

EN BANC

[G.R. No. 182701, July 23, 2008]

EUSEBIO EUGENIO K. LOPEZ, PETITIONER, VS. COMMISSION ON ELECTIONS AND TESSIE P. VILLANUEVA, RESPONDENTS.

RESOLUTION

REYES, R.T., J.:

A Filipino-American or any dual citizen cannot run for any elective public position in the Philippines unless he or she personally swears to a renunciation of all foreign citizenship at the time of filing the certificate of candidacy.

This is a petition for *certiorari* under Rule 65, in relation to Rule 64 of the Rules on Civil Procedure assailing the (1) Resolution^[1] and (2) Omnibus Order ^[2] of the Commission on Elections (COMELEC), Second Division, disqualifying petitioner from running as Barangay Chairman.

Petitioner Eusebio Eugenio K. Lopez was a candidate for the position of Chairman of Barangay Bagacay, San Dionisio, Iloilo City in the synchronized Barangay and Sangguniang Kabataan Elections held on October 29, 2007.

On October 25, 2007, respondent Tessie P. Villanueva filed a petition^[3] before the Provincial Election Supervisor of the Province of Iloilo, praying for the disqualification of petitioner on the ground that he is an American citizen, hence, ineligible from running for any public office. In his Answer,^[4] petitioner argued that he is a dual citizen, a Filipino and at the same time an American, by virtue of Republic Act (R.A.) No. 9225, otherwise known as the Citizenship Retention and Re-acquisition Act of 2003.^[5] He returned to the Philippines and resided in Barangay Bagacay. Thus, he said, he possessed all the qualifications to run for Barangay Chairman.

After the votes for Barangay Chairman were canvassed, petitioner emerged as the winner.^[6]

On February 6, 2008, COMELEC issued the assailed Resolution granting the petition for disqualification, disposing as follows:

WHEREFORE, premises considered, the instant Petition for Disqualification is GRANTED and respondent Eusebio Eugenio K. Lopez is DISQUALIFIED from running as Barangay Chairman of Barangay Bagacay, San Dionisio, Iloilo.

SO ORDERED.^[7]

In ruling against petitioner, the COMELEC found that he was not able to regain his Filipino citizenship in the manner provided by law. According to the poll body, to be

able to qualify as a candidate in the elections, petitioner should have made a personal and sworn renunciation of any and all foreign citizenship. This, petitioner failed to do.

His motion for reconsideration having been denied, petitioner resorted to the present petition, imputing grave abuse of discretion on the part of the COMELEC for disqualifying him from running and assuming the office of Barangay Chairman.

We dismiss the petition.

Relying on *Valles v. Commission on Elections*,^[8] petitioner argues that his filing of a certificate of candidacy operated as an effective renunciation of foreign citizenship.

We note, however, that the operative facts that led to this Court's ruling in *Valles* are substantially different from the present case. In *Valles*, the candidate, Rosalind Ybasco Lopez, was a dual citizen by accident of birth on foreign soil.^[9] Lopez was born of Filipino parents in Australia, a country which follows the principle of *jus soli*. As a result, she acquired Australian citizenship by operation of Australian law, but she was also considered a Filipino citizen under Philippine law. She did not perform any act to swear allegiance to a country other than the Philippines.

In contrast, petitioner was born a Filipino but he deliberately sought American citizenship and renounced his Filipino citizenship. He later on became a dual citizen by re-acquiring Filipino citizenship.

More importantly, the Court's 2000 ruling in *Valles* has been superseded by the enactment of R.A. No. 9225^[10] in 2003. R.A. No. 9225 expressly provides for the conditions before those who re-acquired Filipino citizenship may run for a public office in the Philippines. Section 5 of the said law states:

Section 5. **Civil and Political Rights and Liabilities.** - Those who retain or re-acquire 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 qualification 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.** (Emphasis added)

Petitioner re-acquired his Filipino citizenship under the cited law. This new law explicitly provides that should one seek elective public office, he should first "make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath."

Petitioner failed to comply with this requirement. We quote with approval the COMELEC observation on this point: