

Testing Constitutional Waters VII:
Nationality, Citizenship, and Foundlings as
Pronounced in *Poe-Llamanzares v.*
Commission on Elections

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In October 2015, Mary Grace Natividad S. Poe-Llamanzares (Poe) filed her Certificate of Candidacy (COC) for the Presidency. Subsequently, four petitions were filed asking the Commission on Elections (COMELEC) for the cancelation of her COC, on the ground that she had made a material misrepresentation when she declared that she was a natural-born Filipino citizen, despite being a foundling. No less than Article VII of the 1987 Philippine Constitution requires “natural-born citizenship” in order to qualify for certain positions in public service, including that of the chief executive — the President. The enumeration of those who are considered Filipino citizens, as found in Article IV of the Constitution, does not expressly include “foundlings.”

The case of *Poe-Llamanzares v. Commission on Elections* brought to light the particular question of whether or not a foundling may be considered a natural-born Filipino citizen. The Supreme Court ruled in the affirmative, anchored on two contentious main points: *first*, statistics and probabilities indicated that it was “highly probable” that Poe is born of Filipino parents; *second*, international documents and customary international law obligate the Philippines to grant citizenship to foundlings. The decision, however, was far from unanimous, with the dissenting opinions calling for the need to interpret the provisions on citizenship more strictly.

This Article looks into the legal concepts of nationality and citizenship as found in both municipal and international law, followed by an in-depth analysis of the decision and dissents of the Supreme Court in *Poe-Llamanzares v. Commission on Elections*. By way of conclusion, the Article considers whether the decision might have been *pro hac vice*, applying only to the very

peculiar circumstances of the case of Poe, or perhaps a mere *obiter dictum* as the Court was called upon to rule primarily on the jurisdiction of the COMELEC to decide on the qualifications of the candidates for President.