

NESTOR A. JACOT, PETITIONER, VS. ROGEN T. DAL AND COMMISSION ON ELECTIONS, RESPONDENTS.

G.R. No. 179848. November 27, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Petitioner Nestor A. Jacot assails the Resolution[1] dated 28 September 2007 of the Commission on Elections (COMELEC) En Banc in SPA No. 07-361, affirming the Resolution dated 12 June 2007 of the COMELEC Second Division[2] disqualifying him from running for the position of Vice-Mayor of Catarman, Camiguin, in the 14 May 2007 National and Local Elections, on the ground that he failed to make a personal renouncement of his United States (US) citizenship.

Petitioner was a natural born citizen of the Philippines, who became a naturalized citizen of the US on 13 December 1989.[3]

Petitioner sought to reacquire his Philippine citizenship under Republic Act No. 9225, otherwise known as the Citizenship Retention and Re-Acquisition Act. He filed a request for the administration of his Oath of Allegiance to the Republic of the Philippines with the Philippine Consulate General (PCG) of Los Angeles, California. The Los Angeles PCG issued on 19 June 2006 an Order of Approval[4] of petitioner's request, and on the same day, petitioner took his Oath of Allegiance to the Republic of the Philippines before Vice Consul Edward C. Yulo.[5] On 27 September 2006, the Bureau of Immigration issued Identification Certificate No. 06-12019 recognizing petitioner as a citizen of the Philippines.[6]

Six months after, on 26 March 2007, petitioner filed his Certificate of Candidacy for the Position of Vice-Mayor of the Municipality of Catarman, Camiguin.[7]

On 2 May 2007, respondent Rogen T. Dal filed a Petition for Disqualification[8] before the COMELEC Provincial Office in Camiguin against petitioner, arguing that the latter failed to renounce his US citizenship, as required under Section 5(2) of Republic Act No. 9225, which reads as follows:

Section 5. Civil and Political Rights and Liabilities.—Those who retain or reacquire Philippine citizenship under this Act shall enjoy full civil and political rights and be subject to all attendant liabilities and responsibilities under existing laws of the Philippines and the following conditions:

x x x x

(2) Those seeking elective public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath.

In his Answer[9] dated 6 May 2007 and Position Paper[10] dated 8 May 2007, petitioner countered that his Oath of Allegiance to the Republic of the Philippines made before the Los Angeles PCG and the oath contained in his

Certificate of Candidacy operated as an effective renunciation of his foreign citizenship.

In the meantime, the 14 May 2007 National and Local Elections were held. Petitioner garnered the highest number of votes for the position of Vice Mayor.

On 12 June 2007, the COMELEC Second Division finally issued its Resolution[11] disqualifying the petitioner from running for the position of Vice-Mayor of Catarman, Camiguin, for failure to make the requisite renunciation of his US citizenship. The COMELEC Second Division explained that the reacquisition of Philippine citizenship under Republic Act No. 9225 does not automatically bestow upon any person the privilege to run for any elective public office. It additionally ruled that the filing of a Certificate of Candidacy cannot be considered as a renunciation of foreign citizenship. The COMELEC Second Division did not consider *Valles v. COMELEC*[12] and *Mercado v. Manzano*[13] applicable to the instant case, since Valles and Mercado were dual citizens since birth, unlike the petitioner who lost his Filipino citizenship by means of naturalization. The COMELEC, thus, decreed in the aforementioned Resolution that:

ACCORDINGLY, NESTOR ARES JACOT is DISQUALIFIED to run for the position of Vice-Mayor of Catarman, Camiguin for the May 14, 2007 National and Local Elections. If proclaimed, respondent cannot thus assume the Office of Vice-Mayor of said municipality by virtue of such disqualification.[14]

Petitioner filed a Motion for Reconsideration on 29 June 2007 reiterating his position that his Oath of Allegiance to the Republic of the Philippines before the Los Angeles PCG and his oath in his Certificate of Candidacy sufficed as an effective renunciation of his US citizenship. Attached to the said Motion was an "Oath of Renunciation of Allegiance to the United States and Renunciation of Any and All Foreign Citizenship" dated 27 June 2007, wherein petitioner explicitly renounced his US citizenship.[15] The COMELEC en banc dismissed petitioner's Motion in a Resolution[16] dated 28 September 2007 for lack of merit.

Petitioner sought remedy from this Court via the present Special Civil Action for Certiorari under Rule 65 of the Revised Rules of Court, where he presented for the first time an "Affidavit of Renunciation of Allegiance to the United States and Any and All Foreign Citizenship"[17] dated 7 February 2007. He avers that he executed an act of renunciation of his US citizenship, separate from the Oath of Allegiance to the Republic of the Philippines he took before the Los Angeles PCG and his filing of his Certificate of Candidacy, thereby changing his theory of the case during the appeal. He attributes the delay in the presentation of the affidavit to his former counsel, Atty. Marciano Aparte, who allegedly advised him that said piece of evidence was unnecessary but who, nevertheless, made him execute an identical document entitled "Oath of Renunciation of Allegiance to the United States and Renunciation of Any and All Foreign Citizenship" on 27 June 2007 after he had already filed his Certificate of Candidacy.[18]

Petitioner raises the following issues for resolution of this Court:

I

WHETHER OR NOT PUBLIC RESPONDENT EXERCISED GRAVE ABUSE OF DISCRETION WHEN IT HELD THAT PETITIONER FAILED TO COMPLY WITH THE PROVISIONS OF R.A. 9225, OTHERWISE KNOWN AS THE "CITIZENSHIP RETENTION AND RE-ACQUISITION ACT OF 2003," SPECIFICALLY SECTION 5(2) AS TO THE REQUIREMENTS FOR THOSE SEEKING ELECTIVE PUBLIC OFFICE;

II

WHETHER OR NOT PUBLIC RESPONDENT EXERCISED GRAVE ABUSE OF DISCRETION WHEN IT HELD THAT PETITIONER FAILED TO COMPLY WITH THE PROVISIONS OF THE COMELEC

RULES OF PROCEDURE AS REGARDS THE PAYMENT OF THE NECESSARY MOTION FEES; AND

III

WHETHER OR NOT UPHOLDING THE DECISION OF PUBLIC RESPONDENT WOULD RESULT IN THE FRUSTRATION OF THE WILL OF THE PEOPLE OF CATARMAN, CAMIGUIN.[19]

The Court determines that the only fundamental issue in this case is whether petitioner is disqualified from running as a candidate in the 14 May 2007 local elections for his failure to make a personal and sworn renunciation of his US citizenship.

This Court finds that petitioner should indeed be disqualified.

Contrary to the assertions made by petitioner, his oath of allegiance to the Republic of the Philippines made before the Los Angeles PCG and his Certificate of Candidacy do not substantially comply with the requirement of a personal and sworn renunciation of foreign citizenship because these are distinct requirements to be complied with for different purposes.

Section 3 of Republic Act No. 9225 requires that natural-born citizens of the Philippines, who are already naturalized citizens of a foreign country, must take the following oath of allegiance to the Republic of the Philippines to reacquire or retain their Philippine citizenship:

SEC. 3. Retention of Philippine Citizenship.—Any provision of law to the contrary notwithstanding, natural-born citizens of the Philippines who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are hereby deemed to have reacquired Philippine citizenship upon taking the following oath of allegiance to the Republic:

"I _____ 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 Philippines; 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."

Natural-born citizens of the Philippines who, after the effectivity of this Act, become citizens of a foreign country shall retain their Philippine citizenship upon taking the aforesaid oath.

By the oath dictated in the afore-quoted provision, the Filipino swears allegiance to the Philippines, but there is nothing therein on his renunciation of foreign citizenship. Precisely, a situation might arise under Republic Act No. 9225 wherein said Filipino has dual citizenship by also reacquiring or retaining his Philippine citizenship, despite his foreign citizenship.

The afore-quoted oath of allegiance is substantially similar to the one contained in the Certificate of Candidacy which must be executed by any person who wishes to run for public office in Philippine elections. Such an oath reads:

I am eligible for the office I seek to be elected. I will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders and decrees promulgated by the duly constituted authorities of the Republic of the Philippines; and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion. I hereby certify that the facts stated herein are true and correct of my own personal knowledge.

Now, Section 5(2) of Republic Act No. 9225 specifically provides that:

Section 5. Civil and Political Rights and Liabilities.—Those who retain or reacquire Philippine citizenship under

this Act shall enjoy full civil and political rights and be subject to all attendant liabilities and responsibilities under existing laws of the Philippines and the following conditions:

x x x x

(2) Those seeking elective public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath.

The law categorically requires persons seeking elective public office, who either retained their Philippine citizenship or those who reacquired it, to make a personal and sworn renunciation of any and all foreign citizenship before a public officer authorized to administer an oath simultaneous with or before the filing of the certificate of candidacy.[20]

Hence, Section 5(2) of Republic Act No. 9225 compels natural-born Filipinos, who have been naturalized as citizens of a foreign country, but who reacquired or retained their Philippine citizenship (1) to take the oath of allegiance under Section 3 of Republic Act No. 9225, and (2) for those seeking elective public offices in the Philippines, to additionally execute a personal and sworn renunciation of any and all foreign citizenship before an authorized public officer prior or simultaneous to the filing of their certificates of candidacy, to qualify as candidates in Philippine elections.

Clearly Section 5(2) of Republic Act No. 9225 (on the making of a personal and sworn renunciation of any and all foreign citizenship) requires of the Filipinos availing themselves of the benefits under the said Act to accomplish an undertaking other than that which they have presumably complied with under Section 3 thereof (oath of allegiance to the Republic of the Philippines). This is made clear in the discussion of the Bicameral Conference Committee on Disagreeing Provisions of House Bill No. 4720 and Senate Bill No. 2130 held on 18 August 2003 (precursors of Republic Act No. 9225), where the Hon. Chairman Franklin Drilon and Hon. Representative Arthur Defensor explained to Hon. Representative Exequiel Javier that the oath of allegiance is different from the renunciation of foreign citizenship:

CHAIRMAN DRILON. Okay. So, No. 2. "Those seeking elective public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath." I think it's very good, ha? No problem?

REP. JAVIER. ... I think it's already covered by the oath.

CHAIRMAN DRILON. Renouncing foreign citizenship.

REP. JAVIER. Ah... but he has taken his oath already.

CHAIRMAN DRILON. No...no, renouncing foreign citizenship.

x x x x

CHAIRMAN DRILON. Can I go back to No. 2. What's your problem, Boy? Those seeking elective office in the Philippines.

REP. JAVIER. They are trying to make him renounce his citizenship thinking that ano...

CHAIRMAN DRILON. His American citizenship.

REP. JAVIER. To discourage him from running?

CHAIRMAN DRILON. No.

REP. A.D. DEFENSOR. No. When he runs he will only have one citizenship. When he runs for office, he will have only one. (Emphasis ours.)

There is little doubt, therefore, that the intent of the legislators was not only for Filipinos reacquiring or retaining their Philippine citizenship under Republic Act No. 9225 to take their oath of allegiance to the Republic of the Philippines, but also to explicitly renounce their foreign citizenship if they wish to run for elective posts in the Philippines. To qualify as a candidate in Philippine elections, Filipinos must only have one citizenship, namely, Philippine citizenship.

By the same token, the oath of allegiance contained in the Certificate of Candidacy, which is substantially similar to the one contained in Section 3 of Republic Act No. 9225, does not constitute the personal and sworn renunciation sought under Section 5(2) of Republic Act No. 9225. It bears to emphasize that the said oath of allegiance is a general requirement for all those who wish to run as candidates in Philippine elections; while the renunciation of foreign citizenship is an additional requisite only for those who have retained or reacquired Philippine citizenship under Republic Act No. 9225 and who seek elective public posts, considering their special circumstance of having more than one citizenship.

Petitioner erroneously invokes the doctrine in Valles[21] and Mercado,[22] wherein the filing by a person with dual citizenship of a certificate of candidacy, containing an oath of allegiance, was already considered a renunciation of foreign citizenship. The ruling of this Court in Valles and Mercado is not applicable to the present case, which is now specially governed by Republic Act No. 9225, promulgated on 29 August 2003.

In Mercado, which was cited in Valles, the disqualification of therein private respondent Manzano was sought under another law, Section 40(d) of the Local Government Code, which reads:

SECTION 40. Disqualifications. The following persons are disqualified from running for any elective local position:

x x x x

(d) Those with dual citizenship.

The Court in the aforesaid cases sought to define the term "dual citizenship" vis-à-vis the concept of "dual allegiance." At the time this Court decided the cases of Valles and Mercado on 26 May 1999 and 9 August 2000, respectively, the more explicitly worded requirements of Section 5(2) of Republic Act No. 9225 were not yet enacted by our legislature.[23]

Lopez v. Commission on Elections[24] is the more fitting precedent for this case since they both share the same factual milieu. In Lopez, therein petitioner Lopez was a natural-born Filipino who lost his Philippine citizenship after he became a naturalized US citizen. He later reacquired his Philippine citizenship by virtue of Republic Act No. 9225. Thereafter, Lopez filed his candidacy for a local elective position, but failed to make a personal and sworn renunciation of his foreign citizenship. This Court unequivocally declared that despite having garnered the highest number of votes in the election, Lopez is nonetheless disqualified as a candidate for a local elective position due to his failure to comply with the requirements of Section 5(2) of Republic Act No. 9225.

Petitioner presents before this Court for the first time, in the instant Petition for Certiorari, an "Affidavit of Renunciation of Allegiance to the United States and Any and All Foreign Citizenship,"[25] which he supposedly executed on 7 February 2007, even before he filed his Certificate of Candidacy on 26 March 2007. With the said Affidavit, petitioner puts forward in the Petition at bar a new theory of his case--that he complied with the

requirement of making a personal and sworn renunciation of his foreign citizenship before filing his Certificate of Candidacy. This new theory constitutes a radical change from the earlier position he took before the COMELEC--that he complied with the requirement of renunciation by his oaths of allegiance to the Republic of the Philippines made before the Los Angeles PCG and in his Certificate of Candidacy, and that there was no more need for a separate act of renunciation.

As a rule, no question will be entertained on appeal unless it has been raised in the proceedings below. Points of law, theories, issues and arguments not brought to the attention of the lower court, administrative agency or quasi-judicial body need not be considered by a reviewing court, as they cannot be raised for the first time at that late stage. Basic considerations of fairness and due process impel this rule.[26] Courts have neither the time nor the resources to accommodate parties who chose to go to trial haphazardly.[27]

Likewise, this Court does not countenance the late submission of evidence.[28] Petitioner should have offered the Affidavit dated 7 February 2007 during the proceedings before the COMELEC.

Section 1 of Rule 43 of the COMELEC Rules of Procedure provides that "In the absence of any applicable provisions of these Rules, the pertinent provisions of the Rules of Court in the Philippines shall be applicable by analogy or in suppletory character and effect." Section 34 of Rule 132 of the Revised Rules of Court categorically enjoins the admission of evidence not formally presented:

SEC. 34. Offer of evidence. - The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

Since the said Affidavit was not formally offered before the COMELEC, respondent had no opportunity to examine and controvert it. To admit this document would be contrary to due process.[29] Additionally, the piecemeal presentation of evidence is not in accord with orderly justice.[30]

The Court further notes that petitioner had already presented before the COMELEC an identical document, "Oath of Renunciation of Allegiance to the United States and Renunciation of Any and All Foreign Citizenship" executed on 27 June 2007, subsequent to his filing of his Certificate of Candidacy on 26 March 2007. Petitioner attached the said Oath of 27 June 2007 to his Motion for Reconsideration with the COMELEC en banc. The COMELEC en banc eventually refused to reconsider said document for being belatedly executed. What was extremely perplexing, not to mention suspect, was that petitioner did not submit the Affidavit of 7 February 2007 or mention it at all in the proceedings before the COMELEC, considering that it could have easily won his case if it was actually executed on and in existence before the filing of his Certificate of Candidacy, in compliance with law.

The justification offered by petitioner, that his counsel had advised him against presenting this crucial piece of evidence, is lame and unconvincing. If the Affidavit of 7 February 2007 was in existence all along, petitioner's counsel, and even petitioner himself, could have easily adduced it to be a crucial piece of evidence to prove compliance with the requirements of Section 5(2) of Republic Act No. 9225. There was no apparent danger for petitioner to submit as much evidence as possible in support of his case, than the risk of presenting too little for which he could lose.

And even if it were true, petitioner's excuse for the late presentation of the Affidavit of 7 February 2007 will not change the outcome of petitioner's case.

It is a well-settled rule that a client is bound by his counsel's conduct, negligence, and mistakes in handling the case, and the client cannot be heard to complain that the result might have been different had his lawyer proceeded differently.[31] The only exceptions to the general rule -- that a client is bound by the mistakes of his

counsel -- which this Court finds acceptable are when the reckless or gross negligence of counsel deprives the client of due process of law, or when the application of the rule results in the outright deprivation of one's property through a technicality.[32] These exceptions are not attendant in this case.

The Court cannot sustain petitioner's averment that his counsel was grossly negligent in deciding against the presentation of the Affidavit of 7 February 2007 during the proceedings before the COMELEC. Mistakes of attorneys as to the competency of a witness; the sufficiency, relevancy or irrelevancy of certain evidence; the proper defense or the burden of proof, failure to introduce evidence, to summon witnesses and to argue the case -- unless they prejudice the client and prevent him from properly presenting his case -- do not constitute gross incompetence or negligence, such that clients may no longer be bound by the acts of their counsel.[33]

Also belying petitioner's claim that his former counsel was grossly negligent was the fact that petitioner continuously used his former counsel's theory of the case. Even when the COMELEC already rendered an adverse decision, he persistently argues even to this Court that his oaths of allegiance to the Republic of the Philippines before the Los Angeles PCG and in his Certificate of Candidacy amount to the renunciation of foreign citizenship which the law requires. Having asserted the same defense in the instant Petition, petitioner only demonstrates his continued reliance on and complete belief in the position taken by his former counsel, despite the former's incongruous allegations that the latter has been grossly negligent.

Petitioner himself is also guilty of negligence. If indeed he believed that his counsel was inept, petitioner should have promptly taken action, such as discharging his counsel earlier and/or insisting on the submission of his Affidavit of 7 February 2007 to the COMELEC, instead of waiting until a decision was rendered disqualifying him and a resolution issued dismissing his motion for reconsideration; and, thereupon, he could have heaped the blame on his former counsel. Petitioner could not be so easily allowed to escape the consequences of his former counsel's acts, because, otherwise, it would render court proceedings indefinite, tentative, and subject to reopening at any time by the mere subterfuge of replacing counsel.[34]

Petitioner cites *De Guzman v. Sandiganbayan*,[35] where therein petitioner De Guzman was unable to present a piece of evidence because his lawyer proceeded to file a demurrer to evidence, despite the Sandiganbayan's denial of his prior leave to do so. The wrongful insistence of the lawyer in filing a demurrer to evidence had totally deprived De Guzman of any chance to present documentary evidence in his defense. This was certainly not the case in the Petition at bar.

Herein, petitioner was in no way deprived of due process. His counsel actively defended his suit by attending the hearings, filing the pleadings, and presenting evidence on petitioner's behalf. Moreover, petitioner's cause was not defeated by a mere technicality, but because of a mistaken reliance on a doctrine which is not applicable to his case. A case lost due to an untenable legal position does not justify a deviation from the rule that clients are bound by the acts and mistakes of their counsel.[36]

Petitioner also makes much of the fact that he received the highest number of votes for the position of Vice-Mayor of Catarman during the 2007 local elections. The fact that a candidate, who must comply with the election requirements applicable to dual citizens and failed to do so, received the highest number of votes for an elective position does not dispense with, or amount to a waiver of, such requirement.[37] The will of the people as expressed through the ballot cannot cure the vice of ineligibility, especially if they mistakenly believed that the candidate was qualified. The rules on citizenship qualifications of a candidate must be strictly applied. If a person seeks to serve the Republic of the Philippines, he must owe his loyalty to this country only, abjuring and renouncing all fealty and fidelity to any other state.[38] The application of the constitutional and statutory provisions on disqualification is not a matter of popularity.[39]

WHEREFORE, the instant appeal is DISMISSED. The Resolution dated 28 September 2007 of the COMELEC en banc in SPA No. 07-361, affirming the Resolution dated 12 June 2007 of the COMELEC Second Division, is AFFIRMED. Petitioner is DISQUALIFIED to run for the position of Vice-Mayor of Catarman, Camiguin in the 14 May 2007 National and Local Elections, and if proclaimed, cannot assume the Office of Vice-Mayor of said municipality by virtue of such disqualification. Costs against petitioner.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Velasco, Jr., Nachura, and Reyes, JJ., concur.

Leonardo-De Castro, J., on official leave.

Brion, J., on leave.

[1] Per Curiam, with Chairman Benjamin S. Abalos, Sr., Commissioners Resurreccion Z. Borra, Florentino A. Tuason, Jr., Romeo A. Brawner, Rene V. Sarmiento, and Nicodemo T. Ferrer. Rollo, pp. 36-39.

[2] Penned by Presiding Commissioner Florentino A. Tuason, Jr with Commissioners Rene V. Sarmiento and Nicodemo T. Ferrer, concurring; Rollo, pp. 31-35.

[3] Id. at 9.

[4] Id. at 94.

[5] Id. at 95.

[6] Id. at 50.

[7] Id. at 59.

[8] Id. at 40-42.

[9] Id. at 46-49.

[10] Id. at 61-65.

[11] Id. at 31-35.

[12] 392 Phil. 327 (2000).

[13] 367 Phil. 132 (1999).

[14] Rollo, p. 35.

[15] Id. at 74.

[16] Id. at 36-39.

[17] Id. at 96.

[18] Id. at 11-13.

[19] Id. at 188.

[20] Lopez v. Commission on Elections, G.R. No. 182701, 23 July 2008.

[21] Supra note 12 at 340.

[22] Supra note 13 at 152-153.

[23] Even if Republic Act No. 9225 had not been enacted, petitioner would still not be able to rely on Valles and Mercado. The ruling in those cases was that when a person who was merely a dual citizen, not a person with dual allegiance, files a certificate of candidacy, this already constitutes as a renunciation of foreign citizenship. In these cases, this Court made an important distinction between "dual citizenship" and "dual allegiance." Dual citizenship is the result of the application of the different laws of two states, whereby a person is simultaneously considered a national by the said states. Dual allegiance, on the other hand, arises when a person simultaneously owes her loyalty to two or more states by undertaking a positive act. While dual citizenship is involuntary, dual allegiance is the result of an individual's volition. Thus, Article IV, Section 5 of the Constitution provides that: "Dual allegiance of citizens is inimical to national interest and shall be dealt with by law." In both Valles and Mercado, the candidates whose qualifications are being challenged were dual citizens: They became citizens of another state without performing another act—both candidates, who have Filipino parents, became citizens of the foreign state where they were born under the principal of *jus soli* and had not taken an oath of allegiance to said foreign state. In contrast, herein petitioner has dual allegiance since he acquired his US citizenship through the positive and voluntary act of swearing allegiance to the US.

Other factual considerations need to be pointed out. It is significant to note that in Valles, therein private respondent Lopez executed a Declaration of Renunciation of Australian Citizenship which, consequently, led to the cancellation of her Australian passport, even before she filed her Certificate of Candidacy. The issue in that case was Lopez's reacquisition of her citizenship, not her failure to renounce her foreign citizenship. (*Valles v. Commission on Elections*, supra note 12 at 340-341.)

In Mercado, the Court took special notice of the fact that "private respondent's oath of allegiance to the Philippines, when considered with the fact that he has spent his youth and adulthood, received his education, practiced his profession as an artist, and taken part in past elections in this country, leaves no doubt of his election of Philippine citizenship." (*Mercado v. Manzano*, supra note 13 at 153.)

Herein petitioner's situation is markedly different since he actively elected to acquire a foreign citizenship and re-acquired his Filipino citizenship only a year before he filed his candidacy for a local elective position.

[24] Supra note 20.

[25] Rollo, p. 96.

[26] *Tan and Commission on Elections*, G.R. Nos. 166143-47 and 166891, 20 November 2006, 507 SCRA 352, 373-374; *Vda de Gualberto v. Go*, G.R. No. 139843, 21 July 2005, 463 SCRA 671, 678; *Del Rosario v. Bonga*, 402 Phil. 949, 957-958 (2001).

[27] *Villanueva v. Court of Appeals*, G.R. No. 143286, 14 April 2004, 427 SCRA 439, 448.

[28] *Filipinas Systems, Inc. v. National Labor Relations Commission*, 463 Phil. 813, 819 (2003)

[29] *Manongsong v. Estimo*, 452 Phil. 862, 879-880 (2003).

[30] *Cansino v. Court of Appeals*, 456 Phil. 686, 693 (2003).

[31] *People v. Kawasa*, 327 Phil. 928, 933 (1996).

[32] *R Transport Corporation v. Philippine Hawk Transport Corporation*, G.R. No. 155737, 19 October 2005, 473 SCRA 342, 347-348; *Trust International Paper Corporation v. Pelaez*, G.R. No. 164871, 22 August 2006, 499 SCRA 552, 563.

[33] *Andrada v. People*, G.R. No. 135222, 4 March 2005, 452 SCRA 685, 693-694; *Custodio v. Sandiganbayan*, G.R. Nos. 96027-28, 8 March 2005, 453 SCRA 24, 45; *People v. Mercado*, 445 Phil. 813, 829 (2003); *Tesoro v. Court of Appeals*, 153 Phil. 580, 588-589 (1973); *United States v. Umali*, 15 Phil. 33, 35 (1910).

[34] *People v. Kawasa*, *supra* note 31 at 934-935.

[35] 326 Phil. 184 (1996).

[36] *Espinosa v. Court of Appeals*, G.R. No.128686, 28 May 2004, 430 SCRA 96, 105-106.

[37] *Labo, Jr. v. Commission on Elections*, G.R. Nos. 105111 and 105384, 3 July 1992, 211 SCRA 297, 308.

[38] *Frivaldo v. Commission on Elections*, G.R. No. 87193, 23 June 1989, 174 SCRA 245, 255.

[39] *Lopez v. Commission on Elections*, *supra* note 20.

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