

**A Primer on  
the Citizenship Retention and  
Re-acquisition Act of 2003**  
**3rd edition**

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**COMMISSION ON FILIPINOS OVERSEAS**

The Commission on Filipinos Overseas is pleased to present you with the third edition primer on the Philippine Citizenship Retention and Reacquisition Act of 2003.

The Philippines has come a long way in renewing its ties with overseas Filipino communities. Way back in 1973, it proclaimed the *balikbayan* and gave legal status to them as “returnees” or “people coming back home” to the country. This recognition was followed by progressive steps to restore and promote the rights of former Filipino citizens and Filipinos who live or work overseas. Three decades after the *balikbayan* was proclaimed, the landmark Citizenship Retention and Reacquisition Act was passed, bringing to a full circle the restoration of the rights of many of our nationals abroad.

With the new citizenship law, we are confident that Filipinos overseas can now look forward to returning home to the Philippines where full rights as citizens and many new opportunities await them.

Since its implementation, more than 52,000 have applied with the Bureau of Immigration to reacquire their Filipino citizenship. Majority of these are Americans, followed by Canadians and Australians.

Manila, September 2009

## **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 17 January 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?**

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 Philippine citizenship under the provisions of the said law.

## How does one re-acquire Filipino citizenship?

A natural-born Filipino who lost his/her Filipino citizenship through naturalization in another country may re-acquire Filipino citizenship through the following process:

### For applications filed overseas

Applicant files petition and submits requirements to Philippine Embassy or Consulate with jurisdiction



Post assigns an evaluating officer to evaluate the application

Has the applicant complied with all the requirements?

Yes

No

Evaluating officer forwards recommendation to Consul General

Evaluating officer notifies applicant to comply with requirements within 30 days

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The Consul General issues an Order of Approval within 5 days and transmits all requirements to the Bureau of Immigration (BI)

Applicant submits additional requirements to the evaluating officer

The BI issues Identification Certificate and cancels the applicant's Alien Certificate of Registration if the applicant is a BI registered alien

Consul General or a duly commissioned foreign service officer of the Post administers the Oath of Allegiance

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### For applications filed in the Philippines

Applicant files petition and submits requirements to the Bureau of Immigration (BI)

BI assigns an evaluating officer to evaluate the application

Has the applicant complied with all the requirements?

Yes

No

Evaluating officer forwards recommendation to Commissioner of Immigration

Evaluating officer notifies applicant to comply with requirements within 30 days

Applicant submits additional requirements to the evaluating officer

The Commissioner of Immigration issues an Order of Approval within 5 days, issues an Identification Certificate and directs the Alien Registration Division to cancel applicant's Alien Certificate of Registration if the applicant is a BI registered alien

OR

Commissioner of Immigration administers the Oath of Allegiance

Any officer authorized under existing laws administers the Oath of Allegiance

Applicant submits the Oath of Allegiance to the BI

## **Does one who re-acquires 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-acquires 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 Overseas Absentee Voting Act of 2003. The Supreme Court also ruled in 2006 that 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 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 children 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 or 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 applications 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 P2,500 (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 by the Consul General / Commissioner of Immigration within five (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.

### **What are the terms of privacy insofar as submitted documents, records, information and/or application to reacquire citizenship are concerned?**

All documents, records, information and/or applications submitted to the Bureau of Immigration remain confidential. No information about any person may be divulged to any other person or entity without the express consent of the person concerned.

#### *Helpful tips:*

*1. Birth certificates can be requested for online through the NSO website, [www.ecensus.com.ph](http://www.ecensus.com.ph). R.A. 9225 Form No. 1 may also be downloaded from the BI website, [www.immigration.gov.ph](http://www.immigration.gov.ph), or the CFO website, [www.cfo.gov.ph](http://www.cfo.gov.ph).*

*2. Contact information and addresses of Philippine Embassies and Consulates where applications for dual citizenship may be filed, may also be downloaded from the DFA website at [www.dfa.gov.ph](http://www.dfa.gov.ph).*

## Oath of Allegiance to the Republic of the Philippines

“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 impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.”

**This copy belongs to:**

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## About the Commission on Filipinos Overseas

The **Commission on Filipinos Overseas** is a Philippine government agency under the Office of the President, tasked to promote the interests of Filipino emigrants and permanent residents abroad, and preserve and strengthen ties with Filipino communities overseas. Established in 1980 through Batas Pambansa Blg. 79, the Commission registers and provides orientation to emigrants, bound mostly for the United States of America, Canada, Australia, Japan, United Kingdom, Germany and New Zealand. There are nearly 3.6 million permanent residents overseas, estimated as of December 2007.

The Commission on Filipinos Overseas promotes, among others, the transfer of technology, and material and financial contributions from overseas Filipino individuals and organizations to development activities in underserved communities in over seventy provinces in the Philippines. It also provides younger generations of Filipinos overseas with opportunities to learn Philippine history, culture, institutions and the Filipino language.

Filipino emigrants and permanent residents overseas, most of whom are naturalized citizens of other countries, can benefit from the new citizenship law. The Commission is prepared to assist those looking at prospects and opportunities open to overseas Filipinos who decide to reacquire their Filipino citizenship.

