

## *Bengson III v. HRET*: Resolving the Issues on Citizenship and Jurisdiction

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This Comment is broken into two parts. Part I examines the issue of whether or not a natural-born Filipino citizen who is naturalized in another country (thereby losing Filipino citizenship) reacquires his or her status as a natural-born citizen upon lawful repatriation, thus allowing him or her to run for elected office.

In *Bengson III v. House of Representatives Electoral Tribunal (HRET)* the Supreme Court held that the repatriation of a former natural-born citizen reestablishes the original status of that individual before losing Filipino citizenship. To the Authors of this Comment, the dissenting opinion of Justice Sandoval-Gutierrez provides sound legal reasoning as to why the Supreme Court majority is wrong in this case. The Authors contend that the act of repatriation excludes a citizen from the Constitution's definition of natural-born, which is: "those citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship." In addition, Constitutionalist Fr. Joaquin Bernas, S.J. is cited to substantiate the point that a former citizen who reacquires citizenship may no longer be considered a natural-born citizen.

Part II of the Comment tackles the jurisdiction of the HRET. In the *Bengson* decision, the Supreme Court ruled that the HRET had jurisdiction over the election contest of Antonio Bengson III when it dismissed his petition assailing the election of Teodoro C. Cruz, the latter deemed qualified for election by the HRET. The Supreme Court inhibited itself from making a review of the HRET ruling on the Constitutional ground that the HRET is the "sole judge" of all contests relating to the election, returns, and qualification of the members of the House.

Nevertheless, the Authors of the Comment maintain that the question of a candidate's citizenship is within the power of judicial review by the Supreme Court. Specifically, that the determination of citizenship and its rights requires the interpretation of the Constitution, which is well within the power of judicial review of the Supreme Court.