

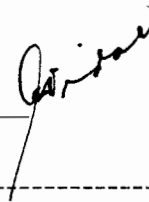
EN BANC

G.R. No. 195649

CASAN MACODE MAQUILING,
Petitioners, versus COMMISSION ON
ELECTIONS, ROMMEL ARNADO Y
CAGOCO, LINOG G. BALUA,
Respondents.

Promulgated:

APRIL 16, 2013



X ----- X

SEPARATE AND CONCURRING OPINION

ABAD, J.:

I fully concur with the majority but would add another argument in support of the decision.

Sec. 5(2) of Republic Act 9225 provides the means by which a former Philippine citizen who has acquired foreign citizenship to later reacquire his old citizenship by complying with certain requirements. Respondent Rommel Arnado complied with these requirements for regaining Philippine citizenship but, because he wanted to run for public office, he also renounced his United States (U.S.) Citizenship when he filed his certificate of candidacy, conformably with the provisions of Republic Act 9225 that reads:

- (2) Those seeking elective public 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.

But his compliance with the above was challenged before the Commission on Elections (Comelec) because Arnado afterwards twice used his U.S. passport in going to and coming from the U.S., the country whose citizenship he had renounced.

The majority opinion amply states that by his acts, Arnado showed that he did not effectively renounce his U.S. citizenship. To this I add that he also failed to comply with the U.S. requirements for citizens wishing to renounce their citizenships.

Section 349 (a)(5) of the Immigration and Nationality Act (INA)¹ sets the procedure that those who have moved their residence to other countries must observe when renouncing their U.S. citizenship. It provides that “(a) A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality – x x x (5) making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State.” He does not effectively renounce his citizenship who does not comply with what his country requires of him.

Here, there is no showing that Arnado, a U.S. citizen, fulfilled the above requirement. To the eyes of the U.S. government, Arnado remains its citizen, owing obligations of loyalty to it and subject to its laws wherever he may be. Indeed, the U.S. government had not cancelled his passport, permitting him to use the same a number of times after he reacquired his Philippine citizenship. If the U.S. continues to regard Arnado as its citizen, then he has two citizenships, a ground for cancelling his certificate of candidacy for a public office in the Philippines.



ROBERTO A. ABAD
Associate Justice

¹ 8 U.S.C. 1481(a)(5)