

PRESIDENTIAL DECREE 185

BALIKBAYAN ACT

Approved: August 29, 2003
Effectivity: September 17, 2003

PURPOSE OF THE LAW

To allow a natural born citizen of the Philippines who has lost his Philippine citizenship to be a transferee of private land, for use by him as his residence.

Natural born citizen defined: One who is a citizen of the Philippines from birth without having to perform any act to acquire or perfect his citizenship.

WHO MAY AVAIL OF THE PRIVILEGE GRANTED BY LAW?

- 1) Any natural-born citizen of the Philippines who has lost his Philippine citizenship;
- 2) He must have the legal capacity to enter into a contract under Philippine laws:
 - a) Must be of legal age – at least 18 years old
 - b) Must have capacity to act – to do acts with legal effects.

BALIKBAYAN ACT

REQUIREMENTS FOR THE REGISTRATION OF TITLES TO LAND TRANSFERRED

Submit to the Register of Deeds of the province or city where property is located a sworn statement showing the following:

- a) Date and place of birth
- b) Names and addresses of parents, spouse and children
- c) The area, location & mode of acquisition of his landholdings in the Philippines
- d) His intention to reside permanently in the Philippines
- e) Date he lost his Philippine citizenship & the country of which he is presently a citizen

SIZE OF LAND THAT MAY BE ACQUIRED / TRANSFERRED

- A) 1,000 sq.m. – Urban Land (maximum)
- B) 1 hectare – Rural Land (maximum)

In case of married couples, one of them may avail of the privilege PROVIDED, that if both shall avail of the same, the total area acquired shall not exceed the maximum size fixed.

A transferee who already owns an urban or rural land may still acquire or be a transferee of additional rural or urban land for --- RESIDENTIAL PURPOSES provided that his total landholdings shall not exceed the maximum area so fixed.

A transferee may only acquire 2 lots which should be situated in different municipalities or cities in the Philippines, PROVIDED that it does not exceed the maximum allowable landholding.

A transferee who shall acquire urban land shall be disqualified from acquiring rural land and VICE-VERSA.

REPUBLIC ACT 9225

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.

Section 1. Short Title – This act shall be known as the "Citizenship Retention and Reacquisition 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 reacquired 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 reacquire Philippine citizenship upon effectivity of this Act shall be deemed citizens of the Philippines.

Section 5. Civil and Political Rights and Liabilities – Those who retain or reacquire Philippine citizenship under this Act shall enjoy full civil and political rights and be subject to all attendant liabilities 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. 9198, otherwise known as "The Overseas Absentee Voting Act of 2003" and other existing laws;

(2) Those seeking elective public office 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 noncommissioned 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.