

Republic of the Philippines  
Department of Justice  
BUREAU OF IMMIGRATION  
Manila

**MEMORANDUM CIRCULAR NO. AFF-04-01**

**RULES GOVERNING PHILIPPINE CITIZENSHIP UNDER REPUBLIC ACT (R.A.) NO. 9225 AND ADMINISTRATIVE ORDER (A.O.) NO. 91, SERIES OF 2004.**

WHEREAS, R.A. No. 9225 declares that natural-born citizens of the Philippines who become citizens of another country shall be deemed not to have lost their Philippine citizenship under conditions provided therein;chan robes virtual law library

WHEREAS, A.O. No. 91, Section 1 designated the Bureau of Immigration (BI), in consultation with the Department of Foreign Affairs (DFA), Department of Justice (DOJ), Office of the Civil Registrar-General, National Statistics Office (NSO), as the implementing agency of R.A. No. 9225;chan robes virtual law library

WHEREAS, A.O. No. 91, Section 2 authorizes the BI to promulgate and issue rules and regulations to implement R.A. No. 9225;

WHEREFORE, by authority of A.O. No. 91 Section 2 in relation to Commonwealth Act. No. 613, Section 3, as amended, the following rules are hereby adopted to carry out the provisions of R.A. No. 9225.chan robes virtual law library

Section 1. Coverage. – These rules shall apply to former natural-born citizens of the Philippines, as define by Philippine law and jurisprudence, who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country.chan robes virtual law library

Sec. 2. Former natural-born Philippine citizen already in the Philippines and a BI-registered alien – A former natural-born citizen of the Philippines who is already in the Philippines and registered in the BI shall file a petition under oath to the Commissioner of Immigration for the cancellation of Alien Certificate of Registration (ACR) and issuance of an Identification Certificate (IC), as the case may be, under R.A. No. 9225.chan robes virtual law library

Sec. 3. Former natural-born Philippine citizen who is abroad but a BI registered alien – A former natural-born citizen of the Philippines who is abroad but is a BI-registered alien shall file a petition under oath to the nearest Philippine Foreign Post for evaluation. Thereafter, it shall forward the entire records to the Commissioner of Immigration for the cancellation of Alien Certificate of

Registration (ACR) and issuance of an IC under R.A. No. 9225.chan robes virtual law library

Sec. 4. Former natural-born Philippine citizen already in the Philippines and not a BI-registered alien – A former natural-born citizen of the Philippines who is already in the Philippines but has not registered with the BI within sixty (60) days from date of his arrival shall file a petition under oath to the Commissioner of Immigration for the issuance of an IC under R.A. No. 9225.chan robes virtual law library

Sec. 5. Former Natural-born Philippine citizen who is abroad and not a BI-registered alien – A former natural-born citizen of the Philippines who is abroad and is not a BI-registered alien shall file a petition under oath to the nearest Philippine Foreign Post for the issuance of an IC under R.A. No. 9225.chan robes virtual law library

Sec. 6. Forwarding address. Photographs. – In all petitions under Sections 2 to 5 hereof, the applicant must indicate his or her latest forwarding address. Three (3) recent 2” x ”2 photographs of the applicant (front, left side, and right side views over white background) shall be attached to the petition.chan robes virtual law library

Sec. 7. Fees. – Each applicant under these Rules shall pay a one-time fee for the processing of the application and issuance of the corresponding IC.

Applicants already in the Philippines shall attach the official receipt for the amount of P2,500.00 as proof of payment of processing fee. Applicants who are abroad shall attach the official receipt for the amount of US\$50 or its equivalent in foreign currency acceptable to the Philippine Foreign Post concerned.

Sec. 8. Proof as natural-born citizen of the Philippines. – A former natural-born citizen of the Philippines, who was born in the Philippines, shall submit the NSO-authenticated copy of his or her birth certificate.chan robes virtual law library

On the other hand, a former natural-born citizen of the Philippines, who was born abroad, shall submit the original copy of the Report of Birth issued by the Philippine Foreign Post and in applicable cases, the Birth Certificate issued by competent foreign authorities.

These documents shall be sufficient to establish that the applicant is a natural-born citizen of the Philippines for purposes of these Rules.

Sec. 9. Submission of the Oath of Allegiance – Applicants under these Rules shall also sign and attach an Oath of Allegiance to the Republic of the Philippines as follows:chan robes virtual law library

*"I, (name of the applicant) solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and local 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."*

Sec. 10. Strict compliance. Effect of non-compliance. – All petitions must strictly comply with the preceding requirements prior to filing at the Office of the Commissioner or at the nearest Philippine Foreign Post, as the case may be. After the filing of the petition, the same shall be assigned to an evaluating officer who shall evaluate the petition without further proceedings.

In the case of petitions that do not comply with the requirements, the applicant shall be notified to submit the required documents within thirty (30) days from receipt thereof. Otherwise, the petition shall not be favorably acted upon by the Bureau of Immigration or by the Philippine Foreign Post.

If after evaluation, the documents submitted fail to establish that the applicant is a natural-born citizen of the Philippines, the applicant shall be notified of such fact in writing by the Commissioner of Immigration or by the Philippine Foreign Post.

Sec. 11. Approval Procedures. – If the petition is found to be sufficient in form and in substance, the evaluating officer shall submit the findings and recommendation to the Commissioner of Immigration or Consul-General, as the case may be, within five (5) days from date of assignment.

For Applications filed under Section 2 and 4 of these Rules, the Commissioner of Immigration shall issue, within five (5) days from receipt thereof, an Order of Approval indicating that the petition complies with the provisions of R.A. No. 9225 and its IRR, and further direct the chief of the Alien Registration Division (ARD) to cancel the subject ACR and/or to issue the corresponding IC to the applicant.

Each cancelled ACR shall, however, be attached to the Order of Approval to form part of the records of the applicant.

For applications filed under Section 3 and 5 of these Rules, the Consul-General shall issue, within five (5) days from receipt thereof, the Order of Approval indicating that the petition complies with the provisions of R.A. No. 9225 and its IRR. He shall then transmit copies of the Order of Approval, Oath of Allegiance, including the authenticated Record of Birth or Birth Certificate to the BI. Immediately upon receipt thereof, the BI shall issue the corresponding IC to the applicant and forward the same to the Philippine Foreign Post concerned. If the

applicant is a BI-registered alien, the BI shall also cancel the subject ACR.chan robes virtual law library

Sec. 12. Conferment of Philippine citizenship. Conditions. – Subject to full compliance with these Rules, the Oath of Allegiance shall be the final act that confers Philippine citizenship.chan robes virtual law library

In case the applicant is in the Philippines, he may take his Oath of Allegiance before the Commissioner of the Immigration or any officer authorized under existing laws to administer oath. In the latter case, the applicant must submit the Oath of Allegiance to the BI to form part of his records.chan robes virtual law library

In case the applicant is abroad, only the Consul General or a duly commissioned foreign service officer of the Philippine Foreign Post concerned shall administer the Oath of Allegiance.chan robes virtual law library

The Oath of Allegiance shall thereafter be registered in accordance with the provisions of the Civil Registry laws.

Sec. 13. Repository of Records – The BI Records Section shall maintain the integrity of all the documents filed under these Rules. It shall send official copies of the Order of Approval and Oath of Allegiance to the NSO.chan robes virtual law library

Sec. 14. Copies for the Applicant. Identification Certificate. Correction of errors. – The applicant shall be provided with an official copies of the Order of Approval and the Oath of Allegiance. Further, all IC's issued under these Rules shall indicate Philippine citizenship under R.A. No. 9225 and A.O. N0. 91 s. 2004. Any clerical error or errors in the entries of the IC may be corrected, upon written request to and approval by the Commissioner of Immigration. The NSO shall be promptly provided with a copy of the corrected IC.chan robes virtual law library

Sec. 15. Confidentiality of Records. – Any application, document of information given before the Bureau of Immigration or any Philippine Foreign Post shall not be divulged in any manner to any person or entity without the express written consent of the person to whom such application, record or information belongs.chan robes virtual law library

Sec. 16. Other beneficiaries of R.A. No. 9225. – This memorandum circular shall equally apply to the unmarried child, whether legitimate, illegitimate or adopted, below eighteen (18) years of age, of those who re-acquire Philippine citizenship upon the activity of R.A. No. 9225.

Sec. 17. Exemption from administrative review. Limitations. – The conferment of Philippine citizenship under these Rules shall no longer be subject to the

affirmation by the Secretary of Justice pursuant to the DOJ Policy Directive of 7 September 1970 and Opinion No. 108, s. 1996.

However, Philippine citizenship under these Rules may be revoked by competent authority upon a substantive finding of fraud, misrepresentation or concealment on the part of the applicant.chan robes virtual law library

Sec. 18. Effectivity. – This memorandum circular takes effect fifteen (15) days after its publication in the two (2) newspapers of general circulation.chan robes virtual law library

(Sgd.) ALIPIO F. FERNANDEZ, JR.  
Commissioner

APPROVED:

(Sgd.) MA. MERCEDITAS N. GUTIERREZ  
Acting Secretary  
Department of Justice