine Immigration Act of 1940; and that he was a natural-born citizen of the Philippines prior to his derivative naturalization when he was seven years old due to the naturalization of his father, Rodolfo Tabasa, in 1968.

At the time Tabasa filed said petition, he was already 35 years old.[12]

On May 30, 1996, the CA ordered the respondent Bureau to produce the person of the petitioner on June 3, 1996 and show the cause of petitioner's detention, and restrained the Bureau from summarily deporting him. On June 3, 1996, the BID presented Tabasa before the CA; and on June 6, 1996, the CA granted both parties ten (10) days within which to file their memoranda, after which the case would be considered submitted for decision.[13] Meanwhile, the Commissioner of Immigration granted the petitioner's temporary release on bail on a PhP 20,000.00 cash bond.[14]

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However, on June 13, 1996, petitioner filed a Supplemental Petition alleging that he had acquired Filipino citizenship by repatriation in accordance with Republic Act No. 8171 (RA 8171), and that because he is now a Filipino citizen, he cannot be deported or detained by the respondent Bureau.[15]

The Ruling of the Court of Appeals

The CA, in its August 7, 1996 Decision,[16] denied Tabasa's petition on the ground that he had not legally and successfully acquired—by repatriation—his Filipino citizenship as provided in RA 8171. The court said that although he became an American citizen by derivative naturalization when his father was naturalized in 1968, there is no evidence to show that he lost his Philippine citizenship "on account of political or economic necessity," as explicitly provided in Section 1, RA 8171—the law governing the repatriation of natural-born Filipinos who have lost their citizenship. The affidavit does not state that political or economic necessity was the compelling reason for petitioner's parents to give up their Filipino citizenship in 1968. Moreover, the court a quo found that petitioner Tabasa did not dispute the truth of the April 16, 1996 letter of the United States Consul General Kevin F. Herbert or the various warrants issued for his arrest by the United States court. The court a quo noted that after petitioner was ordered deported by the BID on May 29, 1996, he successively executed an Affidavit of Repatriation on June 6, 1996 and took an oath of allegiance to the Republic of the Philippines on June 13, 1996—more than ten months after his arrival in the country on August 3, 1995. The appellate court considered petitioner's "repatriation" as a last ditch effort to avoid deportation and prosecution in the United States. The appellate court concluded that his only reason to want to reacquire Filipino citizenship is to avoid criminal prosecution in the United States of America. The court a quo, therefore, ruled against Tabasa, whose petition is now before us.

The Issue

The only issue to be resolved is whether petitioner has validly reacquired Philippine citizenship under RA 8171. If there is no valid repatriation, then he can be summarily deported for his being an undocumented alien.

The Court's Ruling

The Court finds no merit in this petition.

RA 8171, "An Act Providing for the Repatriation of Filipino Women Who Have Lost Their Philippine Citizenship by Marriage to Aliens and of Natural-Born Filipinos," was enacted on October 23, 1995. It provides for the repatriation of only two (2) classes of persons, viz:

> Filipino women who have lost their Philippine citizenship by marriage to aliens and natural-born Filipinos who have lost their Philippine citizenship, including their minor children, on account of political or economic necessity, may reacquire Philippine citizenship through repatriation in the manner provided in Section 4 of Commonwealth Act No. 63, as amended: Provided, That the applicant is not a:
>
> (1) Person opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing organized government;
>
> (2) Person defending or teaching the necessity or propriety of violence, personal assault, or association for the predominance of their ideas;
>
> (3) Person convicted of crimes involving moral turpitude; or
>
> (4) Person suffering from mental alienation or incurable contagious diseases.[17] (Emphasis supplied.)

Does petitioner Tabasa qualify as a natural-born Filipino who had lost his Philippine citizenship by reason of political or economic necessity under RA 8171?

He does not.

Persons qualified for repatriation under RA 8171

To reiterate, the only persons entitled to repatriation under RA 8171 are the following:

- Filipino women who lost their Philippine citizenship by marriage to aliens; and

- Natural-born Filipinos including their minor children who lost their Philippine citizenship on account of political or economic necessity.

Petitioner theorizes that he could be repatriated under RA 8171 because he is a child of a natural-born Filipino, and that he lost his Philippine citizenship by derivative naturalization when he was still a minor.

Petitioner overlooks the fact that the privilege of repatriation under RA 8171 is available only to natural-born Filipinos who lost their citizenship on account of political or economic necessity, and to the minor children of said natural-born Filipinos. This means that if a parent who had renounced his Philippine citizenship due to political or economic reasons later decides to repatriate under RA 8171, his repatriation will also benefit his minor children according to the law. This includes a situation where a former Filipino subsequently had children while he was a naturalized citizen of a foreign country. The repatriation of the former Filipino will allow him to recover his natural-born citizenship and automatically vest Philippine citizenship on his children of jus sanguinis or blood relationship:[18] the children acquire the citizenship of their parent(s) who are natural-born Filipinos. To claim the benefit of RA 8171, however, the children must be of minor age at the time the petition for repatriation is filed by the parent. This is so because a child does not have the legal capacity for all acts of civil life much less the capacity to undertake a political act like the election of citizenship. On their own, the minor children cannot apply for repatriation or naturalization separately from their parents.

In the case at bar, there is no dispute that petitioner was a Filipino at birth. In 1968, while he was still a minor, his father was naturalized as an American citizen; and by derivative naturalization, petitioner acquired U.S. citizenship. Petitioner now wants us to believe that he is entitled to automatic repatriation as a child of natural-born Filipinos who left the country due to political or economic necessity. This is absurd. Petitioner was no longer a minor at the time of his "repatriation" on June 13, 1996. The privilege under RA 8171 belongs to children who are of minor age at the time of the filing of the petition for repatriation.

Neither can petitioner be a natural-born Filipino who left the country due to political or economic necessity. Clearly, he lost his Philippine citizenship by operation of law and not due to political or economic exigencies. It was his father who could have been motivated by economic or political reasons in deciding to apply for naturalization. The decision was his parent's and not his. The privilege of repatriation under RA 8171 is extended directly to the natural-born Filipinos who could prove that they acquired citizenship of a foreign country due to political and economic reasons, and extended indirectly to the minor children at the time of repatriation.

In sum, petitioner is not qualified to avail himself of repatriation under RA 8171. However, he can possibly reacquire Philippine citizenship by availing of the Citizenship Retention and Re-acquisition Act of 2003 (Republic Act No. 9225) by simply taking an oath of allegiance to the Republic of the Philippines.

Where to file a petition for repatriation pursuant to RA 8171

Even if we concede that petitioner Tabasa can avail of the benefit of RA 8171, still he failed to follow the procedure for reacquisition of Philippine citizenship. He has to file his petition for repatriation with the Special Committee on Naturalization (SCN), which was designated to process petitions for repatriation pursuant to Administrative Order No. 285 (A.O. No. 285) dated August 22, 1996, to wit:

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> Section 1. Composition.—The composition of the Special Committee on Naturalization, with the Solicitor General as Chairman, the Undersecretary of Foreign Affairs and the Director-General of the National Intelligence Coordinating Agency, as members, shall remain as constituted.
>
> Sec. 2. Procedure.—Any person desirous of repatriating or reacquiring Filipino citizenship pursuant to R.A. No. 8171 shall file a petition with the Special Committee on Naturalization which shall process the same. If their applications are approved[,] they shall take the necessary oath of allegiance to the Republic of the Philippines, after which they shall be deemed to have reacquired Philippine citizenship. The Commission on Immigration and Deportation shall thereupon cancel their certificate of registration (emphasis supplied).
>
> Sec. 3. Implementing Rules.—The Special Committee is hereby authorized to promulgate rules and regulations and prescribe the appropriate forms and the required fees for the processing of petitions.
>
> Sec. 4. Effectivity.—This Administrative Order shall take effect immediately.

In the Amended Rules and Regulations Implementing RA 8171 issued by the SCN on August 5, 1999, applicants for repatriation are required to submit documents in support of their petition such as their birth certificate and other evidence proving their claim to Filipino citizenship.[19] These requirements were imposed to enable the SCN to verify the qualifications of the applicant particularly in light of the reasons for the renunciation of Philippine citizenship.

What petitioner simply did was that he took his oath of allegiance to the Republic of the Philippines; then, executed an affidavit of repatriation, which he registered, together with the certificate of live birth, with the Office of the Local Civil Registrar of Manila. The said office subsequently issued him a certificate of such registration.[20] At that time, the SCN was already in place and operational by virtue of the June 8, 1995 Memorandum issued by President Fidel V. Ramos.[21] Although A.O. No. 285 designating the SCN to process petitions filed pursuant to RA 8171 was issued only on August 22, 1996, it is merely a confirmatory issuance according to the Court in Angat v. Republic.[22] Thus, petitioner should have instead filed a petition for repatriation before the SCN.

Requirements for repatriation under RA 8171

Even if petitioner—now of legal age—can still apply for repatriation under RA 8171, he nevertheless failed to prove that his parents relinquished their Philippine citizenship on account of political or economic necessity as provided for in the law. Nowhere in his affidavit of repatriation did he mention that his parents lost their Philippine citizenship on account of political or economic reasons. It is notable that under the Amended Rules and Regulations Implementing RA 8171, the SCN requires a petitioner for repatriation to set forth, among others, "the reason/s why petitioner lost his/her Filipino citizenship, whether by marriage in case of Filipino woman, or whether by political or economic necessity in case of [a] natural-born Filipino citizen who lost his/her Filipino citizenship. In case of the latter, such political or economic necessity should be specified."[23]

Petitioner Tabasa asserts, however, that the CA erred in ruling that the applicant for repatriation must prove that he lost his Philippine citizenship on account of political or economic necessity. He theorizes that the reference to "political or economic reasons" is "merely descriptive, not restrictive, of the widely accepted reasons for naturalization in [a] foreign country."[24]

Petitioner's argument has no leg to stand on.

A reading of Section 1 of RA 8171 shows the manifest intent of the legislature to limit the benefit of repatriation only to natural-born Filipinos who lost their Philippine citizenship on account of political or economic necessity, in addition to Filipino women who lost their Philippine citizenship by marriage to aliens. The precursor of RA

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8171, Presidential Decree No. 725 (P.D. 725),[25] which was enacted on June 5, 1975 amending Commonwealth Act No. 63, also gives to the same groups of former Filipinos the opportunity to repatriate but without the limiting phrase, "on account of political or economic necessity" in relation to natural-born Filipinos. By adding the said phrase to RA 8171, the lawmakers clearly intended to limit the application of the law only to political or economic migrants, aside from the Filipino women who lost their citizenship by marriage to aliens. This intention is more evident in the following sponsorship speech of Rep. Andrea B. Domingo on House Bill No. 1248, the origin of RA 8171, to wit:

> Ms. Domingo: x x x
>
> From my experience as the Commissioner of the Bureau of Immigration and Deportation, I observed that there are only four types of Filipinos who leave the country.
>
> The first is what we call the "economic refugees" who go abroad to work because there is no work to be found in the country. Then we have the "political refugees" who leave the country for fear of their lives because they are not in consonance with the prevailing policy of government. The third type is those who have committed crimes and would like to escape from the punishment of said crimes. Lastly, we have those Filipinos who feel that they are not Filipinos, thereby seeking other citizenship elsewhere.
>
> Of these four types of Filipinos, Mr. Speaker, the first two have to leave the country not of choice, but rather out of sacrifice to look for a better life, as well as for a safer abode for themselves and their families. It is for these two types of Filipinos that this measure is being proposed for approval by this body. (Emphasis supplied.)
>
> x x x x
>
> x x x [I]f the body would recall, I mentioned in my short sponsorship speech the four types of Filipinos who leave their country. And the two types—the economic and political refugees—are the ones being addressed by this proposed law, and they are not really Filipino women who lost their citizenship through marriage. We had a lot of problems with these people who left the country because of political persecution or because of pressing economic reasons, and after feeling that they should come back to the country and get back their citizenship and participate as they should in the affairs of the country, they find that it is extremely difficult to get their citizenship back because they are treated no different from any other class of alien.[26]

From these two sources, namely, P.D. 725 and the sponsorship speech on House Bill No. 1248, it is incontrovertible that the intent of our legislators in crafting Section 1 of RA 8171, as it is precisely worded out, is to exclude those Filipinos who have abandoned their country for reasons other than political or economic necessity.

Petitioner contends it is not necessary to prove his political or economic reasons since the act of renouncing allegiance to one's native country constitutes a "necessary and unavoidable shifting of his political allegiance," and his father's loss of Philippine citizenship through naturalization "cannot therefore be said to be for any reason other than political or economic necessity."[27]

This argument has no merit.

While it is true that renunciation of allegiance to one's native country is necessarily a political act, it does not follow that the act is inevitably politically or economically motivated as alleged by petitioner. To reiterate, there are other reasons why Filipinos relinquish their Philippine citizenship. The sponsorship speech of former Congresswoman Andrea B. Domingo illustrates that aside from economic and political refugees, there are Filipinos who leave the country because they have committed crimes and would like to escape from punishment, and those who really feel that they are not Filipinos and that they deserve a better nationality, and therefore seek

citizenship elsewhere.

Thus, assuming petitioner Tabasa is qualified under RA 8171, it is incumbent upon him to prove to the satisfaction of the SCN that the reason for his loss of citizenship was the decision of his parents to forfeit their Philippine citizenship for political or economic exigencies. He failed to undertake this crucial step, and thus, the sought relief is unsuccessful.

Repatriation is not a matter of right, but it is a privilege granted by the State. This is mandated by the 1987 Constitution under Section 3, Article IV, which provides that citizenship may be lost or reacquired in the manner provided by law. The State has the power to prescribe by law the qualifications, procedure, and requirements for repatriation. It has the power to determine if an applicant for repatriation meets the requirements of the law for it is an inherent power of the State to choose who will be its citizens, and who can reacquire citizenship once it is lost. If the applicant, like petitioner Tabasa, fails to comply with said requirements, the State is justified in rejecting the petition for repatriation.

Petitioner: an undocumented alien subject to summary deportation

Petitioner claims that because of his repatriation, he has reacquired his Philippine citizenship; therefore, he is not an undocumented alien subject to deportation.

This theory is incorrect.

As previously explained, petitioner is not entitled to repatriation under RA 8171 for he has not shown that his case falls within the coverage of the law.

Office Memorandum No. 34 dated August 21, 1989 of the BID is enlightening on summary deportation:

> 2. The Board of Special Inquiry and the Hearing Board IV shall observe summary deportation proceedings in cases where the charge against the alien is overstaying, or the expiration or cancellation by his government of his passport. In cases involving overstaying aliens, BSI and the Hearing Board IV shall merely require the presentation of the alien's valid passport and shall decide the case on the basis thereof.
>
> 3. If a foreign embassy cancels the passport of the alien, or does not reissue a valid passport to him, the alien loses the privilege to remain in the country, under the Immigration Act, Sections 10 and 15 (Schonemann v. Santiago, et al., G.R. No. 81461 [sic, should be "86461"], 30 May 1989). The automatic loss of the privilege obviates deportation proceedings. In such instance, the Board of Commissioners may issue summary judgment of deportation which shall be immediately executory.[28]

In addition, in the case of Schonemann v. Defensor Santiago, et al., this Court held:

> It is elementary that if an alien wants to stay in the Philippines, he must possess the necessary documents. One of these documents is a valid passport. There are, of course, exceptions where in the exercise of its sovereign prerogatives the Philippines may grant refugee status, refuse to extradite an alien, or otherwise allow him or her to stay here even if he [the alien] has no valid passport or Philippine visa. "Boat people" seeking residence elsewhere are examples. However, the grant of the privilege of staying in the Philippines is discretionary on the part of the proper authorities. There is no showing of any grave abuse of discretion, arbitrariness, or whimsicality in the questioned summary judgment. x x x [29]

Petitioner Tabasa, whose passport was cancelled after his admission into the country, became an undocumented alien who can be summarily deported. His subsequent "repatriation" cannot bar such deportation especially considering that he has no legal and valid reacquisition of Philippine citizenship.

WHEREFORE, this petition for review is DISMISSED, and the August 7, 1996 Decision of the Court of Appeals

is AFFIRMED. No costs to the petitioner.

SO ORDERED.

Quisumbing, Carpio, Carpio Morales and Tinga, JJ., concur.

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[1] Joaquin J. Bernas, S.J., THE 1987 CONSTITUTION OF THE PHILIPPINES: A COMMENTARY (2003), ART. IV (Citizenship), Sec. 1, pp. 609-610.

[2] Rollo, pp. 8-19.

[3] Rollo, p. 22. Note: The year 1986 (from the CA Decision) is replaced with year 1968 based on the petition filed with the CA (rollo, pp. 27-36, at 32).

[4] Based on petitioner Tabasa's Affidavit of Repatriation and Oath of Allegiance, and the Certification of facts of his birth from the Office of the Civil Registrar in Numancia, Aklan (rollo, pp. 37-40), petitioner was born on February 21, 1959, thus making him around 9 years of age at the time he was naturalized as an American citizen. In the pleadings filed before the CA and this Court, however, petitioner alleged that he was naturalized as an American at the age of seven (7). This age is used in this Decision for consistency.

[5] Rollo, p. 32.

[6] WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED (1993), p. 608.

[7] Supra note 3, at 20.

[8] Id. at 20-21.

[9] CA rollo, p. 95.

[10] Supra note 3, at 21-22.

[11] Supra note 5, at 27.

[12] or 37 years old, see footnote no. 4 of this Decision.

[13] Supra note 3, at pars. 2-4.

[14] Rollo, p. 150.

[15] Supra note 3, at par. 5.

[16] Id. at 20-25 (penned by Associate Justice Pedro A. Ramirez with Associate Justices Pacita Cañizares-Nye and Romeo J. Callejo, Sr. [now a member of the Court] concurring).

[17] RA 8171, Sec. 1.

[18] We quote the opinion of Father Joaquin Bernas in Tecson v. Commission on Elections, G.R. Nos. 161434, 161634 & 161824, March 3, 2004, 424 SCRA 277, 385-386 regarding the transmissive essence of citizenship as follows:

> 4.3 The operation of the core principle of transmissibility in blood relation finds affirmation and, more significantly, continuity in the 1935, 1973 and 1987 Constitutions in which blood relationship becomes a principal derivation and transmissibility of citizenship. All Constitutions embody this transmissive essence of

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citizenship in blood relationship. In the determination as to who are citizens of the Philippines, they have a common provision that those whose fathers are citizens of the Philippines are citizens.

x x x x

4.8. The transmissive essence of citizenship here is clearly the core principle of blood relationship or jus sanguinis. On this account, the derivation of citizenship from a person or the transmission of citizenship to his child, springs from a person or the transmission of citizenship to his child, springs from the fact that he is the father. x x x

[19] Pertinent portions of the Amended Rules and Regulations Implementing Republic Act No. 8171 state:

RULE II

- Said petition shall be in five (5) copies, legibly typed, and signed, thumbmarked [sic], and verified by the petitioner, with his/her signed photograph in passport size attached to each copy of the petition, and setting forth the following:

- the petitioner's name and surname and any other name he/she has used or by which he/she is known;

- his/her present and former places of residence;

- his/her place and date of birth, the names and citizenship of his/her parents and their residences (if still living), and the reasons for the Filipino citizenship of his/her parents, if such is the fact;

- the basis for her being a Filipino citizen at the time of her marriage, if the petitioner is one who lost her Filipino citizenship by marriage, or if the petitioner is a natural-born Filipino citizen, the basis why he/she was a Filipino citizen at birth;

- the reason/s why petitioner lost his/her Filipino citizenship, whether by marriage in case of Filipino woman, or whether by political or economic necessity in case of natural-born Filipino citizen who lost his/her Filipino citizenship. In case of the latter, such political or economic necessity should be specified;

- the reason/s why petitioner is seeking to reacquire Philippine citizenship by repatriation;

- whether the petitioner is single, married or divorced, or his/her marriage had been annulled. If married, petitioner shall state the date and place of his/her marriage, and the name, date of birth, birthplace, citizenship, and residence of his/her spouses; if widowed, the date and place of death of his/her spouse; and if his/her marriage had been annulled or he/she had been divorced, the date of decree of annulment of marriage or divorce and the court which issued the same;

- his/her occupation, as well as the occupation of his/her spouse, in case the applicant is married;

- if the petitioner has children, the name, date and place of birth, and residence of each of the children;

- a declaration: (1) that petitioner is not a person opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing organized government; (2) that petitioner is not a person defending or teaching the necessity or propriety of violence, personal assault, or assassination for the predominance of their ideas; (3) that petitioner is not a person convicted of crimes involving moral turpitude; or (4) that petitioner is not a person suffering from mental alienation or incurable contagious diseases;

- a declaration that it is his/her intention to reacquire Philippine citizenship and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to the state or country of which he/she is a citizen or subject.

The petition must be accompanied by:

- duplicate original or certified photocopies of petitioner's birth certificate or other evidences of his/her former Filipino citizenship;

- duplicate original or certified photocopies of petitioner's Alien Certificate of Registration and his/her Native-born Certificate of Residence and Certificate of Arrival or Re-entry Permit into the Philippines, if any;

- duplicate original or certified photocopies of petitioner's marriage certificate, if married; or the death certificate of his/her spouse, if widowed; or the decree granting petitioner a divorce, if she/he is divorced, or annulling his/her marriage, if such marriage had been annulled;

- duplicate original or certified photocopies of the birth certificates, the Alien Certificates of Registration, and the Immigrant Certificates of Residence or Native-born Certificates of Residence (if any) of petitioner's minor children, whenever applicable.

Every page of the petition, as well as all the pages of its annexes and supporting documents and papers, must be signed by petitioner in addition to the signatures thereof of the persons executing or issuing the same.

- The petition shall be given a docket number and stamped, indicating the date of filing. The Committee shall record the filing of all such applications in a record book in chronological order.

RULE III

After receipt of the petition for repatriation, the Committee may call the petitioner for interview, after which the Committee, if it believes in view of the facts before it that petitioner has all the qualifications and none of the disqualifications required for repatriation under Republic Act No. 8171 shall approve the petition. Within ninety (90) days after being notified of the approval of his petition, petitioner shall take [an] x x x oath of allegiance x x x

[20] Supra note 2, at 12.

[21] The Memorandum reactivating the Special Committee on Repatriation reads:

June 08 1995

MEMORANDUM

TO : The Solicitor General

The Undersecretary of Foreign Affairs

The Director-General, National Intelligence Coordinating Agency

You are hereby directed to immediately convene as the Special Committee on Naturalization (SCN) created under Letter of Instruction No. 270 (11 April 1975), as amended, for the limited purpose of processing applications pursuant to Presidential Decree No. 725 (1975) and related laws; which provide for a simplified procedure for Filipino women, who lost their Philippine citizenship by marriage to aliens, and natural-born Filipinos; to reacquire Philippine citizenship through an application for repatriation. You are further directed to report, within thirty (30) days from the date hereof and on a monthly basis thereafter, on the actions taken pursuant to this directive.

For strict compliance.

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(Signed) Fidel V. Ramos

[22] G.R. No. 132244, September 14, 1999, 314 SCRA 438, 448-449.

[23] Special Committee on Naturalization, Amended Rules and Regulations Implementing RA 8171, (1999) Rule II, (e).

[24] Supra note 2, at 14.

[25] The pertinent portions of the law are as follows:

Presidential Decree No. 725 (June 5, 1975)

PROVIDING FOR REPATRIATION OF FILIPINO WOMEN WHO HAD LOST THEIR PHILIPPINE CITIZENSHIP BY MARRIAGE TO ALIENS AND OF NATURAL BORN FILIPINOS.

WHEREAS, there are many Filipino women who had lost their Philippine Citizenship by marriage to aliens;

WHEREAS, while the new constitution allows a Filipino woman who marries an alien to retain her Philippine citizenship unless by her act or omission, she is deemed under the law to have renounced her Philippine citizenship, such provision of the new Constitution does not apply to Filipino women who had married aliens before said Constitution took effect;

WHEREAS, the existing law (C.A. Nos. 63, as amended) allows the repatriation of Filipino women who lost their citizenship by reason of their marriage to aliens only after the death of their husbands or the termination of their marital status; and

WHEREAS, there are natural born Filipinos who have lost their Philippine citizenship but now desire to re-acquire Philippine citizenship;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby decree and order that: (1) Filipino women who lost their Philippine citizenship by marriage to aliens; and (2) natural born Filipinos who have lost their Philippine citizenship may reacquire Philippine citizenship through repatriation by applying with the Special Committee on Naturalization created by Letter of Instruction No. 270, and, if their applications are approved, taking the necessary oath of allegiance to the Republic of the Philippines, after which they shall be deemed to have reacquired Philippine citizenship. The Commission on Immigration and Deportation shall thereupon cancel their certificate of registration.

x x x x

[26] II RECORD, HOUSE 9th CONGRESS 2nd SESSION 224-225 (August 4, 1993).

[27] Supra note 14, at 152.

[28] Rollo, pp. 71-72.

[29] Id. at 73 (citing the Court En Banc Resolution, G.R. No. 86461, May 30, 1989, rollo, pp. 38-39).

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