

THIRD DIVISION

[G.R. No. 132244, September 14, 1999]

**GERARDO ANGAT, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, RESPONDENT.**

DECISION

VITUG, J.:

The instant petition for review under Rule 45 assails the orders, dated 22 September 1997 and 29 December 1997, issued by the Regional Trial Court ("RTC") of Marikina City in Case No. N-96-03-MK, entitled "In the Matter of the Petition of Gerardo Angat y Legaspi to be Re-admitted as a Citizen of the Philippines under Commonwealth Act No. 63, as amended, and Republic Act ("R.A.") No. 965 and 263^[0]."

Petitioner Gerardo Angat was a natural born citizen of the Philippines until he lost his citizenship by naturalization in the United States of America. Now residing at No. 69 New York Street, Provident Village, Marikina City, Angat filed on **11 March 1996** before the RTC of Marikina City, Branch 272, a petition to regain his status as a citizen of the Philippines under Commonwealth Act No. 63, Republic Act No. 965 and Republic Act No. 2630 (docketed as N-96-03-MK). In his petition, "applying for naturalization," he averred that -

"FIRST. - His full name is GERARDO LEGASPI ANGAT. Copy of his latest picture is hereto attached and made an integral part of this petition.

"SECOND. - His present place of residence is #69 New York St., Provident Village, Marikina, Metro Manila and his former residence was in Las Vegas, U.S.

"THIRD. - His trade or profession is in buy and sell and managing the properties of his parents which he has been engaged since his arrival here in the Philippines.

"FOURTH. - He was born on the 22nd day of June 1954 at Tondo, Manila. He was formerly a citizen of the Philippines. He lost his Philippine citizenship by naturalization in a foreign country. He is at present a citizen or subject of the United States of America. Copy of his birth certificate is hereto attached as Annex 'A.'

"FIFTH. - He is newly married to Zenaida Lim who was born in Tondo, Manila and now resides at petitioner's residence at Marikina, Metro Manila. Copy of their marriage contract is hereto attached as Annex 'B.'

"SIXTH. - He returned to the Philippines from the United States of

America in 1991. Copy of his alien registration is hereto attached as Annex 'C.'

"SEVENTH. - He has the qualifications required by Commonwealth Act No. 63 as amended, and Republic Act Nos. 965 and 2639 to reacquire Philippine citizenship, and possesses none of the disqualification prescribed in Commonwealth Act No. 473. He has resided in the Philippines at least six months immediately preceding the date of this petition, to wit: since 1991. He has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, in his relations with the constituted government as well as with the community in which he is living.

"EIGHT. - He is not opposed to an organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government. He is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas. He is not a polygamist or believer in the practice of polygamy. He has not been convicted of any crime involving moral turpitude. He is not suffering from any mental alienation or incurable contagious disease. The nation of which he is a citizen or subject is not at war with the Philippines.

"NINTH. - It is his intention to reacquire Philippine citizenship and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to the United State of America to which at this time he is a citizen."^[1]

On 30 April 1996, the trial court, through the branch clerk of court, issued a notice setting the case for initial hearing on 27 January 1997^[2] which, along with the petition and its annexes, was received by the Office of the Solicitor General ("OSG") on 10 May 1996.

On 13 June 1996, petitioner sought to be allowed to take his oath of allegiance to the Republic of the Philippines pursuant to R.A. 8171. The motion was denied by the trial judge in his order of 12 July 1996. Another motion filed by petitioner on 13 August 1996 to have the denial reconsidered was found to be meritorious by the court a quo in an order, dated 20 September 1996, which stated, among other things, that -

"A close scrutiny of R.A. 8171 shows that petitioner is entitled to the benefits of the said law considering that herein petitioner is a natural born Filipino citizen who lost his citizenship by naturalization in a foreign country. The petition and motion of the petitioner to take his oath of allegiance to the Republic of the Philippines likewise show that the petitioner possesses all the qualifications and none of the disqualifications under R.A. 8171."^[3]

Concluding, the court ruled:

"WHEREFORE, foregoing premises considered, the Order of the Court dated July 12, 1996 is hereby set aside. The petitioner is ordered to take

his oath of allegiance to the Republic of the Philippines pursuant to R.A. 8171 before the undersigned on October 03, 1996 at 11:00 in the morning.

"SO ORDERED."^[4]

After taking his Oath of Allegiance on 03 October 1996, another order was issued by the trial judge on 04 October 1996 to the following effect; viz:

"After the oath of allegiance to the Republic of the Philippines had been taken by the petitioner, Gerardo Angat y Legaspi before the undersigned, the petitioner is hereby repatriated and declared as citizen of the Republic of the Philippines pursuant to Republic Act No. 8171.

"The Bureau of Immigration is ordered to cancel the pertinent alien certificate of registration and issue the certificate of identification as Filipino citizen to the petitioner upon the finality of this order.

"Likewise, let a copy of this Order be registered in the Local Civil Registry of the Municipality of Marikina, Metro Manila and the General Civil Registrar, Sta. Mesa, Manila, after its finality.

"SO ORDERED."^[5]

On 19 March 1997, a Manifestation and Motion (virtually a motion for reconsideration) filed by the OSG asserted that the petition itself should have been dismissed by the court a quo for lack of jurisdiction because the proper forum for it was the Special Committee on Naturalization consistently with Administrative Order No. 285 ("AO 285"), dated 22 August 1996, issued by President Fidel V. Ramos. AO 285 had tasked the Special Committee on Naturalization to be the implementing agency of R.A. 8171. The motion was found to be well taken by the trial court; thus, in an order, dated 22 September 1997, it adjudged:

"This resolves the Manifestation and Motion filed by the Office of the Solicitor General on March 19, 1997.

"The motion alleges that pursuant to Administrative Order No. 285 dated August 22, 1996 issued by President Fidel V. Ramos, any person desirous of repatriating or reacquiring Filipino citizenship pursuant to R.A. 8171 shall file a petition with the Special Committee on Naturalization, which is composed of the Solicitor General as Chairman, the Undersecretary of Foreign Affairs and the Director-General of the National Intelligence Coordinating Agency, as members, which shall process the application; that if their applications are approved they shall take the necessary oath of allegiance to the Republic of the Philippines, after which they shall be deemed to have reacquired their Philippine citizenship and the Commission on Immigration and Deportation shall thereupon cancel their certificate of registration.

"The motion prays that the herein petition be dismissed on the ground that the same should be filed with the Special Committee on Naturalization.

"The records show that on September 20, 1996, the Court granted the herein petition and as a consequence thereof, the petitioner Gerardo Angat y Legaspi took his oath of allegiance to the Republic of the Philippines before the Presiding Judge of this Court on October 03, 1996 and on October 04, 1996, the petitioner was ordered repatriated and declared as citizen of the Philippines.

"On February 21, 1997, the Office of the Solicitor General entered its appearance as counsel of the State in the subject petition and on March 19, 1997 filed the herein manifestation and motion.

"The allegations in the manifestation and motion of the Office of the Solicitor General clearly shows that this Court has no jurisdiction over the herein petition as the same falls within the jurisdiction of the Special Committee on Naturalization. Considering that this court has no jurisdiction over this case, the order granting the same is therefore null and void.

"WHEREFORE, foregoing premises considered, the motion to dismiss filed by the Office of the Solicitor General is hereby granted. The orders of this Court dated September 20, 1996 and October 04, 1996 are hereby set aside and the herein petition is ordered DISMISSED on the ground of lack of jurisdiction without prejudice to its re-filing before the Special Committee on Naturalization.

"SO ORDERED."^[6]

A motion for reconsideration, filed by petitioner on 13 October 1997, questioned the aforequoted order asseverating that since his petition was filed on 14 March 1996, or months before the Special Committee on Naturalization was constituted by the President under AO 285 on 22 August 1996, the court a quo had the authority to take cognizance of the case.

In the Order, dated 29 December 1997, the trial judge denied the motion for reconsideration.

The instant appeal by *certiorari* under Rule 45 of the 1997 Rules of Procedure submits the lone assignment of error that -

"The Regional Trial Court (has) seriously erred in dismissing the petition by giving retroactive effect to Administrative Order No. 285, absent a provision on Retroactive Application."

Petitioner would insist that the trial court had jurisdiction over his petition for naturalization^[7] filed on 11 March 1996, and that he had acquired a vested right as a repatriated citizen of the Philippines when the court declared him repatriated following the order, dated 20 September 1996, allowing him to take an oath of allegiance to the Republic of the Philippines which was, in fact, administered to him on 03 October 1996.

The contention is not meritorious.

R.A. No. 8171, which has lapsed into law on 23 October 1995, is an act providing for the repatriation (a) of Filipino women who have lost their Philippine citizenship by marriage to aliens and (b) of natural-born Filipinos who have lost their Philippine citizenship on account of political or economic necessity. The pertinent provisions of the law read:

"SECTION 1. Filipino women who have lost their Philippine citizenship by marriage to aliens and natural-born Filipinos who have lost their Philippine citizenship, including their minor children, on account of political or economic necessity, may reacquire Philippine citizenship through repatriation in the manner provided in Section 4 of Commonwealth Act No. 63, as amended: Provided, That the applicant is not a:

"(1) Person opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing organized government;

"(2) Person defending or teaching the necessity or propriety of violence, personal assault, or association for the predominance of their ideas;

"(3) Person convicted of crimes involving moral turpitude; or

"(4) Person suffering from mental alienation or incurable contagious diseases.

"SEC. 2. Repatriation shall be effected by taking the necessary oath of allegiance to the Republic of the Philippines and registration in the proper civil registry and in the Bureau of Immigration. The Bureau of Immigration shall thereupon cancel the pertinent alien certificate of registration and issue the certificate of identification as Filipino citizen to the repatriated citizen."

Under Section 1 of Presidential Decree ("P.D.") No. 725,^[8] dated 05 June 1975, amending Commonwealth Act No. 63, an application for repatriation could be filed by Filipino women who lost their Philippine citizenship by marriage to aliens, as well as by natural born Filipinos who lost their Philippine citizenship, with the Special Committee on Naturalization. The committee, chaired by the Solicitor General with the Undersecretary of Foreign Affairs and the Director of the National Intelligence Coordinating Agency as the other members, was created pursuant to Letter of Instruction ("LOI") No. 270, dated 11 April 1975, as amended by LOI No. 283 and LOI No. 491 issued, respectively, on 04 June 1975 and on 29 December 1976. Although the agency was deactivated by virtue of President Corazon C. Aquino's Memorandum of 27 March 1987, it was not, however, abrogated. In *Frivaldo vs. Commission on Elections*,^[9] the Court observed that the aforesaid memorandum of President Aquino had merely directed the Special Committee on Naturalization "to cease and desist from undertaking any and all proceedings x x x under Letter of Instruction ('LOI') 270."^[10] The Court elaborated:

"This memorandum dated March 27, 1987 cannot by any stretch of legal hermeneutics be construed as a law sanctioning or authorizing a repeal of P.D. No. 725. Laws are repealed only by subsequent ones and a repeal