

G.R. No. 209835 – ROGELIO BATIN CABALLERO, *petitioner* v. COMMISSION ON ELECTIONS and JONATHAN ENRIQUE V. NANUD, JR., *respondents*.

Promulgated: September 22, 2015

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SEPARATE CONCURRING OPINION

BRION, J.:

I concur with the *ponencia*'s dismissal of the petition since the Commission on Elections (*Comelec*) did not commit any grave abuse of discretion when it cancelled the certificate of candidacy (*CoC*) of petitioner Rogelio Batin ***Caballero*** for the mayoralty post of Uyugan, Batanes in the May 13, 2013 Elections.

I agree that the issue of Caballero's residency¹ in Uyugan – an issue that pertains to Caballero's qualification and eligibility to run for public office – is imbued with public interest. In the absence of any grave abuse of discretion, this characterization is sufficient to justify the *Comelec*'s move to suspend its own rules of procedure in handling Caballero's case.

I also agree with the *ponencia*'s conclusion that Caballero failed to comply with the one-year residency requirement under Section 39 of the Local Government Code (*LGC*). Likewise, I hold that Caballero's reacquisition of Filipino citizenship under the provisions of Republic Act (*RA*) No. 9225² did not have the effect of automatically making him a resident of Uyugan since RA 9225 treats citizenship independently of residence. As I will discuss below, citizenship and residency are distinct from one another and are separate requirements for qualification for local elective office; thus, they must be considered under the laws respectively governing them.

I concur as well with the *ponencia*'s conclusion that, by stating in his *CoC* that he had completed the required one-year residency when he actually did not, Caballero made a material misrepresentation that justified the *Comelec*'s cancellation of his *CoC*.

I submit this Separate Concurring Opinion to add that, as the loss and acquisition of residence involve the determination of intent, the action taken pursuant to the intent and the applicable laws and rules on residency and immigration, these laws and rules must necessarily be considered to ascertain Caballero's intent and to determine whether Caballero had actually complied with the one-year residency requirement.

¹ Under Section 39 of the Local Government Code.

² Enacted on August 29, 2003.

As well, given Caballero's undisputed Canadian citizenship by naturalization, due notice of the conditions required for Canadian naturalization should assist the Court in examining Caballero's intention and in resolving any perceived doubt regarding the loss of his domicile of origin in Uyugan and the establishment of a new domicile of choice in Canada.

To be sure, Canadian laws are not controlling and cannot serve as basis for the resolution of the loss and re-acquisition of domicile issue; the Court, too, cannot take cognizance of foreign laws as these must first be properly proven to be given recognition. Nonetheless, I believe that the Court can look up to them, not as statutory basis for resolving the residency issue, but as supporting guides in determining Caballero's intent.

As the *ponencia* defined, the issues for the Court's resolution are: ***first***, whether the Comelec should have denied outright the petition to deny due course or to cancel private respondent Jonathan Enrique V. *Nanud's* CoC, as Caballero failed to personally serve him a copy of the petition and to attach an affidavit explaining the use of service by registered mail, in violation of Section 4, Rule 23 of the Comelec Rules of Procedure.³

And ***second***, whether Caballero abandoned his Philippine domicile when he became a Canadian citizen; assuming that he did, whether his nine-month residency in Uyugan prior to the May 13, 2013 elections constitutes substantial compliance with the residency requirement.

I shall no longer touch on the first issue as I fully agree with the *ponencia* on this point. My subsequent discussions will deal only with the issue of Caballero's residence in Uyugan for the required duration.

³ The Section 4, paragraphs (1) and (4), Rule 23 of the Comelec Rules of Procedure provides:

Section 4. *Procedure to be observed.* – Both parties shall observe the following procedure:

1. The petitioner shall, before filing of the Petition, furnish a copy of the Petition, through personal service to the respondent. In cases where personal service is not feasible, or the respondent refuses to receive the Petition, or the respondent's whereabouts cannot be ascertained, the petitioner shall execute an affidavit stating the reason and circumstances therefor and resort to registered mail as mode of service. The proof of service or the affidavit shall be attached to the Petition to be filed.

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4. No petition shall be docketed unless the requirements in the preceding paragraphs have been complied with.

My Positions

- a) ***RA 9225 does not touch on residency; citizenship and residency are separate and distinct requirements for qualification for local elective office***

RA 9225 was enacted to allow natural-born Filipinos (who lost their Philippine citizenship by naturalization in a foreign country) to expeditiously re-acquire their Filipino citizenship by taking an oath of allegiance to the Republic of the Philippines. Upon taking the oath, they re-acquire their Philippine citizenship and the accompanying civil and political rights that attach to citizenship.

RA 9225 does not touch on a person's residence; does not mention it; and does not even require residence in the Philippines prior to or at the time he or she takes the oath to re-acquire Philippine citizenship. In fact, RA 9225 allows former natural-born citizens to re-acquire their Philippine citizenship while still residing in the country that granted them naturalized citizenship status.⁴

Residency in the Philippines becomes material only when the natural-born Filipino availing of RA 9225, decides to run for public office. As provided under Section 5 of this law, those who seek elective public office shall, in addition to taking the oath of allegiance, make a personal and sworn renunciation of any and all foreign citizenship and *meet the qualifications for holding such public office that the Constitution and existing laws require.*

The qualifications for holding local elective office are found in Section 39 of the LGC. Among others, Section 39 requires a candidate for a local elective post to be a citizen of the Philippines and a resident of the locality where he or she intends to be elected for at least one year immediately preceding the day of the election.

RA 9225 provides the citizenship requirement when the former natural-born Filipino re-acquires Philippine citizenship under this law's terms. Residency, on the other hand, is the domain of Section 39 of the LGC. These two laws complement each other in qualifying a Filipino with a re-acquired citizenship, for candidacy for a local elective office.

Notably under this relationship, RA 9225 does not require any residency allegation, proof or qualification to avail of its terms. RA 9225

⁴ See The Philippine Consulate General in Los Angeles Website, *Consular Services (Dual Citizenship)*, <http://www.philippineconsulatela.org/consular%20services/conserv-dual.htm#overseas>, (last visited on September 24, 2015); and The Commission on Filipinos Overseas Website, *Programs and Services* – *Dual Citizenship*, http://www.cfo.gov.ph/index.php?option=com_content&view=article&id=1362%3Adual-citizenship&catid=145%3Aintegration-and-reintegration&Itemid=833 (last visited on September 24, 2015).

does not even require Filipinos with re-acquired citizenship to establish or maintain any Philippine residence, although they can, as Filipinos, come and go as they please into the country without any pre-condition other than those applicable to all Filipino citizens. By implication, RA 9225 (a dual citizenship law) allows residency anywhere, within or outside the Philippines, before or after re-acquisition of Philippine citizenship under its terms. Re-acquisition of citizenship, however, does not – by itself – imply nor establish the fact of Philippine residency. In these senses, RA 9225 and the LGC are complementary to, yet are independent of, one another.

Another legal reality that must be kept in mind in appreciating RA 9225 and residency is that entitlement to the civil and political rights that come with the re-acquired citizenship comes only when the requirements have been completed and Filipino citizenship has been re-acquired. Only then can re-acquiring Filipinos secure the right to reside in the country as Filipinos and the right to vote and be voted for elective office under the requirements of the Constitution and applicable existing laws. For would-be candidates to local elective office, these applicable requirements include the taking of an oath of renunciation of all other citizenships and allegiance, and allegation and proof of residency for at least a year counted from the date of the election.

b) *Principles governing loss of domicile of origin and change or acquisition of new domicile*

Under our election laws, the term “residence” is synonymous with domicile and refers to the individual’s permanent home or the place to which, whenever absent for business or pleasure, one intends to return.⁵

Domicile is classified into three, namely: (1) *domicile of origin*, which is acquired by every person at birth; (2) *domicile of choice*, which is acquired upon abandonment of the domicile of origin; and (3) *domicile by operation of law*, which the law attributes to a person independently of his residence or intention.

Caballero’s indisputable domicile of origin is Uyugan, Batanes. He subsequently went abroad for work, established his residence in Canada beginning 1989, and acquired Canadian citizenship in 2007. On September 12, 2012, and while still residing in Canada, he applied with the Philippine Consul General of Toronto, Canada for the re-acquisition of his Philippine citizenship under RA 9225.

Jurisprudence provides the following requirements to effect a change of domicile or to acquire a domicile by choice:

- (1) residence or bodily presence in the new locality;

⁵ See *Macalintal v. Comelec*, 453 Phil. 586 (2003); and *Japzon v. Comelec*, 596 Phil. 354 (2009).

- (2) a *bona fide* intention to remain there; and
- (3) a *bona fide* intention to abandon the old domicile.

These are the *animus manendi* and the *animus non revertendi* that jurisprudence requires to be satisfied.

Under these requirements, no specific unbending rule exists in the appreciation of compliance because of the element of intent⁶ – an abstract and subjective proposition that can only be determined from the surrounding circumstances. Separately from intent is the question of the actions taken pursuant to the intent, and the consideration of the applicable laws, rules and regulations.

Jurisprudence has likewise laid out three basic **foundational rules** in the consideration of domicile:

First, a man must have a residence or domicile somewhere;

Second, when once established, it remains until a new one is acquired; and

Third, **a man can have but one residence or domicile at a time.**⁷

As jurisprudential foundational rules, these should be fully applied in appreciating Caballero's circumstances.

c) *Permanent residency is a requirement for naturalization as Canadian citizen*

Under Section 5 (1), Part I of the Canadian Citizenship Law,⁸ Canadian citizenship may be granted to anyone who, among other requirements: makes an application for citizenship; **IS A PERMANENT RESIDENT**; and who, if granted citizenship, intends to continue to reside in Canada.⁹

⁶ See *Abella v. Commission on Elections and Larazzabal v. Commission on Elections*, 278 Phil. 275 (1991). See also *Pundaodaya v. Comelec*, 616 Phil. 167 (2009).

⁷ See *Pundaodaya v. Comelec*, supra note 6; and *Jalosjos v. Comelec*, G.R. No. 191970, April 24, 2012.

⁸ See <http://laws-lois.justice.gc.ca/eng/acts/C-29/page-2.html#docCont> (last accessed September 10, 2015).

⁹ This provision pertinently reads:

- (a) **makes application for citizenship;**
- (b) is eighteen years of age or over;
- (c) **is a permanent resident** within the meaning of subsection 2 (1) of the Immigration and refugee Protection Act, has, subject to the regulations, no unfulfilled conditions under the Act relating to his or her status as a permanent resident and has, since becoming a resident,
 - (i) been physically present in Canada for at least 1,460 days during the six years immediately before the date of his or her application,

d) *Caballero lost his domicile of origin (in Uyugan) when he established a new domicile of choice in Canada; to transfer his domicile back to Uyugan, he has to prove the fact of transfer and the consequent re-establishment of a new domicile in Uyugan.*

Given the Canadian citizenship requirements, Caballero (who had been living in Canada since 1989 prior to his naturalization as Canadian citizen in 2007) would not have been granted Canadian citizenship had he not applied for it and had he not shown proof of permanent residence in that country. This is the **indicator of intent** that I referred to in considering the question of Caballero's Philippine residency and his factual claim that he never abandoned his Philippine residence.

Parenthetically, the requirement that a foreign national be a resident of the State for a given period prior to the grant of the State's citizenship is not unique to the Canadian jurisdiction. The requirement proceeds from the State's need to ensure that the foreign applicant is integrated to the society he is embracing, and that he has actual attachment to his new community before citizenship is granted. The requirement can be said to be a preparatory move as well since the grant of citizenship carries with it the right to enjoy civil and political rights that are not ordinarily granted to non-citizens.

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- (ii) been physically present in Canada for at least 183 days during each of four calendar years that are fully or partially within the six years immediately before the date of his or her application, and
 - (iii) met any applicable requirement under the *Income Tax Act* to file a return of income in respect of four taxation years that are fully or partially within the six years immediately before the date of his or her application;

(c.1) intends, if granted citizenship,

- (i) **to continue to reside in Canada,**
 - (ii) to enter into, or continue in, employment outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person, or
 - (iii) to reside with his or her spouse or common-law partner or parent, who is a Canadian citizen or permanent resident and is employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person;
- (d) if under 65 years of age at the date of his or her application, has an adequate knowledge of one of the official languages of Canada;
 - (e) if under 65 years of age at the date of his or her application, demonstrates in one of the official languages of Canada that he or she has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and
 - (f) is not under a removal order and is not the subject of a declaration by the Governor in Council made pursuant to section 20.

Even the Philippines, through our laws on naturalization, recognizes these requirements prior to the grant of Philippine citizenship. Our existing laws require continued residency in the Philippines for a given period¹⁰ before any foreign national who wishes to become a Philippine citizen is conferred this status.

¹⁰ See Section 2 of Commonwealth Act No. 473 which enumerates the qualifications for naturalization as Philippine citizen. It reads:

Sec. 2. Qualifications. - Subject to Section four of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

Second. He must have **resided in the Philippines for a continuous period of not less than ten years;**

Third. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living.

Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

Fifth. He must be able to speak and write English or Spanish and any one of the principal Philippine languages;

Sixth. He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where the Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen. [Emphasis supplied]

See also Section 3 of RA 9139, which reads:

Section 3. Qualifications. - Subject to the provisions of the succeeding section, any person desiring to avail of the benefits of this Act must meet the following qualifications:

- (a) The applicant must be **born in the Philippines and residing therein since birth;**
- (b) The applicant must not be less than eighteen (18) years of age, at the time of filing of his/her petition;
- (c) The applicant must be of good moral character and believes in the underlying principles of the Constitution, and must have conducted himself/herself in a proper and irreproachable manner during his/her entire period of residence in the Philippines in his relation with the duly constituted government as well as with the community in which he/she is living;
- (d) The applicant must have received his/her primary and secondary education in any public school or private educational institution dully recognized by the Department of Education, Culture and Sports, where Philippine history, government and civics are taught and prescribed as part of the school curriculum and where enrollment is not limited to any race or nationality: Provided, That should he/she have minor children of school age, he/she must have enrolled them in similar schools;
- (e) The applicant must have a known trade, business, profession or lawful occupation, from which he/she derives income sufficient for his/her support and if he/she is married and/or has dependents, also that of his/her family: Provided, however, That this shall not apply to applicants who are college degree holders but are unable to practice their profession because they are disqualified to do so by reason of their citizenship;
- (f) The applicant must be able to read, write and speak Filipino or any of the dialects of the Philippines; and
- (g) The applicant must have mingled with the Filipinos and evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people. [Emphasis supplied]

In this limited sense, I believe that the Court may look into the Canadian citizenship laws to get an insight into Caballero's intent. To reiterate, Caballero would not have been granted Canadian citizenship had he not applied for it and had he not been a Canadian permanent resident for the required period. Under the foundational rule that a man can only have one domicile, Caballero's moves constitute positive, voluntary, overt and intentional abandonment of his domicile of origin. His moves signified, too, the establishment of a new domicile of choice in Canada.

Thus, to comply with Section 39 of the LGC by transferring his domicile anew to Uyugan, Caballero has to prove the fact of transfer and his re-established domicile by residing in Uyugan for at least one year immediately before the May 13, 2013 elections. In accordance with the jurisprudential rules on change of domicile, he must establish substantial physical presence in Uyugan during the required period.

Moreover, under the terms of RA 9225 and its provisions on the grant of civil and political rights,¹¹ Caballero can be said to have acquired the right to reside in and re-establish his domicile in Uyugan (or any part of the Philippines) only from September 12, 2012, *i.e.*, when he re-acquired his Philippine citizenship under RA 9225.

Unfortunately for him, his Uyugan residency, even if counted from September 12, 2012, would still be short of the required one-year residency period. And he was not simply absent from Uyugan before September 12, 2012 during the period the law required him to be in residence; he never even claimed that he was in Uyugan then as a resident who intended to stay.

Of course, existing immigration laws allow former natural-born Filipinos, who lost their Philippine citizenship by naturalization in a foreign country, to acquire permanent residency in the Philippines even prior to, or without re-acquiring, Philippine citizenship under RA 9225.

Under Section 13 (f) of Commonwealth Act No. 613¹² (the Philippine Immigration of 1940), as amended, "a natural-born citizen of the Philippines, who has been naturalized in a foreign country and is returning to the Philippines for permanent residence x x x shall be considered a non-quota immigrant for purposes of entering the Philippines." The returning former Filipino can apply for a permanent resident visa (otherwise known as Returning Former Filipino Visa) which, when granted, shall entitle the person to stay indefinitely in the Philippines.¹³ Other than through such

¹¹ See Section 5 of RA 9225.

¹² Enacted on August 26, 1940.

¹³ See www.immigration.gov.ph/faqs/visa-inquiry/returning-former-natural-born-filipino (last visited on September 20, 2015). The other rights granted to former natural-born Philippine citizens under the Returning Former Filipino Visa are:

1. He/she is allowed to stay indefinitely in the Philippines.
2. He/she can establish a business.
3. He/she can invest in shares of stock.

permanent resident visa, Caballero could have stayed in the Philippines only for a temporary period.¹⁴ Any such temporary stay, of course, cannot be considered for purposes of Section 39 of the LGC as it does not fall within the concept of “residence.”

In the present case, the records do not contain any evidence that Caballero ever secured a permanent resident visa and has been residing in the Philippines prior to his re-acquisition of Philippine citizenship under RA 9225. Thus, Caballero’s re-established domicile in Uyugan can be counted only from the time he re-acquired his Philippine citizenship. This period, as earlier pointed out, is less than the required one-year residency.

e) *The nature of a CoC cancellation proceeding should be considered in the resolution of the present certiorari petition*

The present Rule 65 petition for *certiorari*,¹⁵ filed in relation with Rule 64 of the Rules of Court, arose from the petition to cancel the CoC of Caballero. In this context, the nature and requisites of CoC cancellation proceedings are and should be the primary considerations in the resolution of the present petition.

A petition to cancel CoC is governed by Section 74 in relation with Section 78 of the Omnibus Election Code (*OEC*). As these provisions operate, the would-be candidate must state only **true facts** in the CoC, as provided by Section 74; any false representation of a material fact may lead to the cancellation or denial of his or her CoC, under Section 78. These provisions read:

SEC. 74. Contents of certificate of candidacy. The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office stated therein and that he is eligible for said office; if for Member of the *Batasang Pambansa*, the province, including its component cities, highly urbanized city or district or sector which he seeks to represent; the political party to which he belongs; civil status; his date of birth; residence; his post office address for all election purposes; his profession or occupation; that he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities; that he is not a permanent resident or immigrant to a foreign country; that the obligation imposed by his oath is assumed voluntarily, without mental reservation or purpose of evasion; and **that**

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4. He/she may form an association and corporation.
 5. He/she has the right of access to the courts.
 6. He/she is allowed to work without securing an alien employment permit.
 7. He/she may leave private lands or purchase a condominium.
 8. He/she may purchase an automobile.

¹⁴ See www.immigration.gov.ph/faqs/visa-inquiry/balikbayan-privelege (last visited on September 20, 2015). The one year period of stay in the Philippines can be extended for another one, two or six months, up to thirty-six months, subject to certain requirements.

¹⁵ Rollo, pp. 23-28.

the facts stated in the certificate of candidacy are true to the best of his knowledge.

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SEC. 78. *Petition to deny due course to or cancel a certificate of candidacy.* A verified petition seeking to deny due course or to cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein as required under Section 74 hereof is false. The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing not later than fifteen days before the election. [Emphasis and underscoring supplied]

In *Mitra v. Comelec*,¹⁶ the Court explained that the false representation that these provisions mention necessarily pertains to material facts, or those that refer to a candidate's qualification for elective office. The false representation must also involve a deliberate attempt to mislead, misinform, or hide a fact that would otherwise render a candidate ineligible, as provided under Section 78 of the OEC.

Notably, the positive representation in the CoC that the would-be candidate is required to make under Section 74 of the OEC, in relation with the residency requirement of Section 39 of the LGC, complements the disqualifying ground of being an immigrant or permanent resident in a foreign country under Section 40 of the LGC.¹⁷ In plainer terms, the assertion that the would-be candidate is a resident of the locality where he intends to be elected carries with it the negative assertion that he has neither been an immigrant nor a permanent resident in a foreign country for at least one year immediately preceding the election.

In the present case, Caballero filed his CoC on October 3, 2012. He asserted in his CoC that he is a resident of Uyugan (and impliedly, not a permanent resident of a foreign country) for at least one year immediately preceding the May 13, 2013 elections. By making this assertion, Caballero committed a material misrepresentation in his CoC since he effectively re-

¹⁶ 636 Phil. 753 (2010).

¹⁷ Section 40 of the LGC read in full:

Section 40. *Disqualifications.* – The following persons are disqualified from running for any elective local position:

- (a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic;
- (d) Those with dual citizenship;
- (e) Fugitives from justice in criminal or non-political cases here or abroad;
- (f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of this Code; and**
- (g) The insane or feeble-minded. [Emphasis supplied]

established his domicile in Uyugan and could have been a permanent resident only from September 12, 2012.

f) *Under the circumstances, the Comelec did not commit grave abuse of discretion in cancelling Caballero's CoC*

Jurisprudence has consistently defined grave abuse of discretion as a “capricious or whimsical exercise of judgment x x x equivalent to lack of jurisdiction.” The abuse of discretion, to be grave, must be so patent and gross as to amount to an “evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility.”¹⁸

Based on this definition, the grave abuse of discretion that justifies the grant of *certiorari* involves an error or defect of jurisdiction resulting from, among others, an indifferent disregard for the law, arbitrariness and caprice, an omission to weigh pertinent considerations, or lack of rational deliberation in decision making.¹⁹

It should also be remembered that the remedy of *certiorari* applies only to rulings that are not, or are no longer, appealable. Thus, *certiorari* is not an appeal that opens up the whole case for review; it is limited to a consideration of the specific aspect of the case necessary to determine if grave abuse of discretion had intervened.²⁰

In short, to assail a Comelec ruling, the assailing party must show that the final and inappealable ruling is completely void, not simply erroneous, because the Comelec gravely abused its discretion in considering the case or in issuing its ruling.

It is within this context that I fully concur with the *ponencia's* dismissal of the petition. Caballero's assertion in his CoC that he has been a resident of Uyugan for at least one year immediately preceding the May 13, 2013 elections – a clear material misrepresentation on his qualification for the mayoralty post – undoubtedly justified the Comelec in cancelling his CoC pursuant to Section 78 of the OEC. In acting as it did, the Comelec simply performed its mandate and enforced the law based on the established facts and evidence. Clearly, no grave abuse of discretion can be attributed to its actions.

In closing, I reiterate that RA 9225 is concerned only with citizenship; it does not touch on and does not require residency in the Philippines to re-

¹⁸ See J. Brion's Separate Opinion in *Atty. Risos-Vidal v. Commission on Elections and Joseph Ejercito Estrada*, GR No. 206666, January 21, 2015.

¹⁹ *Id.*, citing *Aratuc v. Comelec*, 177 Phil. 205, 222 (1979).

²⁰ *Id.*

acquire Philippine citizenship. *Residency in the Philippines becomes material only when the natural-born Filipino who re-acquires or retains Philippine citizenship under the provisions of RA 9225 decides to run for public office.* Even then, RA 9225 leaves the resolution of any residency issue to the terms of the Constitution and specifically applicable existing laws.

For all these reasons, I vote to dismiss Rogelio Batin Caballero's petition for lack of merit.


ARTURO D. BRION
Associate Justice