

25 November 2005

Republic of the Philippines
DEPARTMENT OF JUSTICE
BUREAU OF IMMIGRATION
MAGALLANES DRIVE, INTRAMUROS
1002 MANILA

MEMORANDUM CIRCULAR NO. AFF. 05-002

**Revised rules Governing Philippine Citizenship under
Republic Act (R.A) No. 9225 and Administrative Order (A.O.)
No. 91, Series of 2004**

WHEREAS, R.A. No. 9225 declares that natural-born citizens of the Philippines who become citizens of another country shall retain or reacquire Philippine citizenship upon taking an oath of allegiance to the republic and subject to such other conditions provided therein;

WHEREAS, to encourage a higher turn-out of applicants for retention and re-acquisition of Philippine citizenship, there is need to further simplify the rules and regulations implementing R.A. 9225;

WHEREAS, in keeping with the spirit and intent of the law, former natural-born Philippine citizens seeking to avail of the benefits of R.A. 9225 shall be presumed to be natural-born citizen unless proven otherwise.

WHEREAS, A.O. No. 91, Section 1 designates the Bureau of Immigration (BI), in consultation with the Department of Foreign Affairs (DFA), Department of Justice (DOJ) and Office of the Civil Registrar-General and National Statistics Office (NSO) as the implementing agency of R.A. No. 9225;

WHEREAS, A.O. No. 91, Section 2 authorizes the BI to promulgate and issue rules and regulations to implement R.A. No. 9225.

WHEREFORE, by authority of A.O. No. 91, Section 2 in relation to Commonwealth Act No. 613, Section 3, as amended, the following rules are hereby adopted to carry out the provision of R.A. No. 9225.

Section 1. Coverage. –

These rules shall apply to natural-born citizens of the Philippines as defined by Philippine law and jurisprudence, who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country.

Section 2. Former natural-born Philippine citizen in the country.-

A former natural-born citizen of the Philippines who is in the country shall file a verified petition for retention/reacquisition of Philippine citizenship with the Bureau of Immigration.

In the former Philippine citizen is registered as an alien with the Bureau, he/she shall include in his petition a request for the cancellation of his/her Alien Certificate of Registration (ACR) and Immigrant Certificate of Residence (ICR) or Certificate of Residence for Temporary Visitors (CRTV), as the case may be.

He shall likewise be issued an Identification Certificate subject to existing rules and regulations in the issuance of the same. Thereafter, he/she may opt to apply for a Philippine passport with the Department of Foreign Affairs (DFA) as he/she may deem necessary.

Section 3. Former natural-born Philippine citizen abroad.-

A former natural-born citizen of the Philippines who is abroad shall file a verified petition with the nearest Philippine Foreign Post, for retention/reacquisition of Philippine citizenship.

If the former Philippine citizen who is abroad is registered as an alien with the Bureau, he/she shall include in his petition a request for the cancellation of his/her Alien Certificate of Registration (ACR) and Immigrant Certificate of Residence (ICR) or Certificate of Residence for Temporary Visitors (CRTV) as the case may be.

The concerned Philippine Foreign Posts are hereby authorized to issue an Identification Certificate (IC), subject to existing BI rules and regulations in the issuance of the same. Thus, applicant may likewise apply for the issuance of an identification Certificate or opt to apply for a Philippine passport as he/she may deem necessary.

Section 4. Petition and Photographs.-

An applicant for retention/reacquisition of Philippine citizenship, must indicate in his Petition the following:

- a) His/her full name as shown in the foreign naturalization certificate or foreign passport. In case of change of name, the applicant should also state the name appearing in the birth certificate or the old Philippine passport;
- b) His/her latest forwarding address;
- c) His/her date and place of birth and civil status;
- d) Name and citizenship of the parents at the time of applicant's birth.
- e) Name, date and place of birth of child beneficiary, if any;
- f) Two (2) recent 2" x 2" photographs of the applicant shall be attached to the petition

Section 5. Fees.-

Each applicant under these Rules shall pay a one-time fee for the processing of the application and issuance of the corresponding IC.

Applicants in the Philippines shall attach the official receipt for the amount of P2,500.00, as proof of payment of processing fee. Applicants abroad shall attach the official receipt for the amount of US\$50 or its equivalent in foreign currency acceptable to the Philippine Foreign Post concerned.

Each beneficiary shall be assessed a separate processing fee of P1,250 or US\$ 25.00 or its equivalent in foreign currency acceptable to the Philippine Foreign Post concerned.

Section 6. Proof as natural-born citizen of the Philippines.-

A former natural-born citizen of the Philippines shall enjoy the presumption that he/she was a natural-born Filipino provided, that proof of Philippine citizenship is submitted. In determining Philippine citizenship, a copy of at least one of the following shall be submitted, the original of which shall be presented and appropriately marked by the evaluating officer 'original seen and verified'.

1. Philippine Birth Certificate;
2. Old Philippine Passport
3. Voter's affidavit or voter's identification card;
4. Marriage contract indicating the Philippine citizenship of the applicant; and
5. Such other documents that would show that the applicant is a former natural born citizen of the Philippines as may be acceptable to the evaluating officer.

In all cases, the evaluating officer may require the submission of additional documents if there is reasonable ground to believe that the applicant is not a former natural-born Filipino.

Section 7. Discrepancy in the name of the applicant.-

Where the name of the applicant in his/her birth certificate or other documents submitted for consideration, is different from that in his/her foreign passport and other documents the applicant shall execute an affidavit explaining such difference and attach as supporting documents, at least two (2) public or private documents showing the correct name of the applicant, the original of which shall be presented and appropriately marked by the evaluating officer "original seen and verified".

In such a case, the Order granting the application shall state the name as appearing in the birth certificate, followed, as an alias, by the name as appearing in the foreign passport.

If the applicant secured a correction of entry of his/her birth certificate with the appropriate Local Civil Registrar or the Court, the Order and the Identification Certificate, if any, shall state the name of the applicant as reflected in the annotated birth certificate.

For documents issued abroad, the applicant shall submit copies that have been duly authenticated by the Philippine Consulate in the place where the documents was issued.

Section 8. The Oath of Allegiance.-

Applicants under these Rules shall take and be given their Oath of Allegiance to the Republic of the Philippines as follows:

I (name of the applicant) 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 impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.

Section 9. Certificate of Naturalization.-

Applicants shall be required to submit a photocopy of their Certificate of Naturalization. In the absence of the same, the applicant may submit an affidavit explaining the circumstances by which the foreign citizenship was acquired.

Section 10. Compliance and approval procedures.-

All petitions must strictly comply with the preceding requirements prior to filing at the Office of the Commissioner or at nearest Philippine Foreign Post, as the case may be. After filing of the petition, it shall be assigned to an evaluating officer who shall evaluate the same without further proceedings.

If the petition is found to be sufficient in form and in substance, the evaluating officer shall submit the findings and recommendation to the Commissioner of Immigration or Consul General, as the case may be, within five (5) days from date of assignment.

For applications of former Philippine citizens who are not registered as aliens with the BI, the Commissioner or Immigration, in cases of applications filed under Section 2, or the Consul General, in cases of applications filed under Section 3, shall issue, within five (5) days from receipt thereof, an Order of Approval indicating that the petition complies with the provisions of R.A. 9225 and its IRR, and the corresponding IC, as the case may be.

For applications of BI registered aliens filed under Section 2, the Commissioner shall further direct the Chief of the alien Registration Division (ARD) to cancel the subject ACR and ICR/CRTV. Each cancelled ACR and ICR/CRTV shall be attached to the duplicate copy of the Order of approval and the Oath of Allegiance, to form part of the records of the applicant.

For applications of BI registered aliens filed under Section 3, the Consul General shall require the applicant to surrender his/her original ACR and ICR/CRTV, or in its absence, an affidavit of loss of said documents for transmittal to the BI, before issuing the Order of Approval. The BI upon receipt of the applicant's records shall immediately cancel the subject's ACR and ICR/CRTV.

In case of petitions that do not comply with the requirements, the applicant shall be notified to submit the required documents within thirty (30) days from receipt thereof. Otherwise, the petition shall not be favorably acted upon by the BI or by the Philippine Foreign Post.

If after evaluation, the documents submitted fail to establish that the applicant was a former citizen of the Philippines, the applicant shall be notified of such fact in writing by the Commissioner of Immigration or by the Philippine Foreign Post.

Section 11. Retention/Reacquisition of Philippine Citizenship,-

Subject to full compliance with these Rules, the Oath of Allegiance shall be the final act to retain/reacquire Philippine citizenship.

In case the applicant is in the Philippines, he may take his Oath of Allegiance before the Commissioner of Immigration or any officer authorized under existing laws to administer oaths. In the latter case, the applicant shall submit the Oath of Allegiance to the BI to form part of his records.

In case the applicant is abroad, only the Consul General or a duly commissioned foreign service officer of the Philippine Foreign Post concerned shall administer the Oath of Allegiance.

Section 12. Repository of records.-

The BI records shall maintain the integrity of all the documents filed under these Rules. It shall send official copies of the Order of Approval and Oath of Allegiance to the NSO.

Section 13. Copies for the applicant. Correction of errors.

The applicant shall be provided with official copies of the Order of Approval and the Oath of allegiance. Further, all IC's which may be issued under these Rules shall indicate Philippine citizenship under R.A. No. 9225 and A.O. No. 91,s. of 2004. Any clerical error or errors in the Order of the entries in the IC may be corrected, upon written request to and approval by the Commissioner of Immigration. The NSO shall be promptly provided with a copy of the corrected IC.

Section 14. Confidentiality of Records.-

Any application, document or information given before the BI or any Philippine Foreign Post shall not be divulged in any manner to any person or entity without the express written consent of the person to whom such application, record or information belongs.

Section 15. Other beneficiaries of R.A. 9225.-

A child, whether legitimate, illegitimate or adopted, who is below eighteen (18) years of age, shall be considered to have reacquired the Philippine citizenship at the same time the father or mother re-acquires Philippine citizenship provided the applicant includes the child as a beneficiary and pays the appropriate fees prescribed under Section 5.

Each beneficiary shall be required to submit (i) photocopy of birth certificate and (ii) photocopy of foreign passport.

A child who is 18 years of age or above at the time of the parent's reacquisition of Philippine citizenship but was born when either parent was still a Filipino citizen, shall be considered to have been a natural born Filipino and may apply for a reacquisition of Philippine citizenship on his/her own behalf.

In addition, the applicant must show proof that either or both parents were Filipino citizens at the time of his/her birth.

Section 16. Beneficiary is adopted.-

If the beneficiary under Section 4 of R.A. 9225 is a child who was adopted abroad, the applicant shall submit the adoption decree duly authenticated by the appropriate Philippine Consulate.

If the beneficiary was adopted in the Philippines, the applicant shall submit a certified true copy of the adoption decree.

Section 17. Philippine citizens who became aliens after the effectivity of R.A. 9225.-

These rules shall likewise apply to Philippine citizens who have become a citizen of another country after the effectivity date of R.A. 9225.

Section 18. Exemption from administrative review.-

Retention/reacquisition of Philippine citizenship under these Rules shall not be subject to the affirmation by the Secretary of Justice pursuant to DOJ Policy Directive of 7 September 1970 and DOJ Opinion No. 108 (series of 1996).

However, the Order of Approval issued under these Rules may be revoked by the Department of Justice upon a substantive finding of fraud, misrepresentation or concealment on the part of the applicant and after an administrative hearing initiated by an aggrieved party or by the Bureau of Immigration.

Section 19. Repealing Clause.-

Provisions of other memorandum circulars inconsistent herewith are hereby repealed or modified accordingly.

Section 20. Effectivity.-

This memorandum circular takes effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

(Sgd.) **ALIPIO F. FERNANDEZ, JR.**
Commissioner

APPROVED:

(Sgd.) **HON. RAUL M. GONZALEZ**
Secretary of Justice

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