

EN BANC

[G.R. No. 221538, September 20, 2016]

**RIZALITO Y. DAVID, PETITIONER, VS. SENATE ELECTORAL
TRIBUNAL AND MARY GRACE POE-LLAMANZARES,
RESPONDENTS.**

DECISION

LEONEN, J.:

The words of our most fundamental law cannot be read so as to callously exclude all foundlings from public service.

When the names of the parents of a foundling cannot be discovered despite a diligent search, but sufficient evidence is presented to sustain a reasonable inference that satisfies the quantum of proof required to conclude that at least one or both of his or her parents is Filipino, then this should be sufficient to establish that he or she is a natural-born citizen. When these inferences are made by the Senate Electoral Tribunal in the exercise of its sole and exclusive prerogative to decide the qualifications of the members of the Senate, then there is no grave abuse of discretion remediable by either Rule 65 of the Rules of Court or Article VIII, Section I of the Constitution.

This case certainly does not decide with finality the citizenship of every single foundling as natural-born. The circumstances of each case are unique, and substantial proof may exist to show that a foundling is not natural-born. The nature of the Senate Electoral Tribunal and its place in the scheme of political powers, as devised by the Constitution, are likewise different from the other ways to raise questions of citizenship.

Before this Court is a Petition for Certiorari^[1] filed by petitioner Rizalito Y. David (David). He prays for the nullification of the assailed November 17, 2015 Decision and December 3, 2015 Resolution of public respondent Senate Electoral Tribunal in SET Case No. 001-15.^[2] The assailed November 17, 2015 Decision^[3] dismissed the Petition for Quo Warranto filed by David, which sought to unseat private respondent Mary Grace Poe-Llamanzares as a Senator for allegedly not being a natural-born citizen of the Philippines and, therefore, not being qualified to hold such office under Article VI, Section 3^[4] of the 1987 Constitution. The assailed December 3, 2015 Resolution^[5] denied David's Motion for Reconsideration.

Senator Mary Grace Poe-Llamanzares (Senator Poe) is a foundling whose biological parents are unknown. As an infant, she was abandoned at the Parish Church of Jaro, Iloilo.^[6] Edgardo Militar found her outside the church on September 3, 1968 at about 9:30 a.m.^[7] He later turned her over to Mr. and Mrs. Emiliano Militar.^[8] Emiliano Militar reported to the Office of the Local Civil Registrar that the infant was

found on September 6, 1968.^[9] She was given the name Mary Grace Natividad Contreras Militar.^[10] Local Civil Registrar issued a Certificate of Live Birth/Foundling Certificate stating:

Circumstances: THE SUBJECT CHILD WAS FOUND IN THE PARISH CHURCHD [sic] OF JARO, ON SEPTEMBER 3, 1968 AT ABOUT 9:30 A.M. BY EDGARDO MILITAR AND THE SAID CHILD IS PRESENTLY IN THE CUSTODY OF MR. AND MRS. EMILIANO MILITAR AT STA. ISABEL STREET, JARO . . .^[11]

On May 13, 1974, the Municipal Court of San Juan, Rizal promulgated the Decision granting the Petition for Adoption of Senator Poe by Spouses Ronald Allan Poe (more popularly known as Fernando Poe, Jr.) and Jesusa Sonora Poe (more popularly known as Susan Roces).^[12] The Decision also ordered the change in Senator Poe's name from Mary Grace Natividad Contreras Militar to Mary Grace Natividad Sonora Poe.^[13] October 27, 2005, Clerk of Court III Eleanor A. Sorio certified that the Decision had become final in a Certificate of Finality.^[14]

On April 11, 1980, the Office of Civil Registrar-Iloilo received the Decision of the San Juan Court Municipal Court and noted on Senator Poe's foundling certificate that she was adopted by Spouses Ronald Allan and Jesusa Poe.^[15] This hand-written notation appears on Senator Poe's foundling certificate:

NOTE: Adopted child by the Spouses Ronald Allan Poe and Jesusa Sonora Poe as per Court Order, Mun. Court, San Juan, Rizal, by Hon. Judge Alfredo M. Gorgonio dated May 13, 1974, under Sp. Proc. No. 138.^[16]

Senator Poe became a registered voter in Greenhills, San Juan, Metro Manila when she turned 18 years old.^[17] The Commission on Elections issued her a Voter's Identification Card for Precinct No. 196, Greenhills, San Juan, Metro Manila on December 13, 1986.^[18]

On April 4, 1988, the Department of Foreign Affairs issued her a Philippine passport.^[19] Her passport was renewed on April 5, 1993, May 19, 1998, October 13, 2009, December 19, 2013, and March 18, 2014.^[20] Having become Senator, she was also issued a Philippine diplomatic passport on December 19, 2013.^[21]

Senator Poe took Development Studies at the University of the Philippines, Manila, but eventually went to the United States in 1988 to obtain her college degree.^[22] In 1991, she earned a bachelor's degree in Political Science from Boston College, Chestnut Hill, Massachusetts.^[23]

On July 27, 1991, Senator Poe married Teodoro Misael Daniel V. Llamanzares, both an American and Filipino national since birth.^[24] The marriage took place in Santuario de San Jose Parish, San Juan, Manila.^[25] On July 29, 1991, Senator Poe returned to the United States with her husband.^[26] For some time, she lived with her husband and children in the United States.^[27]

Senator Poe and her husband had three (3) children: Brian Daniel (Brian), Hanna

MacKenzie (Hanna), and Jesusa Anika (Anika).^[28] Brian was born in the United States on April 16, 1992. Hanna was born on July 10, 1998, and Anika on June 5, 2004. Both Hanna and Anika were born in the Philippines.^[29]

Senator Poe was naturalized and granted American citizenship on October 18, 2001.^[30] She was subsequently given a United States passport.^[31]

Senator Poe's adoptive father, Fernando Poe, Jr., ran for President of the Republic of the Philippines in the 2004 National Elections.^[32] To support her father's candidacy, Senator Poe and her daughter Hanna returned to the Philippines on April 8, 2004.^[33] After the Elections, she returned to the United States on July 8, 2004.^[34] It was during her stay in the Philippines that she gave birth to her youngest daughter, Anika.^[35]

Fernando Poe, Jr. was hospitalized on December 11, 2004 and eventually "slipped into a coma."^[36] Senator Poe returned to the Philippines on December 13, 2004.^[37] On December 14, 2004, her father died.^[38] She stayed in the country until February 3, 2005 to attend her father's funeral and to attend to the settling of his estate.^[39]

In 2004, Senator Poe resigned from work in the United States. She never looked for work again in the United States.^[40]

Senator Poe decided to return home in 2005.^[41] After consulting her children, they all agreed to return to the Philippines to support the grieving Susan Roces.^[42] In early 2005, they notified Brian and Hanna's schools Virginia, United States that they would be transferring to the Philippines the following semester.^[43] She came back on May 24, 2005.^[44] Her children also arrived in the first half of 2005.^[45] However, her husband stayed in the United States to "finish pending projects, and to arrange for the sale of the family home there."^[46]

Following her return, Senator Poe was issued by the Bureau of Internal Revenue a Tax Identification Number (TIN) on July 22, 2005.^[47]

On July 7, 2006, Senator Poe took the Oath of Allegiance to Republic of the Philippines:^[48]

I, Mary Grace Poe Llamanzares, solemnly swear 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.^[49]

On July 10, 2006, Senator Poe filed a Petition for Retention and or Re-acquisition of Philippine Citizenship through Republic Act No. 9225.^[50] She also "filed applications for derivative citizenship on behalf of her three children who were all below eighteen (18) years of age at that time."^[51]

The Petition was granted by the Bureau of Immigration and Deportation on July 18, 2006 through an Order signed by Associate Commissioner Roy M. Almoró for Commissioner Alipio F. Fernandez, Jr:[52]

A careful review of the documents submitted in support of the instant petition indicate that David was a former citizen of the Republic of the Philippines being born to Filipino parents and is presumed to be a natural born Philippine citizen; thereafter, became an American citizen and is now a holder of an American passport; was issued an ACT and ICR and has taken her oath of allegiance to the Republic of the Philippines on July 7, 2006 and so is thereby deemed to have re-acquired her Philippine Citizenship. [53] (Emphasis in the original)

In the same Order, Senator Poe's children were "deemed Citizens of the Philippines in accordance with Section 4 of R[epublic] A[ct] No. 9225." [54] Until now, the Order "has not been set aside by the Department of Justice or any other agency of Government." [55]

On July 31, 2006, the Bureau of Immigration issued Identification Certificates in the name of Senator Poe and her children. [56] It stated that Senator Poe is a "citizen of the Philippines pursuant to the Citizenship Retention and Re-acquisition Act of 2003 . . . in relation to Administrative Order No. 91, Series of 2004 and Memorandum Circular No. AFF-2-005 per Office Order No. AFF-06-9133 signed Associate Commissioner Roy M. Almoró dated July 18, 2006." [57]

Senator Poe became a registered voter of Barangay Santa Lucia, San Juan City on August 31, 2006. [58]

Senator Poe made several trips to the United States of America between 2006 and 2009 using her United States Passport No. 170377935. [59] She used her passport "after having taken her Oath of Allegiance to the Republic on 07 July 2006, but not after she has formally renounced her American citizenship on 20 October 2010." [60] The following are the flight records given by the Bureau of Immigration:

Departures	Flight No.
November 1, 2006	SQ071
July 20, 2007	PR730
October 31, 2007	PR300
October 2, 2008	PR358
April 20, 2009	PR104
July 31, 2009	PR730
October 19, 2009	PR102
November 15, 2009	PR103

December 27, 2009	PR112
March 27, 2010	PR102
Arrivals	Flight No.
November 4, 2006	SQ076
July 23, 2007	PR731
November 5, 2007	PR337
May 8, 2008	PR103
October 5, 2008	PR359
May 21, 2009	PR105
August 3, 2009	PR733
November 15, 2009	PR103 ^[61]

On October 6, 2010, President Benigno Simeon Aquino III appointed Senator Poe as Chairperson of the Movie and Television Review and Classification Board (MTRCB).

^[62] On October 20, 2010, Senator Poe executed an Affidavit of Renunciation of Allegiance to the United States of America and Renunciation of American Citizenship, ^[63] stating:

I, MARY GRACE POE-LLAMANZARES, Filipino, of legal age, and presently residing at No. 107 Rodeo Drive, Corinthian Hills, Quezon City, Philippines, after having been duly sworn to in accordance with the law, do hereby depose and state that with this affidavit, I hereby expressly and voluntarily renounce my United States nationality/American citizenship, together with all rights and privileges and all duties and allegiance and fidelity thereunto pertaining. I make this renunciation intentionally, voluntarily, and of my own free will, free of any duress or undue influence.^[64] (Emphasis in the original)

The affidavit was submitted to the Bureau of Immigration on October 21, 2010.^[65] On October 21, 2010, she took her Oath of Office as MTRCB Chairperson and assumed office on October 26, 2010.^[66] Her oath of office stated:

PANUNUMPA SA KATUNGKULAN

Ako, si MARY GRACE POE LLAMANZARES, na itinalaga sa katungkulan bilang *Chairperson, Movie and Television Review and Classification Board*, ay taimtim na nanunumpa na tutuparin ko nang buong husay at katapatan, sa abot ng aking kakayahan, ang mga tungkulin ng aking kasalukuyang katungkulan at ng mga iba pang pagkaraan nito'y gagampanan ko sa ilalim ng Republika ng Pilipinas; na aking itataguyod at ipagtatanggol ang Saligan Batas ng Pilipinas; na tunay na mananalig at tatalima ako rito; na susundin ko ang mga batas, mga kautusang lega, at mga dekretong pinairal ng mga sadyang itinakdang may