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WHEREFORE, we *AFFIRM* the recommended penalty on respondent Ricardo R. Giganto of suspension for thirty (30) days for simple misconduct. We *DISMISS* complainant Recarredo S. Valenzuela's charge of Physical Injuries on the ground of lack of jurisdiction. We *MODIFY* the recommended penalty on complainant Recarredo S. Valenzuela and increase it from a suspension of seven (7) days to a suspension of twenty (20) days for simple misconduct. We *DISMISS* Ricardo R. Giganto's counter-complaint for lack of merit.

SO ORDERED.

Corona, C.J., Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and *Reyes, JJ.,* concur.

Sereno, J., on leave.

EN BANC

[G.R. Nos. 192147 & 192149. August 23, 2011]

RENALD F. VILANDO, *petitioner, vs.* **HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL, JOCELYN SY LIMKAICHONG and HON. SPEAKER PROSPERO NOGRALES,** *respondents.*

SYLLABUS

1. POLITICAL LAW; CONSTITUTIONAL LAW; JUDICIAL DEPARTMENT; POWER OF JUDICIAL REVIEW; MOOT AND ACADEMIC CASES; DEFINED; A CASE OF.— It should be noted that Limkaichong's term of office as Representative of the First District of Negros Oriental from June 30, 2007 to June 30, 2010 already expired. As such, the

issue questioning her eligibility to hold office has been rendered moot and academic by the expiration of her term. Whatever judgment is reached, the same can no longer have any practical legal effect or, in the nature of things, can no longer be enforced. Thus, the petition may be dismissed for being moot and academic. Moreover, there was the conduct of the 2010 elections, a supervening event, in a sense, has also rendered this case moot and academic. A moot and academic case is one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical value. As a rule, courts decline jurisdiction over such case, or dismiss it on ground of mootness.

2. ID.; ID.; ID.; ID.; ID.; COURTS WILL DECIDE A QUESTION, OTHERWISE MOOT AND ACADEMIC, IF IT IS CAPABLE OF REPETITION, YET EVADING REVIEW.— Citizenship, being a continuing requirement for Members of the House of Representatives, however, may be questioned at anytime. For this reason, the Court deems it appropriate to resolve the petition on the merits. This position finds support in the rule that courts will decide a question, otherwise moot and academic, if it is "capable of repetition, yet evading review." The question on Limkaichong's citizenship is likely to recur if she would run again, as she did run, for public office, hence, capable of repetition.

3. ID.; ID.; CITIZENSHIP; ATTACK ON A PERSON'S CITIZENSHIP MAY ONLY BE DONE THROUGH A DIRECT ACTION FOR ITS NULLITY; PROPER PROCEEDING TO ASSAIL CITIZENSHIP, CITED.— In this petition, Vilando seeks to disqualify Limkaichong on the ground that she is a Chinese citizen. To prove his point, he makes reference to the alleged nullity of the grant of naturalization of Limkaichong's father which, however, is not allowed as it would constitute a collateral attack on the citizenship of the father. In our jurisdiction, an attack on a person's citizenship may only be done through a direct action for its nullity. The proper proceeding to assail the citizenship of Limkaichong's father should be in accordance with Section 18 of Commonwealth Act No. 473.

4. ID.; ID.; LEGISLATIVE DEPARTMENT; HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL (HRET);

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JURISDICTION; POWER OF THE HRET, NO MATTER HOW COMPLETE AND EXCLUSIVE, DOES NOT CARRY WITH IT THE AUTHORITY TO DELVE INTO THE LEGALITY OF THE JUDGMENT OF NATURALIZATION IN THE PURSUIT OF DISQUALIFYING A MEMBER OF THE HOUSE.— True, the HRET has jurisdiction over *quo warranto* petitions, specifically over cases challenging ineligibility on the ground of lack of citizenship. No less than the 1987 Constitution vests the HRET the authority to be the sole judge of all contests relating to the election, returns and qualifications of its Members. This constitutional power is likewise echoed in the 2004 Rules of the HRET. Rule 14 thereof restates this duty, thus: *Rule 14. Jurisdiction*. – The Tribunal is the sole judge of all contests relating to the election, returns, and qualifications of the Members of the House of Representatives. Time and again, this Court has acknowledged this sole and exclusive jurisdiction of the HRET. The power granted to HRET by the Constitution is intended to be as complete and unimpaired as if it had remained originally in the legislature. Such power is regarded as full, clear and complete and excludes the exercise of any authority on the part of this Court that would in any wise restrict it or curtail it or even affect the same. Such power of the HRET, no matter how complete and exclusive, does not carry with it the authority to delve into the legality of the judgment of naturalization in the pursuit of disqualifying Limkaichong. To rule otherwise would operate as a collateral attack on the citizenship of the father which, as already stated, is not permissible.

5. ID.; ID.; CITIZENSHIP; THAT PRIVATE RESPONDENT IS A NATURAL-BORN FILIPINO CITIZEN, PROVEN IN CASE AT BAR.— Records disclose that Limkaichong was born in Dumaguete City on November 9, 1959. The governing law is the citizenship provision of the 1935 Constitution, the pertinent portion thereof, reads: Article IV Section 1. The following are citizens of the Philippines: x x x (3) Those whose fathers are citizens of the Philippines. (4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship. x x x Indubitably, with Limkaichong's father having been conferred the status as a naturalized Filipino, it follows that she is a Filipino citizen born to a Filipino father. Even on the assumption that the

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naturalization proceedings and the subsequent issuance of certificate of naturalization were invalid, Limkaichong can still be considered a natural-born Filipino citizen having been born to a Filipino mother and having impliedly elected Filipino citizenship when she reached majority age. The HRET is, thus, correct in declaring that Limkaichong is a natural-born Filipino citizen.

6. ID.; ID.; ID.; RENUNCIATION OF CITIZENSHIP; EXPRESS RENUNCIATION IS NECESSARY TO EFFECTIVELY RESULT IN THE LOSS OF CITIZENSHIP; ABSENT IN CASE AT BAR.— [O]btaining an ACR by Limkaichong's mother was not tantamount to a repudiation of her original citizenship. Neither did it result in an acquisition of alien citizenship. In a string of decisions, this Court has consistently held that an application for, and the holding of, an alien certificate of registration is not an act constituting renunciation of Philippine citizenship. For renunciation to effectively result in the loss of citizenship, the same must be express. Such express renunciation is lacking in this case. Accordingly, Limkaichong's mother, being a Filipino citizen, can transmit her citizenship to her daughter.

7. ID.; ID.; LEGISLATIVE DEPARTMENT; HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL (HRET); JURISDICTION; JUDGMENTS OF THE HRET ARE BEYOND JUDICIAL INTERFERENCE; EXTRAORDINARY JURISDICTION TO WARRANT JUDICIAL INTERVENTION, LACKING IN CASE AT BAR.— Well-settled is the principle that the judgments of the HRET are beyond judicial interference. The only instance where this Court may intervene in the exercise of its so-called extraordinary jurisdiction is upon a determination that the decision or resolution of the HRET was rendered without or in excess of its jurisdiction, or with grave abuse of discretion or upon a clear showing of such arbitrary and improvident use of its power to constitute a denial of due process of law, or upon a demonstration of a very clear unmitigated error, manifestly constituting such grave abuse of discretion that there has to be a remedy for such abuse. In this case, there is no showing of any such arbitrariness or improvidence. The HRET acted well within the sphere of its power when it dismissed the *quo warranto* petition.

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APPEARANCES OF COUNSEL

Defensor Lantion Briones Villamor & Tolentino Law Offices for petitioner.

Agabin Verzola & Layaoen Law Offices for Jocelyn Sy Limkaichong.

D E C I S I O N

MENDOZA, *J.*:

This is a petition for *certiorari* under Rule 65 of the Revised Rules of Court assailing the March 24, 2010 Decision[1] of the House of Representatives Electoral Tribunal *(HRET)* dismissing the petitions for *quo warranto* and declaring private respondent Jocelyn Sy Limkaichong *(Limkaichong)* not disqualified as Member of the House of Representatives representing the First District of Negros Oriental and its Resolution[2] dated May 17, 2010, denying the motion for reconsideration.

In the May 14, 2007 elections, Limkaichong filed her certificate of candidacy for the position of Representative of the First District of Negros Oriental. She won over the other contender, Olivia Paras.

On May 25, 2007, she was proclaimed as Representative by the Provincial Board of Canvassers on the basis of Comelec Resolution No. 8062[3] issued on May 18, 2007.

On July 23, 2007, she assumed office as Member of the House of Representatives.

Meanwhile, petitions involving either the disqualification or the proclamation of Limkaichong were filed before the Commission on Elections *(COMELEC)* which reached the Court.

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[1] *Rollo,* pp. 55-91.

[2] *Id.* at 92-94.

[3] Adopting policy guidelines of not suspending the proclamation of winning candidates with pending disqualification cases, without prejudice to the continuation of hearing and resolution of the cases.

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The petitions, which questioned her citizenship, were filed against Limkaichong by her detractors: Louis Biraogo (G.R. No. 179120);[4] Olivia Paras (G.R. Nos. 179132-33);[5] and Renald F. Vilando (G.R. Nos. 179240-41).[6] These three (3) petitions were consolidated with the petition for *certiorari* filed by Limkaichong (G.R. Nos. 178831-32) assailing the Joint Resolution issued by the COMELEC which resolved the disqualification cases against her.

On April 1, 2009, the Court granted the aforesaid petition of Limkaichong, reversed the Joint Resolution of the Comelec, dismissed the three (3) other petitions, and directed the petitioners to seek relief before the HRET by way of a petition for *Quo Warranto*.

On April 21, 2009 and May 27, 2009, petitioner Renald F. Vilando *(Vilando),* as taxpayer; and Jacinto Paras, as registered voter of the congressional district concerned, filed separate petitions for *Quo Warranto* against Limkaichong before the HRET. These petitions were consolidated by the HRET as they both challenged the eligibility of one and the same respondent. Petitioners asserted that Limkaichong was a Chinese citizen and ineligible for the office she was elected and proclaimed. They alleged that she was born to a father (Julio Sy), whose naturalization had not attained finality, and to a mother who acquired the Chinese citizenship of Julio Sy from the time of her marriage to the latter. Also, they invoked the jurisdiction of the HRET for a determination of Limkaichong's citizenship, which necessarily included an inquiry into the validity of the naturalization certificate of Julio Sy.

For her defense, Limkaichong maintained that she is a natural-born Filipino citizen. She averred that the acquisition of Philippine

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[4] Petition for Prohibition and Injunction with Preliminary Injunction and/or Temporary Restraining Order, filed on August 24, 2007.

[5] Petition for *Quo Warranto*, Prohibition and *Mandamus* with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, filed on August 28, 2007.

[6] Petition for *Certiorari* and Injunction with Preliminary Injunction and Temporary Restraining Order, filed on September 5, 2008.

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citizenship by her father was regular and in order and had already attained the status of *res judicata*. Further, she claimed that the validity of such citizenship could not be assailed through a collateral attack.

On March 24, 2010, the HRET dismissed both petitions and declared Limkaichong not disqualified as Member of the House of Representatives. Pertinent portions of the HRET decision reads:

> By and large, petitioners failed to satisfy the quantum of proof to sustain their theory that respondent is not a natural-born Filipino citizen and therefore not qualified as Representative of the First District, Negros Oriental. This being so, their petitions must fail.
>
> WHEREFORE, the Tribunal **DISMISSES** the instant petition for lack of merit and declares that respondent Jocelyn Sy Limkaichong is not disqualified as Member of the House of Representatives representing the First District, Negros Oriental.
>
> As soon as the Decision becomes final and executory, notice of copies thereof shall be sent to the President of the Philippines, the House of Representatives through the Speaker, the Commission on Audit through the Chairman, pursuant to Rule 96 of the 2004 Rules of the House of Representatives Electoral Tribunal. Let a copy of this Decision be furnished the Chairman, Commission on Elections, for his information and appropriate action.
>
> SO ORDERED.[7]

The petitioners sought reconsideration of the aforesaid decision, but it was denied by the HRET in its Resolution dated May 17, 2010.

Hence, this petition for *certiorari* filed by Vilando anchored on the following

GROUNDS:

THE ONE-SIDED RESOLUTION OF THE SUBJECT PETITION FOR *QUO WARRANTO* AND THE UTTER FAILURE OF THE HRET TO DISQUALIFY LIMKAICHONG AS MEMBER

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[7] Decision dated March 24, 2010, Annex "A" of Petition, *rollo*, p. 88.

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OF THE HOUSE OF REPRESENTATIVES DESPITE MANIFEST EVIDENCE THAT SHE IS NOT A NATURAL-BORN FILIPINO CITIZEN IS WHIMSICAL, CAPRICIOUS AND ARBITRARY BECAUSE:

1. **THE PETITION FOR *QUO WARRANTO* DOES NOT OPERATE AS A COLLATERAL ATTACK ON THE CITIZENSHIP OF LIMKAICHONG'S FATHER FOR THE REASON THAT HER FATHER'S CERTIFICATE OF NATURALIZATION IS OF NO FORCE AND EFFECT FROM THE VERY BEGINNING, HENCE, THERE IS ACTUALLY NOTHING BEING ATTACKED OR ASSAILED BY THE SAME.**
2. **LIMKAICHONG CANNOT DERIVE PHILIPPINE CITIZENSHIP FROM HER MOTHER GIVEN THAT AT THE TIME OF HER BIRTH, HER MOTHER IS NOT ALREADY A FILIPINO CITIZEN AS A RESULT OF HER MARRIAGE TO HER FATHER AS PROVIDED FOR UNDER SECTION 1 (7) OF COMMONWEALTH ACT NO. 63 IN RELATION TO ARTICLE 2 (1) CHAPTER II OF THE CHINESE REVISED NATIONALITY LAW OF FEBRUARY 5, 1959.**
3. **HAVING THE PLENARY, ABSOLUTE AND EXCLUSIVE JURISDICTION TO DETERMINE, AMONG OTHERS, THE QUALIFICATIONS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES, THE HRET CAN LOOK INTO THE ELIGIBILITY OF LIMKAICHONG EVEN IF, AS AN INCIDENT THERETO, IT WOULD MEAN LOOKING INTO THE VALIDITY OF THE CERTIFICATE OF NATURALIZATION.**[8]

It should be noted that Limkaichong's term of office as Representative of the First District of Negros Oriental from June 30, 2007 to June 30, 2010 already expired. As such, the issue questioning her eligibility to hold office has been rendered moot and academic by the expiration of her term. Whatever

[8] *Id.* at 30-31.

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judgment is reached, the same can no longer have any practical legal effect or, in the nature of things, can no longer be enforced.[9] Thus, the petition may be dismissed for being moot and academic.

Moreover, there was the conduct of the 2010 elections, a supervening event, in a sense, has also rendered this case moot and academic. A moot and academic case is one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical value. As a rule, courts decline jurisdiction over such case, or dismiss it on ground of mootness.[10]

Citizenship, being a continuing requirement for Members of the House of Representatives, however, may be questioned at anytime.[11] For this reason, the Court deems it appropriate to resolve the petition on the merits. This position finds support in the rule that courts will decide a question, otherwise moot and academic, if it is "capable of repetition, yet evading review."[12] The question on Limkaichong's citizenship is likely to recur if she would run again, as she did run, for public office, hence, capable of repetition.

In any case, the Court is of the view that the HRET committed no grave abuse of discretion in finding that Limkaichong is not disqualified to sit as Member of the House of Representatives.

Vilando's argument, that the *quo warranto* petition does not operate as a collateral attack on the citizenship of Limkaichong's father as the certificate of naturalization is null and void from the beginning, is devoid of merit.

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[9] *Mendoza v. Mayor Villas*, G.R. No. 187256, February 23, 2011, citing *Fernandez v. Commission on Elections*, G.R. No. 176296, June 30, 2008, 556 SCRA 765, 771.

[10] *Id.*, citing *Gunsi, Sr. v. Commissioners, The Commission on Elections*, G.R. No. 168792, February 23, 2009, 580 SCRA 70, 76.

[11] *Limkaichong v. Comelec,* G.R. Nos. 178831-32, April 1, 2009, 583 SCRA 1.

[12] *Integrated Bar of the Philippines v. Atienza*, G.R. No. 175241, February 24, 2010, 613 SCRA 518, 523, citing *Funa v. Ermita*, G.R. No. 184740, February 11, 2010, 612 SCRA 308.

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In this petition, Vilando seeks to disqualify Limkaichong on the ground that she is a Chinese citizen. To prove his point, he makes reference to the alleged nullity of the grant of naturalization of Limkaichong's father which, however, is not allowed as it would constitute a collateral attack on the citizenship of the father. In our jurisdiction, an attack on a person's citizenship may only be done through a direct action for its nullity.[13]

The proper proceeding to assail the citizenship of Limkaichong's father should be in accordance with Section 18 of Commonwealth Act No. 473. As held in *Limkaichong v. Comelec,*[14] thus:

As early as the case of *Queto v. Catolico*,[15] where the Court of First Instance judge *motu propio* and not in the proper denaturalization proceedings called to court various grantees of certificates of naturalization (who had already taken their oaths of allegiance) and cancelled their certificates of naturalization due to procedural infirmities, the Court held that:

> x x x It may be true that, as alleged by said respondents, that the proceedings for naturalization were tainted with certain infirmities, fatal or otherwise, but that is beside the point in this case. The jurisdiction of the court to inquire into and rule upon such infirmities must be properly invoked in accordance with the procedure laid down by law. Such procedure is the cancellation of the naturalization certificate. [Section 1(5), Commonwealth Act No. 63], in the manner fixed in Section 18 of Commonwealth Act No. 473, hereinbefore quoted, namely, "upon motion made in the proper proceedings by the Solicitor General or his representatives, or by the proper provincial fiscal." In other words, the initiative must come from these officers, presumably after previous investigation in each particular case.

Clearly, under law and jurisprudence, it is the State, through its representatives designated by statute, that may question the illegally or invalidly procured certificate of naturalization in the appropriate

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[13] *Co v. Electoral Tribunal of the House of Representatives*, G.R. Nos. 92191-92, July 30, 1991, 199 SCRA 692, citing *Queto v. Catolico*, G.R. Nos. L-25204 and L-25219, January 23, 1970, 31 SCRA 52.

[14] *Supra* note 11.

[15] G.R. Nos. L-25204 and L-25219, January 23, 1970, 31 SCRA 52.

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denaturalization proceedings. It is plainly not a matter that may be raised by private persons in an election case involving the naturalized citizen's descendant.

Vilando asserts that as an incident in determining the eligibility of Limkaichong, the HRET, having the plenary, absolute and exclusive jurisdiction to determine her qualifications, can pass upon the efficacy of the certificate of naturalization.

True, the HRET has jurisdiction over *quo warranto* petitions, specifically over cases challenging ineligibility on the ground of lack of citizenship. No less than the 1987 Constitution vests the HRET the authority to be the sole judge of all contests relating to the election, returns and qualifications of its Members. This constitutional power is likewise echoed in the 2004 Rules of the HRET. Rule 14 thereof restates this duty, thus:

Rule 14. Jurisdiction. – The Tribunal is the sole judge of all contests relating to the election, returns, and qualifications of the Members of the House of Representatives.

Time and again, this Court has acknowledged this sole and exclusive jurisdiction of the HRET.[16] The power granted to HRET by the Constitution is intended to be as complete and unimpaired as if it had remained originally in the legislature.[17] Such power is regarded as full, clear and complete and excludes the exercise of any authority on the part of this Court that would in any wise restrict it or curtail it or even affect the same.[18]

Such power of the HRET, no matter how complete and exclusive, does not carry with it the authority to delve into the

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[16] *Limkaichong v. Comelec*, *supra* note 11, citing *Vinzons-Chato v. Commission on Elections*, G.R. No. 172131, April 2, 2007, 520 SCRA 166; *Cerbo v. Comelec,* G.R. No. 168411, February 15, 2007, 516 SCRA 51, 58, citing *Aggabao v. Commission on Elections,* 490 Phil. 285 (2005), among other cases.

[17] *Co v. Electoral Tribunal of the House of Representatives*, *supra* note 13, citing *Angara v. Electoral Commission*, 63 Phil. 139 (1936).

[18] *Id.*, citing *Lazatin v. HRET,* 250 Phil. 390 (1988).

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legality of the judgment of naturalization in the pursuit of disqualifying Limkaichong. To rule otherwise would operate as a collateral attack on the citizenship of the father which, as already stated, is not permissible. The HRET properly resolved the issue with the following ratiocination:

> x x x We note that Jocelyn C. Limkaichong, not the father – Julio Ong Sy, is the respondent in the present case. The Tribunal may not dwell on deliberating on the validity of naturalization of the father if only to pursue the end of declaring the daughter as disqualified to hold office.
>
> Unfortunately, much as the Tribunal wants to resolve said issue, it cannot do so because its jurisdiction is limited to the qualification of the proclaimed respondent Limkaichong, being a sitting Member of the Congress.
>
> Evidently, there is no basis to oblige the Tribunal to reopen the naturalization proceedings for a determination of the citizenship of the ascendant of respondent. A petition for *quo warranto* is not a means to achieve that purpose. To rule on this issue in this *quo warranto* proceeding will not only be a clear grave abuse of discretion amounting to a lack or excess of jurisdiction, but also a blatant violation of due process on the part of the persons who will be affected or who are not parties in this case.[19]

Thus, the Office of the Solicitor General *(OSG)* wrote that "a collateral attack against a judgment is generally not allowed, unless the judgment is void upon its face or its nullity is apparent by virtue of its own recitals."[20] Under the present situation, there is no evidence to show that the judgment is void on its face:

> As to the Order of the CFI, Negros Oriental dated July 9, 1957 and September 21, 1959 that were offered in evidence, far from proving an invalid oath of allegiance and certificate of naturalization, being public records, they do in fact constitute legitimate source

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[19] Annex "A" of Petition, *rollo*, pp. 73 and 75.

[20] *De la Cruz v. Quiazon*, G.R. No. 171961, November 28, 2008, 572 SCRA 681, 695, citing *Arcelona v. Court of Appeals*, 345 Phil. 250 (1997).

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of authority for the conferment of status of the father of respondent as naturalized Filipino. Absent any contrary declaration by a competent court, the Tribunal presumes the validity of the CFI Orders of July 9, 1957 and September 21, 1959, and the resulting documentations of Julio Sy's acquisition of Filipino citizenship by naturalization as valid and of legal effect. The oath of allegiance and certificate of naturalization are themselves proofs of the actual conferment of naturalization.[21]

The HRET, therefore, correctly relied on the presumption of validity of the July 9, 1957 and September 21, 1959 Orders of the Court of First Instance *(CFI)* Negros Oriental, which granted the petition and declared Julio Sy a naturalized Filipino absent any evidence to the contrary.

Records disclose that Limkaichong was born in Dumaguete City on November 9, 1959. The governing law is the citizenship provision of the 1935 Constitution, the pertinent portion thereof, reads:

Article IV

Section 1. The following are citizens of the Philippines:

x x x x x x x x x

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

x x x x x x x x x

Indubitably, with Limkaichong's father having been conferred the status as a naturalized Filipino, it follows that she is a Filipino citizen born to a Filipino father.

Even on the assumption that the naturalization proceedings and the subsequent issuance of certificate of naturalization were invalid, Limkaichong can still be considered a natural-born Filipino citizen having been born to a Filipino mother and having impliedly elected Filipino citizenship when she reached majority age. The

[21] Decision dated March 24, 2010, Annex "A" of Petition, *rollo*, p. 79.

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HRET is, thus, correct in declaring that Limkaichong is a natural-born Filipino citizen:

> Respondent Limkaichong falls under the category of those persons whose fathers are citizens of the Philippines. (*Section 1(3), Article IV, 1935 Constitution*) It matters not whether the father acquired citizenship by birth or by naturalization. Therefore, following the line of transmission through the father under the 1935 Constitution, the respondent has satisfactorily complied with the requirement for candidacy and for holding office, as she is a natural-born Filipino citizen.
>
> Likewise, the citizenship of respondent Limkaichong finds support in *paragraph 4, Section 1, Article IV of the 1935 Constitution*.
>
> Having failed to prove that Anesia Sy lost her Philippine citizenship, respondent can be considered a natural born citizen of the Philippines, having been born to a mother who was a natural-born Filipina at the time of marriage, and because respondent was able to elect citizenship informally when she reached majority age. Respondent participated in the *barangay* elections as a young voter in 1976, accomplished voter's affidavit as of 1984, and ran as a candidate and was elected as Mayor of La Libertad, Negros Oriental in 2004. These are positive acts of election of Philippine citizenship. The case of *In re*: *Florencio Mallare*, elucidates how election of citizenship is manifested in actions indubitably showing a definite choice. We note that respondent had informally elected citizenship after January 17, 1973 during which time the 1973 Constitution considered as citizens of the Philippines all those who elect citizenship in accordance with the 1935 Constitution. The 1987 Constitution provisions, *i.e.*, *Section 1(3), Article [IV] and Section 2, Article [IV]* were enacted to correct the anomalous situation where one born of a Filipino father and an alien mother was automatically accorded the status of a natural-born citizen, while one born of a Filipino mother and an alien father would still have to elect Philippine citizenship yet if so elected, was not conferred natural-born status. It was the intention of the framers of the 1987 Constitution to treat equally those born before the 1973 Constitution and who elected Philippine citizenship upon reaching the age of majority either before or after the effectivity of the 1973 Constitution. Thus, those who would elect Philippine citizenship under par. 3, Section 1, Article [IV] of the 1987 Constitution are now, under Section 2, Article [IV] thereof also natural-born Filipinos. The following are the pertinent provisions of the 1987 Constitution:

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Article IV

Section 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippines at the time of the adoption of this Constitution;

(2) Those whose fathers or mothers are citizens of the Philippines;

(3) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and

(4) Those who are naturalized in accordance with law.

Section 2. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. **Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens.**[22]

Vilando's assertion that Limkaichong cannot derive Philippine citizenship from her mother because the latter became a Chinese citizen when she married Julio Sy, as provided for under Section 1 (7) of Commonwealth Act No. 63 in relation to Article 2 (1) Chapter II of the Chinese Revised Nationality Law of February 5, 1959, must likewise fail.

As aptly pointed out by the HRET, Vilando was not able to offer in evidence a duly certified true copy of the alleged Chinese Revised Law of Nationality to prove that Limkaichong's mother indeed lost her Philippine citizenship. Verily, Vilando failed to establish his case through competent and admissible evidence to warrant a reversal of the HRET ruling.

Also, an application for an alien certificate of registration *(ACR)* is not an indubitable proof of forfeiture of Philippine citizenship. It is well to quote the ruling of the HRET on this matter, to wit:

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[22] *Id.* at 86-88.

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An alien certificate of registration is issued to an individual who declares that he is not a Filipino citizen. It is obtained only when applied for. It is in a form prescribed by the agency and contains a declaration by the applicant of his or her personal information, a photograph, and physical details that identify the applicant. It bears no indication of basis for foreign citizenship, nor proof of change to foreign citizenship. It certifies that a person named therein has applied for registration and fingerprinting and that such person was issued a certificate of registration under the Alien Registration Act of 1950 or other special law. It is only evidence of registration.

Unlike birth certificates registered pursuant to Act 3753 (The Civil Register Law), and much less like other public records referred to under Section 23, Rule 132, an alien certificate of registration is not a public document that would be *prima facie* evidence of the truth of facts contained therein. On its face, it only certifies that the applicant had submitted himself or herself to registration. Therefore, there is no presumption of alienage of the declarant. This is especially so where the declarant has in fact been a natural-born Filipino all along and never lost his or her status as such.[23]

Thus, obtaining an ACR by Limkaichong's mother was not tantamount to a repudiation of her original citizenship. Neither did it result in an acquisition of alien citizenship. In a string of decisions, this Court has consistently held that an application for, and the holding of, an alien certificate of registration is not an act constituting renunciation of Philippine citizenship.[24] For renunciation to effectively result in the loss of citizenship, the same must be express.[25] Such express renunciation is lacking in this case.

Accordingly, Limkaichong's mother, being a Filipino citizen, can transmit her citizenship to her daughter.

Well-settled is the principle that the judgments of the HRET are beyond judicial interference. The only instance where this

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[23] *Id.* at 81.

[24] *Valles v. Comelec*, 392 Phil. 327 (2000); *Mercado v. Manzano*, 367 Phil. 132 (1999); *Aznar v. Comelec*, 264 Phil. 307 (1990).

[25] *Id.*

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Court may intervene in the exercise of its so-called extraordinary jurisdiction is upon a determination that the decision or resolution of the HRET was rendered without or in excess of its jurisdiction, or with grave abuse of discretion or upon a clear showing of such arbitrary and improvident use of its power to constitute a denial of due process of law, or upon a demonstration of a very clear unmitigated error, manifestly constituting such grave abuse of discretion that there has to be a remedy for such abuse.[26] In this case, there is no showing of any such arbitrariness or improvidence. The HRET acted well within the sphere of its power when it dismissed the *quo warranto* petition.

In fine, this Court finds sufficient basis to sustain the ruling of the HRET which resolved the issue of citizenship in favor of Limkaichong.

WHEREFORE, the petition is *DENIED*. Accordingly, the Court affirms the March 24, 2010 Decision of the HRET declaring that Limkaichong is not disqualified as Member of the House of Representatives representing the First District, Negros Oriental.

SO ORDERED.

Carpio, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, and *Reyes, JJ.,* concur.

Corona, C.J., Velasco, Jr. and *Leonardo-de Castro, JJ.,* no part; former chairman and members of the HRET.

Brion, J., no part.

Abad, J., no part; former counsel of private respondent.

Sereno, J., on leave.

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[26] *Co v. Electoral Tribunal of the House of Representatives*, *supra* note 13, citing *Robles v. HRET,* G.R. No. 86647, February 5, 1990, 181 SCRA 780.