

**YOU COULD ENJOY THE BENEFITS OF
DUAL CITIZENSHIP**

A primer on the Citizenship Retention and Re-Acquisition Act of 2003

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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 signed by the Philippine President last 29 August 2003 which grants natural-born Filipinos who have lost their Filipino citizenship through naturalization in a foreign country, the opportunity to 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 Filipinos to hold dual citizenship or more than one citizenship at the same time?

Holding more than one citizenship is possible for Filipinos especially when conflict of nationality laws is concerned. 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. This is because American citizenship is derived from the territory in which the person was born while Philippine citizenship is derived from the parents' citizenship.

How does one re-acquire Filipino citizenship?

Under Republic Act No. 9225, a natural-born Filipino who lost his/her Filipino citizenship through naturalization in a foreign country may re-acquire Filipino citizenship by taking the Philippine Oath of Allegiance before a duly authorized Philippine official. The Philippine Oath of Allegiance does not require a person to renounce his allegiance to any other country.

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

Residency in the Philippines is not required of those who wish to re-acquire or have re-acquired Filipino citizenship. Those who intend to vote in local elections, however, must establish residence in the locality where they wish to vote.

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

Filipinos who have re-acquired their Filipino citizenship under this Act may once again enjoy full civil and political rights under existing laws of the Philippines. These include:

- right to vote in Philippine national elections
- right to own land and property in the Philippines
- right to engage in business or commerce as a Filipino
- right to travel bearing a Filipino passport
- other rights and privileges enjoyed by Filipino citizens

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

Yes. A person who re-acquires his/her Filipino citizenship may vote in elections in the Philippines provided that he/she complies with the residency requirement under existing Philippine election law. He/She, however, may vote abroad in Philippine national elections (President, Vice President, Senators and sectoral representatives) under the Overseas Absentee Voting Act of 2003.

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

Yes, provided that he/she meets the qualifications for holding such office as required by the 1987 Constitution and existing laws. The prospective candidate must, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before authorized public officers. The same requirement is imposed to those who are about to be appointed to any public office in the Philippines.

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

Under Republic Act No. 8424, only income derived from the Philippines are taxed by the Philippine government. In 1976, however, 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 is expected to forge similar arrangements with other countries in the light of the enactment of the Citizenship Retention and Re-acquisition Act of 2003.

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

Despite having re-acquired Filipino citizenship, one does not automatically gain the right to practice his/her profession in the Philippines. To be able to do so, he/she must apply with the proper Philippine authority (Professional Regulations Commission and other accrediting bodies) for a license or permit to engage in such practice.

Do the same limitations on former Filipinos concerning land ownership still apply to those who have re-acquired their Filipino citizenship?

Having re-acquired Filipino citizenship under this Act, one is deemed to have re-acquired his/her right to own land as a Filipino citizen without prejudice to his/her citizenship in a foreign country. The limitations imposed on former Filipinos no longer applies to him/her.

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/Consulates General. The effectivity of the visa, however, is contingent upon the Filipino citizen's retention of his/her Filipino citizenship.

What is the citizenship status one's children after he/she re-acquires Filipino citizenship?

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

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/Consulate General before leaving?

Under the Balikbayan Law, a Filipino citizen's foreign spouse and children do not need to secure other travel documents. His/Her family is entitled to a visa-free entry to the Philippines for a period of one (1) year among other privileges, provided they have a round trip/return ticket and that they travel with the Filipino spouse/parent.

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

Unlike the previous means of reacquiring citizenship where one must pay a docketing and oath-taking fee, there is no fee involved in reacquiring one's Filipino citizenship under this Act, except for the usual notarial and administrative fees prescribed by Philippine Embassies and Consulates General. The notarial fee for the administration of the Oath of Allegiance for dual citizens is \$50.00.

Which agencies of the Philippine Government can assist overseas Filipinos in doing business or investing in the Philippines?

The Board of Investments of the Department of Trade and Industry may assist overseas Filipinos in promoting their commercial interests in the Philippines. They may be contacted through:

Board of Investments
Department of Trade and Industry
Industry and Investments Bldg.
385 Sen. Gil Puyat Ave., Makati City
Tel. nos. (632) 890-1332 / 897-6682 / 865-3640

Assistance may also be sought from the nearest Philippine Embassy / Consulate General and/or the Commission on Filipinos Overseas to communicate with the appropriate agencies on their behalf.

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