

REPUBLIC ACT No. 9225

Congress of the Philippines
Twelfth Congress
Third Regular Session

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

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

Section 1. Short Title – this act shall be known as the "Citizenship Retention and RE-acquisition Act of 2003."

Section 2. Declaration of Policy - It is hereby declared the policy of the State that all Philippine citizens of another country shall be deemed not to have lost their Philippine citizenship under the conditions of this Act.

Section 3. Retention of Philippine Citizenship - Any provision of law to the contrary notwithstanding, natural-born 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.

Section 4. Derivative Citizenship - The unmarried child, whether legitimate, illegitimate or adopted, below eighteen (18) years of age, of those who re-acquire Philippine citizenship upon effectivity of this Act shall be deemed citizenship of the Philippines.

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:

- (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 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.

Section 6. Separability Clause - If any section or provision of this Act is held unconstitutional or invalid, any other section or provision not affected thereby shall remain valid and effective.

Section 7. Repealing Clause - All laws, decrees, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 8. Effectivity Clause - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or two (2) newspaper of general circulation.

Approved: August 29, 2003

This Act, which is a consolidation of Senate Bill No. 2130 and House Bill No. 4720 was finally passed by the the House of Representatives and Senate on August 25, 2003 and August 26, 2003 respectively

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DUAL CITIZENSHIP

What is the Citizenship Retention and Re-acquisition Act of 2003?

Republic Act No. 9225 or the Citizenship Retention and Re-acquisition Act of 2003 is a law passed on 29 August 2003 which grants natural-born Filipinos who have lost their Filipino citizenship through naturalization in a foreign country, the opportunity to retain or re-acquire their Filipino citizenship.

Who are natural-born citizens of the Philippines?

Natural-born citizens of the Philippines are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. These are:

- Those whose fathers or mothers are citizens of the Philippines at the time of their birth; and
- Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority.

Is it possible for a Filipino to hold dual citizenship or more than one citizenship at the same time?

Before the passage of R.A. 9225, dual citizenship of some Filipinos already existed as result of the operation of nationality laws. For example, a child born in the United States of America of Filipino parents is an American citizen under US law, and a Filipino citizen under Philippine law. The child's American citizenship is derived from the principle of *jus soli* or place of birth, while his Philippine citizenship is derived from the principle of *jus sanguinis* or citizenship of his parents.

The passage of R.A. 9225 makes it possible for Filipinos to hold dual citizenship through means other than by birth.

With the passage of R.A. 9225, what happens to a natural-born Filipino who becomes naturalized in another country?

A natural born Filipino who becomes a naturalized citizen of another country is deemed not to have lost his/her citizenship under the provisions of the said law.

Does one who re-acquire Filipino citizenship need to reside in the Philippines?

Residency in the Philippines is not a requirement for those who re-acquire Filipino citizenship.

What rights and privileges is one entitled to on re-acquiring Filipino citizenship?

Filipinos who re-acquire Filipino citizenship under this Act may once again enjoy full civil, economic and political rights under existing laws of the Philippines. Among these are:

- right to own real property in the Philippines
- right to engage in business or commerce as a Filipino
- right to practice one's profession in accordance with law
- right to acquire a Philippine passport
- right to vote in Philippine elections under existing laws
- other rights and privileges enjoyed by Filipino citizens

Can one who re-acquire Filipino citizenship vote in elections in the Philippines?

A person who re-acquires Filipino citizenship may vote in elections in the Philippines provided that he/she complies with the residency requirement under existing Philippine election laws. The person may however, vote overseas in Philippine national elections (for President, Vice-President, Senators and sectoral representatives) in accordance with the provisions of the Overseas Absentee Voting Act of 2003. The Supreme Court also ruled in 2006 that the dual citizens need not establish residence in the Philippines to be able to register as an absentee voter.

Having re-acquired Filipino citizenship, can one hold public office in the Philippines?

Yes, provided that those seeking elective office meet the qualifications as required by the Philippine 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 a public officer authorized to administer an oath.

Those appointed to a public office shall make a sworn renunciation of the oath of allegiance to the country where they took their oath.

What is the effect of dual citizenship on the payment of income taxes?

Republic Act 8424 provides that only incomes derived from the Philippines are subject to taxation by the Philippine government. However, in 1976, the Philippines and United States of America signed a treaty on taxation in order to avoid double taxation for Filipinos who derive income from the United States and for Americans who derive income from the Philippines. Under this treaty, taxes paid in the Philippines may be credited in the United States and vice versa. The Philippine government has concluded similar tax agreements with 34 other countries including Australia, Canada, Japan, Italy, New Zealand, United Kingdom, Germany and Spain, among others.

After re-acquiring Filipino citizenship, can one practice his or her profession in the Philippines?

A person who has re-acquired Filipino citizenship may be able to practice his/her profession in the Philippines, provided that he/she applies with the Professional Regulation Commission (or the Supreme Court for lawyers) for a license or permit to engage in such practice.

As a Filipino citizen, can one's spouse who is a foreign national live in the Philippines?

An immigrant visa may be issued to a Filipino citizen's foreign spouse which entitles him/her to permanently reside in the Philippines. Said visa may be obtained by applying at Philippine Embassies or Consulates. The validity of the visa, however, is contingent upon the Filipino citizenship of his/her spouse.

If a Filipino citizen chooses to travel to the Philippines with his/her foreign spouse and children, do the spouse and children need to secure additional travel documents from the Philippine Embassy or Consulate General beforehand?

Under the Balikbayan Law, a Filipino citizen's foreign spouse and children traveling to the Philippines with him/her, do not need to secure other travel documents because they are entitled to a visa-free entry to the Philippines for a period of one (1) year, among other privileges.

What is the citizenship status of one's children after re-acquiring Filipino citizenship?

If his/her are unmarried and below 18 years of age upon re-acquisition of Filipino citizenship, his/her children are also recognized as Filipino citizens under Philippine laws and are entitled to the rights and privileges attendant thereto.

What are required in applying for retention or re-acquisition of one's Filipino citizenship?

Those applying for retention or re-acquisition of Filipino citizenship need to submit the following:

- duly completed verified petition (R.A. 9225 Form No.1)
- notarized oath of allegiance
- two (2) recent 2" x 2" colored photographs of the applicant (over white background)
- application fee
- proof as natural born Filipino citizen, an original and photocopy of at least one of the following:
 - a. Philippine birth certificate;
 - b. old Philippine passport;
 - c. voter's affidavit or voter's identification card;
 - d. marriage contract; and
 - e. other documents proving that the applicant is a former natural born Filipino citizen
- photocopy of foreign passport
- photocopy of certificate of naturalization or an original affidavit stating how foreign citizenship was acquired.
- two (2) self-addressed and stamped legal size envelopes

BI registered applicants, are also required to submit the following:

- original Alien Certificate Registration; and
- original Immigrant Certificate of Residence for Temporary Visitor

If the applicant is also applying for his/her dependents, the following additional documents are required for each dependent:

- two (2) recent 2" x 2" colored photographs over white background
- photocopy of birth certificate
- photocopy of foreign passport
- proof of payment of application fee

Note: All application must be fastened in a legal size folder.

Is there a fee involved in re-acquiring one's Filipino citizenship under this Act?

Fees involved in reacquiring one's Filipino citizenship under this Act are minimal, consisting only of the notarial and administrative fees prescribed by Philippine Embassies or Consulates, and the US\$50 (for overseas applicants) or PhP2,500 (for Philippine based applicants) processing fee prescribed by the Bureau of Immigration.

Is there an approval period for re-acquiring one's Filipino citizenship under this Act?

Applications found to be sufficient and complete may be issued an Order of Approval the Consul General/Commissioner of Immigration within 5 days upon recommendation by the evaluating officer. For applications with insufficient supporting documents, the evaluating officer will inform the applicant that he/she has thirty (30) days to submit the required documents.