

Crossing The Edge Of Allegiance

Joel P. Salud discusses what one risks in dual citizenship

What is a citizen? What constitutes citizenship? These are questions hardly asked in this day and age of blurred lines and definitions tossed and twisted to suit a particular kind of political correctness. Inasmuch as words find solid footing in the meanings given them, the words 'citizen' and 'citizenship' achieve better traction only by way of one's understanding of allegiance. Every other detail attached to it—no doubt significant to the overall provision—falls by the wayside. Citizenship is a matter of the heart and exercise of will more than birth or a set of rights, where anything less than full and undeniable involvement in the decisions made by the State can be considered an assault on one's sovereignty, and thus on the sovereign State to which one belongs. It is, in the final analysis, one's blueprint to a collective identity.

In this light, talk of dual citizenship naturally raises questions as to its real intent. Based on a 1993 law—Republic Act 9225—Filipinos who went through naturalization in other countries can reacquire Philippine citizenship as long as the new host country legally allows it. The advantages are plentiful and no less tempting: privilege to vote in the national elections; own real property and operate a business sans the commonplace restrictions; the practice of one's profession in the Philippines; even for spouse and members of family to avoid exit clearances and fees during travel.

The Best of Both Worlds

At first glance, it seems that having the best of both worlds offers more payback than one would expect. Voting privileges come within the range of what novelist José Saramago once said, "As citizens, we all have an obligation to intervene and become involved—it's the citizen who changes things." Such involvement is crucial not only to the country of origin but to much sought-after efforts at reform, especially if some members of the immediate family of the dual-citizen preferred to stay in the Philippines. Fundamental to any citizen, whether single or dual, is the question of security, and dual citizenship seems to offer more advantages than disadvantages along this line.

Along the area of business and land ownership, this is where it gets better. Present laws restrict ownership of land to foreigners. All they are allowed to do is lease it. Albeit there are provisions consenting to owning the house built on the leased land, experts say many foreigners rarely bite the carrot. Real property in the country is reserved singly for Filipino citizens. Dual citizenship leapfrogs over these restrictions and permits,



without due limits, ownership of real property. This provides incentives for dual citizens to come home and retire in their country of birth.

The same is true with the offer to own and operate a business. Dual citizens are exempt from the usual hassle of raising \$200,000 as initial minimum investment and own only 40 percent interest, which foreigners are limited to enjoying. The same demands do not apply to dual citizens. In fact, RA 9225 agrees to a foreigner owning a business only if his dual citizen wife takes the remaining 60 percent of the shares.

GREAT EXPECTATIONS, GREAT DISAPPOINTMENTS

With great expectations often come great disappointments, and true enough the law on dual citizenship hardly got out of its self-imposed conundrum even at the point of enactment. It has at the start provoked a string of reactions ranging from issues dealing with military service and taxation to the more heady frontiers of loyalty and allegiance. The problems it raises are hardly trifling, which seem to some constitutionalists as a railroading of Article IV Section 5 of the 1987 Philippine Constitution, which says, “dual allegiance of citizens is inimical to the national interest and shall be dealt with by law.”

That taxation is based primarily on where an individual lives and not necessarily on one's citizenship renders the issue null and void. Double taxation is a feared myth, one created and recreated as an argument against dual citizenship. The Philippines has bilateral treaties in this regard, rendering Filipinos living and working in foreign lands blameless for not paying taxes in their country of origin. Even in countries where bilateral treaties of this nature do not exist, the myth will hardly hold water. The matter of military service, on the other hand, dredges the very heart of the controversy with the question of allegiance. This, in many a sense, is where the rubber meets the rough road. Questions on allegiance surfaced even at the onset of the debate on RA 9225, with no less than Hector Calilung of the party-list group.

Advocates and Adherents of Social Justice for Social Teachers and Allied Workers saying that any law that allows dual allegiance "is inimical to the national interest." The argument that raises the issue of dual loyalty seems to be firm in light of questions regarding military service. In an era where wars are fought on protracted measures seem to require more than the commonplace loyalties demanded by law and the idea of citizenship. Some argue that while dual citizenship may give its advocates sufficient points in favour of said law, one cannot dismiss the natural problems it raises, such as: should the dual citizen render military service to both countries?

In his article "Irony Upon Irony" published on February 24, 2004, Philippine Daily Inquirer columnist Conrado de Quiros posits a crisp argument on what dual citizens may face in times of war: "Can there be a more ridiculous concept that someone swearing absolute, total and exclusive loyalty to two flags? That is like swearing absolute, total and exclusive loyalty to two wives. As it is, swearing absolute, total and exclusive loyalty to two wives is banned as bigamy. Yet swearing absolute, total and exclusive loyalty to two flags is embraced as a virtue. What if the two flags get divided on war? Will you serve in the army of the one as a conscript while the other opposes it?"

WHO IS SUPREME?

The thing is, part and parcel of the procedure to reacquire citizenship in the Philippines is the recitation of the Oath of Allegiance before the Consul General or a Foreign Service Office of the Post after all the other requirements have been completed. In the said oath, an applicant will have to declare:

"I... (state name) do solemnly swear that I will 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 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 no obligation upon myself voluntarily without mental reservation and purpose of evasion."

To understand this, a Filipino-American of dual citizenship for example doesn't have to understand differences between the Philippine Constitution and the United States Constitution. If words mean anything, both countries' pledges of allegiance require indivisible loyalty to flag and republic, to duly constituted authority, and the recognition that the host country must be accepted as supreme as only "true faith" and "allegiance" or loyalty can do: as it is said by Americans, "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands: one Nation under God, indivisible, with Liberty and Justice for all."

If these pledges were to be secured as the basis of any argument against dual citizenship, the battle to understand the dilemma would die a natural death, making de Quiros' words unshakeable and firmly grounded on the understanding of real citizenship. If one really thinks about it, the declaration of citizenship, which is no different from an oath of allegiance, moves beyond the notion of the metaphorical marriage as death for flag and country hardly nullifies one's part in the nation's collective identity. Death, in fact, by any means, whether by natural occurrence or martyrdom, only strengthens it.

It also bears mentioning that of the countless benefits overseas Filipinos should accept this law, even on just the point of allegiance, the difficulty outweighs the good. Because in the long run, citizens will be made to face a choice. We practically live in an era where the world does not lack those that demand our loyalties, hence our choices will be weighed by the allegiances we bear.

It is timeless advice never to serve two masters. As to intent, it is clear that dual citizenship seeks to benefit overseas Filipinos, to offer that chance to once more come back and enjoy the fruits of their labours in their land of birth. It is in many a sense a practical solution to the problem of tourism, for example. But deep in the heart of the matter lies the need to grasp the concept of national allegiance. To recall the words of American writer George William Curtis: "A man's country is not a certain area of land, of mountains, rivers, and woods, but it is a principle—and patriotism is loyalty to that principle."

There can be no loyalty in the service of two masters while true and indivisible allegiance remains as the flag's ever jealous spouse.

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