

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
H.B. No. **5936**



Introduced by Representative H. Harry L. Roque Jr.

EXPLANATORY NOTE

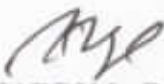
Republic Act No. 7160, also known as the "Local Government Code of 1991," Section 40(d) provides that a person with dual citizenship is disqualified from running for any elective local position. However, the Supreme Court in *Mercado v. Manzano*, 307 SCRA 630 (1999), stated that Section 40(d) should be understood to mean dual allegiance and not dual citizenship. Said the Supreme Court:

Clearly, in including § 5 in Article IV on citizenship, the concern of the Constitutional Commission was not with dual citizens *per se* but with naturalized citizens who maintain their allegiance to their countries of origin even after their naturalization. Hence, the phrase "dual citizenship" in R.A. No. 7160, Section 40(d) and in R.A. No. 7854, Section 20 must be understood as referring to "dual allegiance."

Consequently, persons with mere dual citizenship do not fall under this disqualification. Unlike those with dual allegiance, who must, therefore, be subject to strict process with respect to the termination of their status, for candidates with dual citizenship, it should suffice if, upon the filing of their certificates of candidacy, they elect Philippine

citizenship to terminate their status as persons with dual citizenship considering that their condition is the unavoidable consequence of conflicting laws of different states.

This bill aims to correct the oversight in the drafting of Section 40(d) of R.A. No. 7160, in order to make Section 40 (d) conform to the Constitution and the ruling of the Supreme Court in the case mentioned above.*


H. HARRY L. ROQUE JR.

* This bill was originally filed by Senator Miriam Defensor Santiago during the Sixteenth Congress, First Regular Session

1 (c) Those convicted by final judgment for violating the oath of
2 allegiance to the Republic;

3 (d) Those with dual [citizenship] **ALLEGIANCE**;

4 (e) Fugitives from justice in criminal or nonpolitical cases here or
5 abroad;

6 (f) Permanent residents in a foreign country or those who have
7 acquired the right to reside abroad and continue to avail of the same right after
8 the effectivity of this Code; and

9 (g) The insane or feeble-minded.”

10 SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive
11 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
12 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

13 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
14 publication in at least two (2) newspapers of general circulation.

Approved,