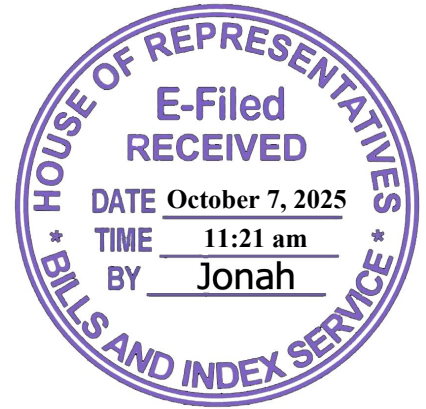




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

House Bill No. **5215**



Introduced by Representative NIKO RAUL S.J. DAZA

EXPLANATORY NOTE

The application of Section 40 (d) of Republic Act No. 7160, otherwise known as the *Local Government Code of the Philippines*, which cites dual citizenship as a ground for disqualification from elective local office, has been clarified by the Supreme Court in *Ernesto S. Mercado v. Eduardo Barrios Manzano and the Commission on Elections* (G.R. No. 135083, May 26, 1999). Specifically, the Supreme Court held that this should be interpreted to refer to dual allegiance as the basis for disqualification, considering that the condition of persons with dual citizenship is the unavoidable consequence of conflicting laws of different states. It further held that 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.

Meanwhile, Section 5 (2) and (3) of RA No. 9225, otherwise known as the “*Citizenship Retention and Re-acquisition Act of 2003*”, provides that those who would like to seek appointive or elective public office must renounce their foreign citizenship prior to assumption to office or upon filing of certificate of candidacy, as the case may be. This condition is redundant considering that by filing a certificate of candidacy, a person effectively declares Filipino citizenship, affirms allegiance to the Republic of the Philippines, and commits to uphold its Constitution.

In view of the foregoing, this bill aims to harmonize the ostensibly conflicting provisions of the laws, pursuant to the Supreme Court ruling and the Constitution.


NIKO RAUL S.J. DAZA
First District, Northern Samar



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HOUSE OF REPRESENTATIVES
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House Bill No. **5215**

Introduced by Representative NIKO RAUL S.J. DAZA

AN ACT
ALLOWING FILIPINO WITH DUAL CITIZENSHIP TO SEEK AN ELECTIVE
OFFICE UPON FILING OF CERTIFICATE OF CANDIDACY

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Section 40 (d) of Republic Act (RA) No. 7160, otherwise known as the “*Local*
2 *Government Code of the 1991*”, on disqualifications of local elective officials is hereby
3 amended to read as follows:

4
5 “SEC. 40. *Disqualifications.* – The following persons are disqualified from
6 running for any elective local position:

7 (a) Those sentenced by final judgment for an offense involving moral
8 turpitude or for an offense punishable by one (1) year or more of
9 imprisonment, within two (2) years after serving sentence;

10 (b) Those removed from office as a result of an administrative case;

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

13 (d) Those with dual [citizenship] ALLEGIANCE;

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

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

(g) The insane or feeble-minded.”

SECTION 2. Any provision of law to the contrary notwithstanding, Filipino with dual citizenship shall be allowed to seek elective public office in the Philippines upon filing of Certificate of Candidacy.

The declaration under oath in the Certificate of Candidacy affirming that they are Filipino citizens and owe allegiance to the Republic of the Philippines, constitutes an express act of renunciation of any other citizenship, unless a subsequent act is performed to reclaim the foreign citizenship.

SECTION 3. Filipino holding dual citizenship refers to a person, as a result of the concurrent application of the laws of the Philippines and another state, is simultaneously considered a citizen of both states, without performing any voluntary act on his or her part. Filipino holding dual citizenship includes:

- (1) Born to either or both Filipino parents in a foreign country which follow the principle of *jus soli*;
- (2) Born in the Philippines of a Filipino and alien parent, if by the laws of the latter, he or she is a citizen of that country;
- (3) Such other situations in which a Filipino may, without performing any voluntary act, be also a citizen of another state.

SECTION 4. Section 5, paragraphs (2) and (3) of RA No. 9225, Section 40 of RA No. 7160 and all other laws, orders, decrees, rules and regulations inconsistent herewith are hereby amended or repealed accordingly.

SECTION 5. This Act shall take effect fifteen (15) days following its in two (2) national newspapers of general circulation.

Approved,