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EN BANC

[G.R. No. 198742, August 10, 2012]

TEODORA SOBEJANA-CONDON, PETITIONER, VS. COMMISSION ON ELECTIONS, LUIS M. BAUTISTA, ROBELITO V. PICAR AND WILMA P. PAGADUAN, RESPONDENTS.

D E C I S I O N

REYES, J.:

Failure to renounce foreign citizenship in accordance with the exact tenor of Section 5(2) of Republic Act (R.A.) No. 9225 renders a dual citizen ineligible to run for and thus hold any elective public office.

The Case

At bar is a special civil action for *certiorari*[1] under Rule 64 of the Rules of Court seeking to nullify Resolution[2] dated September 6, 2011 of the Commission on Elections (COMELEC) *en banc* in EAC (AE) No. A-442010. The assailed resolution (a) reversed the Order[3] dated November 30, 2010 of COMELEC Second Division dismissing petitioner's appeal; and (b) affirmed the consolidated Decision[4] dated October 22, 2010 of the Regional Trial Court (RTC), Bauang, La Union, Branch 33, declaring petitioner Teodora Sobejana-Condon (petitioner) disqualified and ineligible to her position as Vice-Mayor of Caba, La Union.

The Undisputed Facts

The petitioner is a natural-born Filipino citizen having been born of Filipino parents on August 8, 1944. On December 13, 1984, she became a naturalized Australian citizen owing to her marriage to a certain Kevin Thomas Condon.

On December 2, 2005, she filed an application to re-acquire Philippine citizenship before the Philippine Embassy in Canberra, Australia pursuant to Section 3 of R.A. No. 9225 otherwise known as the "Citizenship Retention and Re-Acquisition Act of 2003."[5] The application was approved and the petitioner took her oath of allegiance to the Republic of the Philippines on December 5, 2005.

On September 18, 2006, the petitioner filed an unsworn *Declaration of Renunciation of Australian Citizenship* before the Department of Immigration and Indigenous Affairs, Canberra, Australia, which in turn issued the Order dated September 27, 2006 certifying that she has ceased to be an Australian citizen.[6]

The petitioner ran for Mayor in her hometown of Caba, La Union in the 2007 elections. She lost in her bid. She again sought elective office during the May 10, 2010 elections this time for the position of Vice-Mayor. She obtained the highest numbers of votes and was proclaimed as the winning candidate. She took her oath of office on May 13, 2010.

Soon thereafter, private respondents Robelito V. Picar, Wilma P. Pagaduan[7] and Luis M. Bautista,[8] (private respondents) all registered voters of Caba, La Union, filed separate petitions for *quo warranto* questioning the petitioner's eligibility before the RTC. The petitions similarly sought the petitioner's disqualification from holding her elective post on the ground that she is a dual citizen and that she failed to execute a "*personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath*" as imposed by Section 5(2) of R.A. No. 9225.

The petitioner denied being a dual citizen and averred that since September 27, 2006, she ceased to be an Australian citizen. She claimed that the *Declaration of Renunciation of Australian Citizenship* she executed in Australia sufficiently complied with Section 5(2), R.A. No. 9225 and that her act of running for public office is a clear abandonment of her Australian citizenship.

Ruling of the RTC

In its consolidated Decision dated October 22, 2010, the trial court held that the petitioner's failure to comply with Section 5(2) of R.A. No. 9225 rendered her ineligible to run and hold public office. As admitted by the petitioner herself during trial, the personal declaration of renunciation she filed in Australia was not under oath. The law clearly mandates that the document containing the renunciation of foreign citizenship must be sworn before any public officer authorized to administer oath. Consequently, the RTC's decision disposed as follows:

> WHEREFORE, premises considered, the Court renders judgment in FAVOR of [private respondents] and AGAINST (petitioner):
>
> 1) DECLARING [petitioner] TEODORA SOBEJANA-CONDON, disqualified and ineligible to hold the office of Vice-Mayor of Caba, La Union;
>
> 2) NULLIFYING her proclamation as the winning candidate for Vice-Mayor of said municipality; [and]
>
> 3) DECLARING the position of Vice-Mayor in said municipality vacant.
>
> SO ORDERED.[9]

Ruling of the COMELEC

The petitioner appealed to the COMELEC but the appeal was dismissed by the Second Division in its Order[10] dated November 30, 2010 for failure to pay the docket fees

within the prescribed period. On motion for reconsideration, the appeal was reinstated by the COMELEC *en banc* in its Resolution[11] dated September 6, 2011. In the same issuance, the substantive merits of the appeal were given due course. The COMELEC *en banc* concurred with the findings and conclusions of the RTC; it also granted the *Motion for Execution Pending Appeal* filed by the private respondents. The decretal portion of the resolution reads:

> **WHEREFORE**, premises considered the Commission **RESOLVED** as it hereby **RESOLVES** as follows:
>
> 1. To **DISMISS** the instant appeal for lack of merit;
> 2. To **AFFIRM** the **DECISION** dated 22 October 2010 of the *court a quo*; and
> 3. To **GRANT** the Motion for Execution filed on November 12, 2010.
>
> **SO ORDERED.**[12] (Emphasis supplied)

Hence, the present petition ascribing grave abuse of discretion to the COMELEC *en banc*.

The Petitioner's Arguments

The petitioner contends that since she ceased to be an Australian citizen on September 27, 2006, she no longer held dual citizenship and was only a Filipino citizen when she filed her certificate of candidacy as early as the 2007 elections. Hence, the "personal and sworn renunciation of foreign citizenship" imposed by Section 5(2) of R.A. No. 9225 to dual citizens seeking elective office does not apply to her.

She further argues that a sworn renunciation is a mere formal and not a mandatory requirement. In support thereof, she cites portions of the Journal of the House of Representatives dated June 2 to 5, 2003 containing the sponsorship speech for House Bill (H.B.) No. 4720, the precursor of R.A. No. 9225.

She claims that the private respondents are estopped from questioning her eligibility since they failed to do so when she filed certificates of candidacy for the 2007 and 2010 elections.

Lastly, she disputes the power of the COMELEC *en banc* to: (a) take cognizance of the substantive merits of her appeal instead of remanding the same to the COMELEC Second Division for the continuation of the appeal proceedings; and (b) allow the execution pending appeal of the RTC's judgment.

The Issues

Posed for resolution are the following issues: *I)* Whether the COMELEC en banc may resolve the merits of an appeal after ruling on its reinstatement; *II)* Whether the COMELEC *en banc* may order the execution of a judgment rendered by a trial court in

an election case; *III)* Whether the private respondents are barred from questioning the qualifications of the petitioner; and *IV)* For purposes of determining the petitioner's eligibility to run for public office, whether the "sworn renunciation of foreign citizenship" in Section 5(2) of R.A. No. 9225 is a mere pro-forma requirement.

The Court's Ruling

I. An appeal may be simultaneously reinstated and definitively resolved by the COMELEC *en banc* in a resolution disposing of a motion for reconsideration.

The power to decide motions for reconsideration in election cases is arrogated unto the COMELEC *en banc* by Section 3, Article IX-C of the Constitution, *viz*:

> Sec. 3. The Commission on Elections may sit *en banc* or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *en banc*.

A complementary provision is present in Section 5(c), Rule 3 of the COMELEC Rules of Procedure, to wit:

> Any motion to reconsider a decision, resolution, order or ruling of a Division shall be resolved by the Commission *en banc* except motions on interlocutory orders of the division which shall be resolved by the division which issued the order.

Considering that the above cited *provisos* do not set any limits to the COMELEC *en banc's* prerogative in resolving a motion for reconsideration, there is nothing to prevent the body from directly adjudicating the substantive merits of an appeal after ruling for its reinstatement instead of remanding the same to the division that initially dismissed it.

We thus see no impropriety much more grave abuse of discretion on the part of the COMELEC *en banc* when it proceeded to decide the substantive merits of the petitioner's appeal after ruling for its reinstatement.

Further, records show that, in her motion for reconsideration before the COMELEC *en banc*, the petitioner not only proffered arguments on the issue on docket fees but also on the issue of her eligibility. She even filed a supplemental motion for reconsideration attaching therewith supporting documents[13] to her contention that she is no longer

an Australian citizen. The petitioner, after obtaining an unfavorable decision, cannot be permitted to disavow the *en banc's* exercise of discretion on the substantial merits of her appeal when she herself invoked the same in the first place.

The fact that the COMELEC *en banc* had remanded similar appeals to the Division that initially dismissed them cannot serve as a precedent to the disposition of the petitioner's appeal. A decision or resolution of any adjudicating body can be disposed in several ways. To sustain petitioner's argument would be virtually putting a straightjacket on the COMELEC *en banc's* adjudicatory powers.

More significantly, the remand of the appeal to the COMELEC Second Division would be unnecessarily circuitous and repugnant to the rule on preferential disposition of *quo warranto* cases espoused in Rule 36, Section 15 of the COMELEC Rules of Procedure. [14]

II. The COMELEC *en banc* has the power to order discretionary execution of judgment.

We cannot subscribe to petitioner's submission that the COMELEC *en banc* has no power to order the issuance of a writ of execution and that such function belongs only to the court of origin.

There is no reason to dispute the COMELEC's authority to order discretionary execution of judgment in view of the fact that the suppletory application of the Rules of Court is expressly sanctioned by Section 1, Rule 41 of the COMELEC Rules of Procedure.[15]

Under Section 2, Rule 39 of the Rules of Court, execution pending appeal may be issued by an appellate court after the trial court has lost jurisdiction. In *Batul v. Bayron*,[16] we stressed the import of the provision *vis-à-vis* election cases when we held that judgments in election cases which may be executed pending appeal includes those decided by trial courts and those rendered by the COMELEC whether in the exercise of its original or appellate jurisdiction.

III. Private respondents are not estopped from questioning petitioner's eligibility to hold public office.

The fact that the petitioner's qualifications were not questioned when she filed certificates of candidacy for 2007 and 2010 elections cannot operate as an estoppel to the petition for *quo warranto* before the RTC.

Under the Batas Pambansa Bilang 881 (Omnibus Election Code), there are two instances where a petition questioning the qualifications of a registered candidate to

run for the office for which his certificate of candidacy was filed can be raised, to wit:

(1) ***Before election***, pursuant to Section 78 thereof which provides that:

> Sec. 78. *Petition to deny due course or to cancel a certificate of candidacy*. – A verified petition seeking to deny due course or to cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein as required under Section 74 hereof is false. The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing, not later than fifteen days before the election; and

(2) ***After election***, pursuant to Section 253 thereof, *viz*:

> Sec. 253. *Petition for quo warranto.* – Any voter contesting the election of any Member of the Batasang Pambansa, regional, provincial, or city officer on the ground of ineligibility or of disloyalty to the Republic of the Philippines shall file a sworn petition for *quo warranto* with the Commission ***within ten days after the proclamation of the results of the election***. (Emphasis ours)

Hence, if a person qualified to file a petition to disqualify a certain candidate fails to file the petition within the twenty-five (25)-day period prescribed by Section 78 of the Omnibus Election Code for whatever reasons, the elections laws do not leave him completely helpless as he has another chance to raise the disqualification of the candidate by filing a petition for *quo warranto* within ten (10) days from the proclamation of the results of the election, as provided under Section 253 of the Omnibus Election Code.[17]

The above remedies were both available to the private respondents and their failure to utilize Section 78 of the Omnibus Election Code cannot serve to bar them should they opt to file, as they did so file, a *quo warranto* petition under Section 253.

IV. Petitioner is disqualified from running for elective office for failure to renounce her Australian citizenship in accordance with Section 5(2) of R.A. No. 9225.

R.A. No. 9225 allows the retention and re-acquisition of Filipino citizenship for natural-born citizens who have lost their Philippine citizenship[18] by taking an oath of allegiance to the Republic, thus:

> **Section 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 re-acquired 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 imposed 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.

The oath is an abbreviated repatriation process that restores one's Filipino citizenship and all civil and political rights and obligations concomitant therewith, subject to certain conditions imposed in Section 5, *viz*:

> **Sec. 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:**
>
> > (1) Those intending to exercise their right of suffrage must meet the requirements under Section 1, Article V of the Constitution, Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003" and other existing laws;
> >
> > **(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;

(3) Those appointed to any public office shall subscribe and swear to an oath of allegiance to the Republic of the Philippines and its duly constituted authorities prior to their assumption of office: *Provided,* That they renounce their oath of allegiance to the country where they took that oath;

(4) Those intending to practice their profession in the Philippines shall apply with the proper authority for a license or permit to engage in such practice; and

(5) That right to vote or be elected or appointed to any public office in the Philippines cannot be exercised by, or extended to, those who:

(a) are candidates for or are occupying any public office in the country of which they are naturalized citizens;

and/or

(b) are in active service as commissioned or non-commissioned officers in the armed forces of the country which they are naturalized citizens. (Emphasis ours)

Under the provisions of the aforementioned law, the petitioner has validly re-acquired her Filipino citizenship when she took an Oath of Allegiance to the Republic of the Philippines on December 5, 2005. At that point, she held dual citizenship, *i.e.*, Australian and Philippine.

On September 18, 2006, or a year before she initially sought elective public office, she filed a renunciation of Australian citizenship in Canberra, Australia. Admittedly, however, the same was not under oath contrary to the exact mandate of Section 5(2) that the renunciation of foreign citizenship must be sworn before an officer authorized to administer oath.

To obviate the fatal consequence of her inutile renunciation, the petitioner pleads the Court to interpret the "sworn renunciation of any and all foreign citizenship" in Section 5(2) to be a mere *pro forma* requirement in conformity with the intent of the Legislature. She anchors her submission on the statement made by Representative Javier during the floor deliberations on H.B. No. 4720, the precursor of R.A. No. 9225.

At the outset, it bears stressing that the Court's duty to interpret the law according to its true intent is exercised only when the law is ambiguous or of doubtful meaning. The

first and fundamental duty of the Court is to apply the law. As such, when the law is clear and free from any doubt, there is no occasion for construction or interpretation; there is only room for application.[19] Section 5(2) of R.A. No. 9225 is one such instance.

Ambiguity is a condition of admitting two or more meanings, of being understood in more than one way, or of referring to two or more things at the same time. For a statute to be considered ambiguous, it must admit of two or more possible meanings. [20]

The language of Section 5(2) is free from any ambiguity. In *Lopez v. COMELEC*,[21] we declared its categorical and single meaning: 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. We also expounded on the form of the renunciation and held that to be valid, the renunciation must be contained in an affidavit duly executed before an officer of the law who is authorized to administer an oath stating in clear and unequivocal terms that affiant is renouncing all foreign citizenship.

The same meaning was emphasized in *Jacot v. Dal*,[22] when we held that Filipinos re-acquiring or retaining their Philippine citizenship under R.A. No. 9225 must explicitly renounce their foreign citizenship if they wish to run for elective posts in the Philippines, thus:

> 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.
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> 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.**
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> 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;
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> x x x x
>
> ***[T]he 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.[23] (Citation omitted and italics and underlining ours)

Hence, in *De Guzman v. COMELEC*,[24] we declared petitioner therein to be disqualified from running for the position of vice-mayor for his failure to make a personal and sworn renunciation of his American citizenship.

We find no reason to depart from the mandatory nature infused by the above rulings to the phrase "sworn renunciation". The language of the provision is plain and unambiguous. It expresses a single, definite, and sensible meaning and must thus be read literally.[25] **The foreign citizenship must be formally rejected through an affidavit duly sworn before an officer authorized to administer oath**.

It is conclusively presumed to be the meaning that the Legislature has intended to convey.[26] Even a resort to the Journal of the House of Representatives invoked by the petitioner leads to the same inference, *viz*:

> INTERPELLATION OF REP. JAVIER
>
> Rep. Javier initially inquired whether under the Bill, dual citizenship is only limited to natural-born Filipinos and not to naturalized Filipinos.
>
> Rep. Libanan replied in the affirmative.
>
> Rep. Javier subsequently adverted to Section 5 of the Bill which provides that natural-born Filipinos who have dual citizenship shall continue to enjoy full civil and political rights. This being the case, he sought clarification as to whether they can indeed run for public office provided that they renounce their foreign citizenship.
>
> Rep. Libanan replied in the affirmative, citing that these citizens will only have to make a personal and sworn renunciation of foreign citizenship before any authorized public officer.

Rep. Javier sought further clarification on this matter, citing that while the Bill provides them with full civil and political rights as Filipino citizens, the measure also discriminates against them since they are required to make a sworn renunciation of their other foreign citizenship if and when they run for public office. He thereafter proposed to delete this particular provision.

In his rejoinder, Rep. Libanan explained that this serves to erase all doubts regarding any issues that might be raised pertaining to the citizenship of any candidate. He subsequently cited the case of *Afroyim vs. Rusk,* wherein the United States considered a naturalized American still as an American citizen even when he cast his vote in Israel during one of its elections.

Rep. Javier however pointed out that the matter of voting is different because in voting, one is not required to renounce his foreign citizenship. He pointed out that under the Bill, Filipinos who run for public office must renounce their foreign citizenship. He pointed out further that this is a contradiction in the Bill.

Thereafter, **Rep. Javier inquired whether Filipino citizens who had acquired foreign citizenship and are now entitled to reacquire their Filipino citizenship will be considered as natural-born citizens. As such, he likewise inquired whether they will also be considered qualified to run for the highest elective positions in the country.**

Rep. Libanan replied in the affirmative, citing that the only requirement is that **they make a sworn renunciation of their foreign citizenship** and that they comply with the residency and registration requirements as provided for in the Constitution.

Whereupon, **Rep. Javier noted that under the Constitution, natural-born citizens are those who are citizens at the time of birth without having to perform an act to complete or perfect his/her citizenship.**

Rep. Libanan agreed therewith, citing that this is the reason why the Bill seeks the repeal of CA No. 63. The repeal, he said, would help Filipino citizens who acquired foreign citizenship to retain their citizenship. **With regard then to Section 5 of the Bill, he explained that the Committee had decided to include this provision because Section 18, Article XI of the Constitution provides for the accountability of public officers.**

In his rejoinder, **Rep. Javier maintained that in this case, the sworn renunciation of a foreign citizenship will only become a *pro forma* requirement.**

On further queries of Rep. Javier, Rep. Libanan affirmed that natural-born Filipino citizens who became foreign citizens and who have reacquired their Filipino citizenship under the Bill will be considered as natural-born citizens, and therefore qualified to run for the presidency, the vice-presidency or for a seat in Congress. He also agreed with the observation of Rep. Javier that a

natural-born citizen is one who is a citizen of the country at the time of birth. He also explained that the Bill will, in effect, return to a Filipino citizen who has acquired foreign citizenship, the status of being a natural-born citizen effective at the time he lost his Filipino citizenship.

As a rejoinder, Rep. Javier opined that doing so would be discriminating against naturalized Filipino citizens and Filipino citizens by election who are all disqualified to run for certain public offices. He then suggested that the Bill be amended by not considering as natural-born citizens those Filipinos who had renounced their Filipino citizenship and acquired foreign citizenship. He said that they should be considered as repatriated citizens.

In reply, Rep. Libanan assured Rep. Javier that the Committee will take note of the latter's comments on the matter. He however stressed that after a lengthy deliberation on the subject, the Committees on Justice, and Foreign Affairs had decided to revert back to the status of being natural- born citizens those natural-born Filipino citizens who had acquired foreign citizenship but now wished to reacquire their Filipino citizenship.

Rep. Javier then explained that a Filipina who loses her Filipino citizenship by virtue of her marriage to a foreigner can regain her repatriated Filipino citizenship, upon the death of her husband, by simply taking her oath before the Department of Justice (DOJ).

Rep. Javier said that he does not oppose the Bill but only wants to be fair to other Filipino citizens who are not considered natural-born. He reiterated that natural-born Filipino citizens who had renounced their citizenship by pledging allegiance to another sovereignty should not be allowed to revert back to their status of being natural-born citizens once they decide to regain their Filipino citizenship. He underscored that this will in a way allow such Filipinos to enjoy dual citizenship.

On whether the Sponsors will agree to an amendment incorporating the position of Rep. Javier, Rep. Libanan stated that this will defeat the purpose of the Bill.

Rep. Javier disagreed therewith, adding that natural-born Filipino citizens who acquired foreign citizenships and later decided to regain their Filipino citizenship, will be considered as repatriated citizens.

Rep. Libanan cited the case of *Bengzon vs. HRET* wherein the Supreme Court had ruled that only naturalized Filipino citizens are not considered as natural-born citizens.

In reaction, Rep. Javier clarified that only citizens by election or those whose mothers are Filipino citizens under the 1935 Constitution and who elected Filipino citizenship upon reaching the age of maturity, are not deemed as natural-born citizens.

> In response, Rep. Libanan maintained that in the *Bengzon* case, repatriation results in the recovery of one's original nationality and only naturalized citizens are not considered as natural-born citizens.
>
> On whether the Sponsors would agree to not giving back the status of being natural-born citizens to natural-born Filipino citizens who acquired foreign citizenship, Rep. Libanan remarked that the Body in plenary session will decide on the matter.[27]

The petitioner obviously espouses an isolated reading of Representative Javier's statement; she conveniently disregards the preceding and succeeding discussions in the records.

The above-quoted excerpts of the legislative record show that Representative Javier's statement ought to be understood within the context of the issue then being discussed, that is – whether former natural-born citizens who re-acquire their Filipino citizenship under the proposed law will revert to their original status as natural-born citizens and thus be qualified to run for government positions reserved only to natural-born Filipinos, *i.e.* President, Vice-President and Members of the Congress.

It was Representative Javier's position that they should be considered as repatriated Filipinos and not as natural-born citizens since they will have to execute a personal and sworn renunciation of foreign citizenship. Natural-born citizens are those who need not perform an act to perfect their citizenship. Representative Libanan, however, maintained that they will revert to their original status as natural-born citizens. To reconcile the renunciation imposed by Section 5(2) with the principle that natural-born citizens are those who need not perform any act to perfect their citizenship, Representative Javier suggested that the sworn renunciation of foreign citizenship be considered as a mere *pro forma* requirement.

Petitioner's argument, therefore, loses its point. The "sworn renunciation of foreign citizenship" must be deemed a formal requirement only with respect to the re-acquisition of one's status as a natural-born Filipino so as to override the effect of the principle that natural-born citizens need not perform any act to perfect their citizenship. Never was it mentioned or even alluded to that, as the petitioner wants this Court to believe, those who re-acquire their Filipino citizenship and thereafter run for public office has the option of executing an unsworn affidavit of renunciation.

It is also palpable in the above records that Section 5 was intended to complement Section 18, Article XI of the Constitution on public officers' primary accountability of allegiance and loyalty, which provides:

> Sec. 18. – Public officers and employees owe the State and this Constitution allegiance at all times and any public officer or employee who seeks to change his citizenship or acquire the status of an immigrant of another country during his tenure shall be dealt with by law.

An oath is a solemn declaration, accompanied by a swearing to God or a revered person or thing, that one's statement is true or that one will be bound to a promise. The person making the oath implicitly invites punishment if the statement is untrue or the promise is broken. The legal effect of an oath is to subject the person to penalties for perjury if the testimony is false.[28]

Indeed, the solemn promise, and the risk of punishment attached to an oath ensures truthfulness to the prospective public officer's abandonment of his adopted state and promise of absolute allegiance and loyalty to the Republic of the Philippines.

To hold the oath to be a mere *pro forma* requirement is to say that it is only for ceremonial purposes; it would also accommodate a mere qualified or temporary allegiance from government officers when the Constitution and the legislature clearly demand otherwise.

Petitioner contends that the Australian Citizenship Act of 1948, under which she is already deemed to have lost her citizenship, is entitled to judicial notice. We disagree.

Foreign laws are not a matter of judicial notice. Like any other fact, they must be alleged and proven.[29] To prove a foreign law, the party invoking it must present a copy thereof and comply with Sections 24 and 25 of Rule 132 of the Revised Rules of Court which reads:

> Sec. 24. *Proof of official record*. – The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. **If the office in which the record is kept is in a foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice-consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office**. (Emphasis ours)
>
> Sec. 25. *What attestation of copy must state.* – Whenever a copy of a document or record is attested for the purpose of the evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

The Court has admitted certain exceptions to the above rules and held that the existence of a foreign law may also be established through: (1) a testimony under oath of an expert witness such as an attorney-at-law in the country where the foreign law operates wherein he quotes verbatim a section of the law and states that the same was

in force at the time material to the facts at hand; and (2) likewise, in several naturalization cases, it was held by the Court that evidence of the law of a foreign country on reciprocity regarding the acquisition of citizenship, although not meeting the prescribed rule of practice, may be allowed and used as basis for favorable action, if, in the light of all the circumstances, the Court is "satisfied of the authenticity of the written proof offered." Thus, in a number of decisions, mere authentication of the Chinese Naturalization Law by the Chinese Consulate General of Manila was held to be a competent proof of that law.[30]

The petitioner failed to prove the Australian Citizenship Act of 1948 through any of the above methods. As uniformly observed by the RTC and COMELEC, the petitioner failed to show proof of the existence of the law during trial. Also, the letter issued by the Australian government showing that petitioner already renounced her Australian citizenship was unauthenticated hence, the courts *a quo* acted judiciously in disregarding the same.

We are bound to arrive at a similar conclusion even if we were to admit as competent evidence the said letter in view of the photocopy of a Certificate of Authentication issued by Consular Section of the Philippine Embassy in Canberra, Australia attached to the petitioner's motion for reconsideration.

We have stressed in *Advocates and Adherents of Social Justice for School Teachers and Allied Workers (AASJS) Member v. Datumanong*[31] that the framers of R.A. No. 9225 did not intend the law to concern itself with the actual status of the other citizenship.

This Court as the government branch tasked to apply the enactments of the legislature must do so conformably with the wisdom of the latter sans the interference of any foreign law. If we were to read the Australian Citizen Act of 1948 into the application and operation of R.A. No. 9225, we would be applying not what our legislative department has deemed wise to require. To do so would be a brazen encroachment upon the sovereign will and power of the people of this Republic.[32]

The petitioner's act of running for public office does not suffice to serve as an effective renunciation of her Australian citizenship. While this Court has previously declared that the filing by a person with dual citizenship of a certificate of candidacy is already considered a renunciation of foreign citizenship,[33] such ruling was already adjudged superseded by the enactment of R.A. No. 9225 on August 29, 2003 which provides for the additional condition of a personal and sworn renunciation of foreign citizenship.[34]

The fact that petitioner won the elections can not cure the defect of her candidacy. Garnering the most number of votes does not validate the election of a disqualified candidate because the application of the constitutional and statutory provisions on disqualification is not a matter of popularity.[35]

In fine, R.A. No. 9225 categorically demands natural-born Filipinos who re-acquire their citizenship and seek elective office, to execute a personal and sworn renunciation of any and all foreign citizenships before an authorized public officer prior to or

simultaneous to the filing of their certificates of candidacy, to qualify as candidates in Philippine elections.[36] The rule applies to all those who have re-acquired their Filipino citizenship, like petitioner, without regard as to whether they are still dual citizens or not. It is a pre-requisite imposed for the exercise of the right to run for public office.

Stated differently, it is an additional qualification for elective office specific only to Filipino citizens who re-acquire their citizenship under Section 3 of R.A. No. 9225. It is the operative act that restores their right to run for public office. The petitioner's failure to comply therewith in accordance with the exact tenor of the law, rendered ineffectual the *Declaration of Renunciation of Australian Citizenship* she executed on September 18, 2006. As such, she is yet to regain her political right to seek elective office. Unless she executes a sworn renunciation of her Australian citizenship, she is ineligible to run for and hold any elective office in the Philippines.

WHEREFORE, in view of all the foregoing, the petition is hereby **DISMISSED**. The Resolution dated September 6, 2011 of the Commission on Elections *en banc* in EAC (AE) No. A-44-201 0 is **AFFIRMED** *in toto.*

SO ORDERED.

Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and *Reyes, JJ*., concur.
Sereno, and *Perlas-Bernabe, JJ.,* on official Leave.

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[1] *Rollo*, pp. 3-54.

[2] Id. at 59-72.

[3] Id. at 74-75.

[4] Under the sala of Judge Rose Mary R. Molina-Alim; id. at 76-86.

[5] AN ACT MAKING THE CITIZENSHIP OF PHILIPPINE CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP PERMANENT. AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 63, AS AMENDED AND FOR OTHER PURPOSES. Enacted August 29, 2003.

[6] *Rollo*, p. 79.

[7] Docketed as SPL. CV. ACTION CASE No. 78-BG.

[8] Docketed as SPL. CV. ACTION CASE No. 76-BG.

[9] *Rollo*, p. 86.

[10] Id. at 74-75.

[11] Id. at 59-72.

[12] Id. at 67-68.

[13] (1) Photocopy of a Letter addressed to the COMELEC dated November 10, 2010 issued by the Department of Immigration and Citizenship of Australia, containing an advise that as of September 27, 2006, the petitioner is no longer an Australian citizen; and (2) photocopy of a Certificate of Authentication of the said letter dated November 23, 2010 issued by Grace Anne G. Bulos of the Consular Section of the Philippine Embassy in Canberra, Australia. (Id. at 62.)

[14] Rule 36, Sec. 15. Preferential Disposition of *Quo Warranto* Cases. – The courts shall give preference to *quo warranto* over all other cases, except those of habeas corpus.

[15] "[I]n the absence of any applicable provision in [said] Rules, the pertinent provisions of the Rules of Court in the Philippines shall be applicable by analogy or in a suppletory character and effect."

[16] 468 Phil. 130 (2004).

[17] *Salcedo II v. COMELEC*, 371 Phil. 377, 389 (1999).

[18] 1) natural-born citizens who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country; and 2) natural-born citizens of the Philippines who, after the effectivity of the law, become citizens of a foreign country.

[19] *Abello v. Commissioner of Internal Revenue,* 492 Phil. 303, 309-310 (2005).

[20] Id. at 310.

[21] G.R. No. 182701, July 23, 2008, 559 SCRA 696.

[22] G.R. No. 179848, November 29, 2008, 572 SCRA 295.

[23] Id. at 306-308.

[24] G.R. No. 180048, June 19, 2009, 590 SCRA 149.

[25] *Lokin, Jr. v. COMELEC*, G.R. Nos. 179431-32 and 180443, June 22, 2010, 621 SCRA 385, 406.

[26] Id.

[27] JOURNAL OF THE HOUSE OF REPRESENTATIVES, June 2 to 5, 2003; *rollo*, pp. 94-95.

[28] Black's Law Dictionary, Eighth Ed., p. 1101.

[29] *Manufacturers Hanover Trust Co. v. Guerrero,* 445 Phil. 770, 777 (2003).

[30] *Asiavest Limited v. CA*, 357 Phil 536, 551-552 (1998), citing Jovito Salonga, Private International Law, 101-102, 1995 ed..

[31] G.R. No. 160869, May 11, 2007, 523 SCRA 108.

[32] See *Parado v. Republic of the Philippines,* 86 Phil. 340, 344 (1950).

[33] *Valles v. COMELEC*, 392 Phil. 327, 340 (2000); *Mercado v. Manzano*, 367 Phil. 132, 152-153 (1999).

[34] *Jacot v. Dal*, supra note 22, at 308.

[35] *Lopez v. COMELEC,* supra note 21, at 701.

[36] *Jacot v. Dal,* supra note 22, at 306.
