GERARDO ANGAT, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. No. 132244. September 14, 1999

Ponente: VITUG, J.

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VITUG, J.:

The instant petition for review under Rule 45 assails the orders, dated 22 September 1997 and 29 December 1997, issued by the Regional Trial Court ("RTC") of Marikina City in Case No. N-96-03-MK, entitled "In the Matter of the Petition of Gerardo Angat y Legaspi to be Re-admitted as a Citizen of the Philippines under Commonwealth Act No. 63, as amended, and Republic Act ("R.A.") No. 965 and 263[0]."

Petitioner Gerardo Angat was a natural born citizen of the Philippines until he lost his citizenship by naturalization in the United States of America. Now residing at No. 69 New York Street, Provident Village, Marikina City, Angat filed on 11 March 1996 before the RTC of Marikina City, Branch 272, a petition to regain his status as a citizen of the Philippines under Commonwealth Act No. 63, Republic Act No. 965 and Republic Act No. 2630 (docketed as N-96-03-MK). In his petition, "applying for naturalization," he averred that -

> "FIRST. - His full name is GERARDO LEGASPI ANGAT. Copy of his latest picture is hereto attached and made an integral part of this petition.
>
> "SECOND. - His present place of residence is #69 New York St., Provident Village, Marikina, Metro Manila and his former residence was in Las Vegas, U.S.
>
> "THIRD. - His trade or profession is in buy and sell and managing the properties of his parents which he has been engaged since his arrival here in the Philippines.
>
> "FOURTH. - He was born on the 22nd day of June 1954 at Tondo, Manila. He was formerly a citizen of the Philippines. He lost his Philippine citizenship by naturalization in a foreign country. He is at present a citizen or subject of the United States of America. Copy of his birth certificate is hereto attached as Annex 'A.'
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> "FIFTH. - He is newly married to Zenaida Lim who was born in Tondo, Manila and now resides at petitioner's residence at Marikina, Metro Manila. Copy of their marriage contract is hereto attached as Annex 'B.'
>
> "SIXTH. - He returned to the Philippines from the United States of America in 1991. Copy of his alien registration is hereto attached as Annex 'C.'
>
> "SEVENTH. - He has the qualifications required by Commonwealth Act No. 63 as amended, and Republic Act Nos. 965 and 2639 to reacquire Philippine citizenship, and possesses none of the disqualification prescribed in Commonwealth Act No. 473. He has resided in the Philippines at least six months immediately preceding the date of this petition, to wit: since 1991. He has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, in his relations with the constituted government as well as with the community in which he is living.

> "EIGHT. - He is not opposed to an organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government. He is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas. He is not a polygamist or believer in the practice of polygamy. He has not been convicted of any crime involving moral turpitude. He is not suffering from any mental alienation or incurable contagious disease. The nation of which he is a citizen or subject is not at war with the Philippines.
>
> "NINTH. - It is his 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 United State of America to which at this time he is a citizen."[1]

On 30 April 1996, the trial court, through the branch clerk of court, issued a notice setting the case for initial hearing on 27 January 1997[2] which, along with the petition and its annexes, was received by the Office of the Solicitor General ("OSG") on 10 May 1996.

On 13 June 1996, petitioner sought to be allowed to take his oath of allegiance to the Republic of the Philippines pursuant to R.A. 8171. The motion was denied by the trial judge in his order of 12 July 1996. Another motion filed by petitioner on 13 August 1996 to have the denial reconsidered was found to be meritorious by the court a quo in an order, dated 20 September 1996, which stated, among other things, that -

> "A close scrutiny of R.A. 8171 shows that petitioner is entitled to the benefits of the said law considering that herein petitioner is a natural born Filipino citizen who lost his citizenship by naturalization in a foreign country. The petition and motion of the petitioner to take his oath of allegiance to the Republic of the Philippines likewise show that the petitioner possesses all the qualifications and none of the disqualifications under R.A. 8171."[3]

Concluding, the court ruled:

> "WHEREFORE, foregoing premises considered, the Order of the Court dated July 12, 1996 is hereby set aside. The petitioner is ordered to take his oath of allegiance to the Republic of the Philippines pursuant to R.A. 8171 before the undersigned on October 03, 1996 at 11:00 in the morning.
>
> "SO ORDERED."[4]

After taking his Oath of Allegiance on 03 October 1996, another order was issued by the trial judge on 04 October 1996 to the following effect; viz:

> "After the oath of allegiance to the Republic of the Philippines had been taken by the petitioner, Gerardo Angat y Legaspi before the undersigned, the petitioner is hereby repatriated and declared as citizen of the Republic of the Philippines pursuant to Republic Act No. 8171.
>
> "The Bureau of Immigration is ordered to cancel the pertinent alien certificate of registration and issue the certificate of identification as Filipino citizen to the petitioner upon the finality of this order.
>
> "Likewise, let a copy of this Order be registered in the Local Civil Registry of the Municipality of Marikina, Metro Manila and the General Civil Registrar, Sta. Mesa, Manila, after its finality.
>
> "SO ORDERED."[5]

On 19 March 1997, a Manifestation and Motion (virtually a motion for reconsideration) filed by the OSG asserted that the petition itself should have been dismissed by the court a quo for lack of jurisdiction because the proper forum for it was the Special Committee on Naturalization consistently with Administrative Order No. 285 ("AO 285"), dated 22 August 1996, issued by President Fidel V. Ramos. AO 285 had tasked the Special Committee on Naturalization to be the implementing agency of R.A. 8171. The motion was found to be well taken by the trial

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court; thus, in an order, dated 22 September 1997, it adjudged:

> "This resolves the Manifestation and Motion filed by the Office of the Solicitor General on March 19, 1997.
>
> "The motion alleges that pursuant to Administrative Order No. 285 dated August 22, 1996 issued by President Fidel V. Ramos, any person desirous of repatriating or reacquiring Filipino citizenship pursuant to R.A. 8171 shall file a petition with the Special Committee on Naturalization, which is composed of the Solicitor General as Chairman, the Undersecretary of Foreign Affairs and the Director-General of the National Intelligence Coordinating Agency, as members, which shall process the application; that 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 their Philippine citizenship and the Commission on Immigration and Deportation shall thereupon cancel their certificate of registration.
>
> "The motion prays that the herein petition be dismissed on the ground that the same should be filed with the Special Committee on Naturalization.
>
> "The records show that on September 20, 1996, the Court granted the herein petition and as a consequence thereof, the petitioner Gerardo Angat y Legaspi took his oath of allegiance to the Republic of the Philippines before the Presiding Judge of this Court on October 03, 1996 and on October 04, 1996, the petitioner was ordered repatriated and declared as citizen of the Philippines.
>
> "On February 21, 1997, the Office of the Solicitor General entered its appearance as counsel of the State in the subject petition and on March 19, 1997 filed the herein manifestation and motion.
>
> "The allegations in the manifestation and motion of the Office of the Solicitor General clearly shows that this Court has no jurisdiction over the herein petition as the same falls within the jurisdiction of the Special Committee on Naturalization. Considering that this court has no jurisdiction over this case, the order granting the same is therefore null and void.
>
> "WHEREFORE, foregoing premises considered, the motion to dismiss filed by the Office of the Solicitor General is hereby granted. The orders of this Court dated September 20, 1996 and October 04, 1996 are hereby set aside and the herein petition is ordered DISMISSED on the ground of lack of jurisdiction without prejudice to its re-filing before the Special Committee on Naturalization.
>
> "SO ORDERED."[6]

A motion for reconsideration, filed by petitioner on 13 October 1997, questioned the aforequoted order asseverating that since his petition was filed on 14 March 1996, or months before the Special Committee on Naturalization was constituted by the President under AO 285 on 22 August 1996, the court a quo had the authority to take cognizance of the case.

In the Order, dated 29 December 1997, the trial judge denied the motion for reconsideration.

The instant appeal by certiorari under Rule 45 of the 1997 Rules of Procedure submits the lone assignment of error that -

> "The Regional Trial Court (has) seriously erred in dismissing the petition by giving retroactive effect to Administrative Order No. 285, absent a provision on Retroactive Application."

Petitioner would insist that the trial court had jurisdiction over his petition for naturalization[7] filed on 11 March 1996, and that he had acquired a vested right as a repatriated citizen of the Philippines when the court declared him repatriated following the order, dated 20 September 1996, allowing him to take an oath of allegiance to the Republic of the Philippines which was, in fact, administered to him on 03 October 1996.

The contention is not meritorious.

R.A. No. 8171, which has lapsed into law on 23 October 1995, is an act providing for the repatriation (a) of Filipino women who have lost their Philippine citizenship by marriage to aliens and (b) of natural-born Filipinos who have lost their Philippine citizenship on account of political or economic necessity. The pertinent provisions of the law read:

> "SECTION 1. 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.
>
> "SEC. 2. Repatriation shall be effected by taking the necessary oath of allegiance to the Republic of the Philippines and registration in the proper civil registry and in the Bureau of Immigration. The Bureau of Immigration shall thereupon cancel the pertinent alien certificate of registration and issue the certificate of identification as Filipino citizen to the repatriated citizen."

Under Section 1 of Presidential Decree ("P.D.") No. 725,[8] dated 05 June 1975, amending Commonwealth Act No. 63, an application for repatriation could be filed by Filipino women who lost their Philippine citizenship by marriage to aliens, as well as by natural born Filipinos who lost their Philippine citizenship, with the Special Committee on Naturalization. The committee, chaired by the Solicitor General with the Undersecretary of Foreign Affairs and the Director of the National Intelligence Coordinating Agency as the other members, was created pursuant to Letter of Instruction ("LOI") No. 270, dated 11 April 1975, as amended by LOI No. 283 and LOI No. 491 issued, respectively, on 04 June 1975 and on 29 December 1976. Although the agency was deactivated by virtue of President Corazon C. Aquino's Memorandum of 27 March 1987, it was not, however, abrogated. In Frivaldo vs. Commission on Elections,[9] the Court observed that the aforedated memorandum of President Aquino had merely directed the Special Committee on Naturalization "to cease and desist from undertaking any and all proceedings x x x under Letter of Instruction (`LOI') 270."[10] The Court elaborated:

> "This memorandum dated March 27, 1987 cannot by any stretch of legal hermeneutics be construed as a law sanctioning or authorizing a repeal of P.D. No. 725. Laws are repealed only by subsequent ones and a repeal may be express or implied. It is obvious that no express repeal was made because then President Aquino in her memorandum-based on the copy furnished us by Lee-did not categorically and/or impliedly state that P.D. 725 was being repealed or was being rendered without any legal effect. In fact, she did not even mention it specifically by its number or text. On the other hand, it is a basic rule of statutory construction that repeals by implication are not favored. An implied repeal will not be allowed `unless it is convincingly and unambiguously demonstrated that the two laws are clear repugnant and patently inconsistent that they cannot co-exist.'
>
> "The memorandum of then President Aquino cannot even be regarded as a legislative enactment, for not every pronouncement of the Chief Executive even under the Transitory Provisions of the 1987 Constitution can nor should be regarded as an exercise of her law-making powers. At best, it could be treated as an executive policy

> addressed to the Special Committee to halt the acceptance and processing of applications for repatriation pending whatever 'judgment the first Congress under the 1987 Constitution' might make. In other words, the former President did not repeal P.D. 725 but left it to the first Congress - once created - to deal with the matter. If she had intended to repeal such law, she should have unequivocally said so instead of referring the matter to Congress. The fact is she carefully couched her presidential issuance in terms that clearly indicated the intention of 'the present government, in the exercise of prudence and sound discretion' to leave the matter of repeal to the new Congress. Any other interpretation of the said Presidential Memorandum, such as is now being proffered to the Court by Lee, would visit unmitigated violence not only upon statutory construction but on common sense as well."[11]

Indeed, the Committee was reactivated on 08 June 1995;[12] hence, when petitioner filed his petition on 11 March 1996, the Special Committee on Naturalization constituted pursuant to LOI No. 270 under P.D. No. 725 was in place. Administrative Order 285,[13] promulgated on 22 August 1996 relative to R.A. No. 8171, in effect, was merely then a confirmatory issuance.

The Office of the Solicitor General was right in maintaining that Angat's petition should have been filed with the Committee, aforesaid, and not with the RTC which had no jurisdiction thereover. The court's order of 04 October 1996 was thereby null and void, and it did not acquire finality[14] nor could be a source of right on the part of petitioner.[15] It should also be noteworthy that the petition in Case No. N-96-03-MK was one for repatriation, and it was thus incorrect for petitioner to initially invoke Republic Act No. 965[16] and R.A. No. 2630[17] since these laws could only apply to persons who had lost their citizenship by rendering service to, or accepting commission in, the armed forces of an allied foreign country or the armed forces of the United States of America, a factual matter not alleged in the petition. Parenthetically, under these statutes, the person desiring to re-acquire Philippine citizenship would not even be required to file a petition in court, and all that he had to do was to take an oath of allegiance to the Republic of the Philippines and to register that fact with the civil registry in the place of his residence or where he had last resided in the Philippines.

WHEREFORE, the petition for review is DENIED, and the Order, dated 22 September 1996, issued by the court a quo, dismissing the petition of petitioner in Civil Case No. N-96-03-MK for want of jurisdiction, is AFFIRMED. No costs.

SO ORDERED.

Melo, (Chairman), Panganiban, Purisima, and Gonzaga-Reyes, JJ., concur.

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[1] Rollo, pp. 5-6.

[2] Annex C, Rollo, p. 21.

[3] Rollo, p. 7.

[4] Ibid.

[5] Rollo, pp. 7-8.

[6] Rollo, pp. 16-18.

[7] Although captioned, "PETITION FOR NATURALIZATION" the case was actually one for repatriation.

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

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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. No. 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.

The aforesaid Special Committee is hereby authorized to promulgate rules and regulations and prescribe the appropriate forms and the required fees for the effective implementation of this Decree.

This Decree shall take effect immediately.

Done in the City of Manila, this 5th day of June, in the year of Our Lord, nineteen hundred and seventy-five.

[9] 257 SCRA 727.

[10] At p. 742.

[11] At pp. 743-744.

[12] Frivaldo vs. COMELEC, Ibid.

[13] WHEREAS, the Congress of the Philippines passed Republic Act No. 8171 entitled “An Act Providing For The Repatriation Of Filipino Women Who Have Lost Their Philippine Citizenship By Marriage To Aliens And Of Natural-Born Filipinos”;

WHEREAS, under Section 1 of R.A. No. 8171, 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 provided that the applicant does not belong to any of the disqualified class of persons as enumerated therein;

WHEREAS, R.A. No. 8171 did not designate which agency, body or committee shall determine who are qualified to avail of the benefits of repatriation and who are disqualified therefrom;

WHEREAS, the Special Committee on Naturalization, created under Letter of Instruction No. 270 dated April 11, 1975, as amended by Letter of Instruction No. 491 dated December 29, 1976, was designated by Presidential Decree No. 725 dated June 5, 1975 to receive and act on applications for repatriation under said decree.

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NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby designate the Special Committee on Naturalization as the implementing agency of R.A. No. 8171.

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.

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.

[14] Vda. de Macoy vs. Court of Appeals, 206 SCRA 244; Galvez vs. Court of Appeals, 255 SCRA 672.

[15] Leonor vs. Court of Appeals, 256 SCRA 69; Banco Español-Filipino vs. Palanca, 37 Phil. 921.

[16] Section 1 of Republic Act No. 965 provided:

SECTION 1. Any person who, being a citizen of the Philippines on December eight, nineteen hundred forty-one, had lost said citizenship by rendering service to, or accepting commission in, the armed forces of an allied foreign country, and taking an oath of allegiance incident thereto, may reacquire Philippine citizenship by taking an oath of allegiance to the Republic of the Philippines and registering the same with the Local Civil Registry in the place where he resides or last resided in the Philippines within one year from the date of the approval of his Act. The said oath of allegiance shall contain, in addition, a renunciation of any other citizenship.

[17] Republic Act No. 2630, AN ACT PROVIDING FOR REACQUISITION OF PHILIPPINE CITIZENSHIP BY PERSONS WHO LOST SUCH CITIZENSHIP BY RENDERING SERVICE TO, OR ACCEPTING COMMISSION IN, THE ARMED FORCES OF THE UNITED STATES, provides:

SECTION 1. Any person who had lost his Philippine citizenship by rendering service to, or accepting commission in, the Armed Forces of the United States, or after separation from the Armed Forces of the United States, acquired United States citizenship, may reacquire Philippine citizenship by taking an oath of allegiance to the Republic of the Philippines and registering the same with the Local Civil Registry in the place where he resides or last resided in the Philippines. The said oath of allegiance shall contain a renunciation of any other citizenship.

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