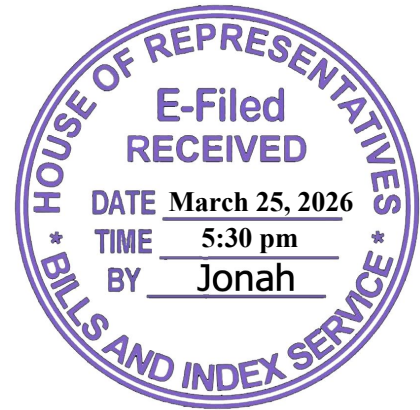


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8792**



Introduced by **REP. NATHANIEL “Atty. Nat” M. ODUCAO**

EXPLANATORY NOTE

During the creation of Article IV of the 1987 Constitution, the status of natural-born citizens with dual citizenship, particularly its implications for national security, was extensively deliberated and ultimately settled. The Constitution recognizes that persons born to one Filipino parent and one foreign parent are Filipino citizens from birth, affirming their natural-born status notwithstanding the simultaneous acquisition of foreign citizenship by reason of parentage or the operation of foreign law.

In the context of elections, while the Omnibus Election Code (Batas Pambansa Blg. 881) prescribes the general citizenship qualifications for candidates seeking elective public office, it does not expressly address the situation of Filipinos who are citizens from birth but also hold foreign citizenship by birth or parentage.

This legislative gap has resulted in conflicting interpretations and inconsistent rulings regarding their eligibility to run for public office. The absence of explicit guidance has led to multiple disqualification cases, underscoring the necessity for statutory clarification to ensure consistent application of the constitutional principle that natural-born Filipinos include those with dual citizenship by birth.

Therefore, this bill seeks to clarify the eligibility of natural-born Filipino citizens with dual citizenship by birth to run for public office, in line with the Supreme Court’s ruling in *Tan Gana-Carait v. Commission on Elections* (G.R. No. 257453, August 9, 2022).

By codifying the Court’s ruling, this measure seeks to harmonize the Code with constitutional principles and jurisprudence, ensuring that natural-born Filipinos are not deprived of their right to seek public office. It also provides clear guidance to the Commission on Elections (COMELEC) and promotes consistency in the application of election laws.

In doing so, this bill protects the constitutional rights of natural-born Filipino citizens and strengthens the integrity and clarity of the country’s democratic process.

In view of the foregoing, passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'N. Oducado', with a small circular stamp or mark near the end of the signature.

REP. NATHANIEL “ATTY. NAT” M. ODUCADO

1Tahanan Party List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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HOUSE BILL NO. **8792**

Introduced by **REP. NATHANIEL “Atty. Nat” M. ODUCAO**

AN ACT AMENDING THE OMNIBUS ELECTION CODE (BATAS PAMBANSA BLG. 881), BY INSERTING A NEW SECTION AFTER ARTICLE IX SECTION 68 TO CLARIFY THE STATUS OF NATURAL-BORN FILIPINO CITIZENS WITH DUAL CITIZENSHIP, AND FOR OTHER PURPOSES

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

1 **SEC. 1. Declaration of Policy.** – A new section is hereby inserted after Section 68 of the
2 Omnibus Election Code (Batas Pambansa Blg. 881), to read as follows:

3 “Section 68-A. Clarification on Natural-Born Filipinos with Dual Citizenship. – Persons who
4 are citizens of the Philippines from birth, notwithstanding the simultaneous acquisition of foreign
5 citizenship by birth or parentage, shall be deemed natural-born citizens of the Philippines.

6 For purposes of determining eligibility to run for any elective public office, such persons shall
7 not be required to execute an oath of allegiance or renunciation of foreign citizenship under Republic
8 Act No. 9225: Provided, That they have not voluntarily acquired foreign citizenship through
9 naturalization after reaching the age of majority.

10 For purposes of this Act, “dual citizenship by birth” shall refer to the simultaneous acquisition
11 of Philippine citizenship and foreign citizenship solely by reason of birth or parentage, and not through
12 any act of naturalization. Persons who are born to parents whom one is a Filipino and the other a foreign
13 nationals shall be considered dual citizens by birth.

14 In cases where there is a factual dispute as to whether dual citizenship was acquired by birth
15 or by subsequent naturalization, such determination shall be subject to verification and resolution by
16 the proper authorities in accordance with existing laws and regulations.”

1 **SEC.2. *Prospective Application.*** – This Act shall apply prospectively to all cases involving
2 qualification or disqualification for elective public office pending before, or to be filed with, the
3 Commission on Elections or any court after the effectivity of this Act.
4

5 **SEC.3. *Repealing Clause.*** – All laws, decrees, rules, and regulations inconsistent with this Act
6 are hereby repealed or modified accordingly.

7 **SEC.4. *Effectivity.*** – This Act shall take effect fifteen (15) days after its complete publication in
8 the *Official Gazette* or in at least two (2) newspapers of general circulation.

8 *Approved,*