

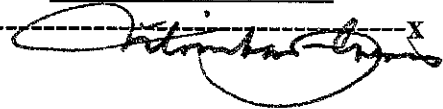
EN BANC

G.R. No. 262938 – WALTER MANUEL F. PRESCOTT, Petitioner, v. BUREAU OF IMMIGRATION as represented by HON. ROGELIO D. CEVERO, JR., and the DEPARTMENT OF JUSTICE, Respondents.

Promulgated:

December 5, 2023

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CONCURRING OPINION

LEONEN, J.:

I concur in the result.

A warrant of deportation was issued against petitioner Walter Manuel F. Prescott, which led to his arrest and detention. The warrant was issued after respondent Department of Justice, as recommended by respondent Bureau of Immigration, revoked Prescott's reacquisition of Philippine citizenship under Republic Act No. 9225 or the Citizenship Retention and Re-acquisition Act of 2003.<sup>1</sup> He then filed a Petition for Review on *Certiorari*, assailing the June 25, 2021 Decision and August 15, 2022 Resolution of the Court of Appeals which sustained the deportation order issued by the Bureau of Immigration.<sup>2</sup>

In granting the Petition, the *ponencia* ruled that:

*First*, the proceedings before the Bureau of Immigration, as well as the November 28, 2013 Resolution of former Justice Secretary Leila de Lima<sup>3</sup> approving the recommendation to cancel petitioner's reacquisition of Philippine citizenship,<sup>4</sup> are void ab initio for having been issued without due process;<sup>5</sup> and

*Second*, the Bureau of Immigration has no jurisdiction to deport petitioner because he is a natural-born citizen and not an alien.<sup>6</sup>

I agree that the Petition be granted. However, the crux of the controversy lies not in petitioner's citizenship *vis-à-vis* the Constitution in

<sup>1</sup> *Ponencia*, p. 25.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 25.

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.* at 25.

<sup>6</sup> *Id.*

effect at the time of his birth, nor in his informal election through his “consistent and deliberate actions throughout the course of his entire life,”<sup>7</sup> as the *ponencia* asserts. Rather, petitioner is a natural-born Filipino because his mother was a Filipino citizen.

## I

Historically, citizenship has been closely associated with political rights.<sup>8</sup> Scholars have traditionally described citizenship as “a particular set of political practices involving specific public rights and duties with respect to a given political community.”<sup>9</sup>

In our jurisprudence, “political rights” refer to “the right to participate, directly or indirectly, in the establishment or administration of government, the right of suffrage, the right to hold public office, the right of petition and, in general, the rights appurtenant to citizenship *vis-a-vis* the management of government.”<sup>10</sup>

Citizenship is not a political right, rather, it is citizenship which grants political rights, making them members of the body politic that bestowed the same. Citizenship is a legal mechanism, the “right to have rights,” denoting membership or political affiliation to a state.<sup>11</sup>

Along with political rights, citizenship also involves certain obligations to the political unit of which one is a member. For example, a state imposes taxes on its citizens in exchange for the public goods that it provides. As a consequence, citizenship becomes connected to the idea that one owes allegiance to the State because of the benefits and protection it offers.<sup>12</sup>

To highlight the importance of citizenship, there is a need to further digest its components – membership, rights, and participation – and its most crucial mark, the right to vote.<sup>13</sup>

The first component involves membership. Citizenship implies one’s personal and somewhat permanent membership in a political community.<sup>14</sup> In turn, citizens “see themselves as in some sense belonging to the particular

<sup>7</sup> *Id.* at 22.

<sup>8</sup> RICHARD BELLAMY, *CITIZENSHIP: A VERY SHORT INTRODUCTION* 1, 3 (2008).

<sup>9</sup> *Id.* at 3.

<sup>10</sup> *Simon, Jr. v. Commission on Human Rights*, 299 Phil 124, 143 (1994) [Per J. Vitug, *En Banc*].

<sup>11</sup> *David v. Senate Electoral Tribunal*, 795 Phil. 529, 579 (2016) [Per J. Leonen, *En Banc*]. (Citation omitted)

<sup>12</sup> *Id.* at 579–580.

<sup>13</sup> *Belamy Richard, Citizenship: A VERY SHORT INTRODUCTION* 1, 3 (2008).

<sup>14</sup> *David v. Senate Electoral Tribunal*, 795 Phil. 529, 579 (2016) [Per J. Leonen, *En Banc*].

state in which they reside.”<sup>15</sup> The sense of belonging enables an individual to work for the collective benefit of the entire locality.

The second component pertains to rights. Citizenship confers benefits and rights.<sup>16</sup> While rights may seem inherently connected to individuals, an important collective dimension associated with citizenship exists. That is the enjoyment of these rights—political or otherwise—will depend on the presence of “some form of political community in which citizens seek fair terms of association to secure those goods necessary for them to pursue their lives on equal terms with others.”<sup>17</sup> In other words, the meaningful exercise of your individual rights and benefits will highly depend on the political machinery – composed of citizens themselves – that have granted the same.

The third component involves participation. Citizenship enables participation in the political, economic, and social processes of the community.<sup>18</sup> Citizenship, as the “right of rights,” allows citizens to run for office, own properties, and even determine which rights they will secure and how.<sup>19</sup> To an extent, citizenship is the key to participate in the collective decision-making process in a given community. For without it, an individual is stripped of its ability to influence a State’s policy direction.

Parallel to these components, the right to vote has been a crucial mark of citizenship.<sup>20</sup> Linked with engagement in the democratic processes, the right to vote allows us to have a “stable political framework to regulate social and economic life, along with various political institutions—such as a bureaucracy, legal system and courts, a police force and army—to formulate and implement the necessary regulations.”<sup>21</sup>

Applying it in the Philippines, being a democratic and a republican state, sovereignty resides in the people and all government authority emanates from them.<sup>22</sup> The democratic process in the country does not start when people cast their votes on the ballots during elections. It starts simply by being a citizen—a Filipino citizen—who is then given the right to vote their respective political rulers.

## II

Most people acquire their citizenship by birth.<sup>23</sup> *Jus soli* and *jus sanguinis* are “the two birthright principles that govern the automatic

<sup>15</sup> RICHARD BELLAMY, *CITIZENSHIP: A VERY SHORT INTRODUCTION* 13 (2008).

<sup>16</sup> *Id.* at 12.

<sup>17</sup> *Id.* at 15.

<sup>18</sup> *Id.* at 12.

<sup>19</sup> *Id.* at 16.

<sup>20</sup> *Id.* at 1–2.

<sup>21</sup> *Id.* at 4.

<sup>22</sup> CONST., art. II, sec. 1.

<sup>23</sup> AYELET SHACHAR, *THE BIRTHRIGHT LOTTERY: CITIZENSHIP AND GLOBAL EQUALITY* 4 (2009).

attribution of membership entitlement.”<sup>24</sup> While both principles are grounded on “birthright transfer of entitlement,”<sup>25</sup> their difference “lies in the connecting factor used to demarcate a respective polity’s membership boundaries: *jus soli* relies on birthplace; *jus sanguinis* on parentage.”<sup>26</sup>

*Jus soli* is “part of the common-law tradition [which] implies a territorial understanding of birthright citizenship.”<sup>27</sup> It acknowledges “the right of each person born in the physical jurisdiction of a given state to acquire full and equal membership within that polity.”<sup>28</sup> This principle emanated from the medieval England’s feudal system where “‘ligeance’ and ‘true and faithful obedience’ to the sovereign were owed by a subject from birth: ‘for as soon as he is born he oweth by birth-right ligeance and obedience to his Sovereign.’”<sup>29</sup>

*Jus sanguinis*, on the other hand, “does not elevate the territorial connection at birth to a guiding principle of citizenship attribution”<sup>30</sup> but instead bestows political membership on account of “descent and pedigree.”<sup>31</sup> Irrespective of birthplace, children born to current members of the polity “are automatically defined as citizens of their parents’ political community.”<sup>32</sup>

In contrast with *jus soli* that is customarily observed in common-law countries, “*jus sanguinis* is the main principle associated with citizenship attribution in the Roman-law tradition and is followed today in continental Europe and other civil-law jurisdictions worldwide.”<sup>33</sup>

### III

As to *jus sanguinis*, the birthright principle followed in our country, we look into the historical evolution of citizenship in the local setting, beginning from the Spanish regime in the Philippines which was discussed in *Tecson v. Commission on Elections*.<sup>34</sup>

During the Spanish rule, there was a low regard towards the native inhabitants of the Philippine islands. At that time, there was no such term as “Philippine citizens” as they were seen as mere subjects of Spain and were

<sup>24</sup> *Id.* at 113.

<sup>25</sup> *Id.* at 7.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 113.

<sup>28</sup> *Id.* at 113–114.

<sup>29</sup> *Id.* at 114.

<sup>30</sup> *Id.* at 120.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> 468 Phil. 421 (2004) [Per J. Vitug, *En Banc*].

even referred to as “*indios*” based on church records.<sup>35</sup> The Spanish Constitution of 1876 was not even extended to the Philippine islands.<sup>36</sup>

However, with its decline as a superpower, Spain was constrained to surrender its only colony in the East to the United States in 1898. Spain and the United States entered into the Treaty of Paris, which included a provision that the civil rights and political state of the native inhabitants of territories relinquished in favor of the United States would be ascertained by its Congress.<sup>37</sup>

Awaiting legislation by the United States Congress, native inhabitants of the Philippines ceased to be subjects of Spain and were “issued passports describing them to be citizens of the Philippines entitled to the protection of the United States.”<sup>38</sup>

The first comprehensive United States legislation in the Philippines was the Philippine Bill of 1902, recognizing “citizens of the Philippine Islands”.<sup>39</sup>

Section 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in the Philippine Islands, and their children born subsequent thereto, *shall be deemed and held to be citizens of the Philippine Islands* and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December tenth, eighteen hundred and ninety-eight. (Emphasis supplied)

The Philippine Bill of 1902 only covered “the status of children born in the Philippine Islands to its inhabitants who were Spanish subjects as of April 11, 1899” but not those “born in the Islands to parents who were not Spanish subjects.”<sup>40</sup> There was a notion that *jus soli*, followed in the United States, applied in the Philippines.<sup>41</sup>

On March 23, 1912, the United States Congress amended the Philippine Bill of 1902,<sup>42</sup> which was adopted in the Philippine Autonomy Act<sup>43</sup> or the Jones Law of 1916:

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<sup>35</sup> *Id.* at 464.

<sup>36</sup> *Id.* at 465.

<sup>37</sup> *Id.* at 466.

<sup>38</sup> *Id.* at 467.

<sup>39</sup> *Id.*

<sup>40</sup> *David v. Senate Electoral Tribunal*, 795 Phil 529, 582 (2016) [Per J. Leonen, *En Banc*].

<sup>41</sup> *Id.*

<sup>42</sup> *Tecson v. Commission on Elections*, 468 Phil. 421, 468 (2004) [Per J. Vitug, *En Banc*].

<sup>43</sup> *See David v. Senate Electoral Tribunal*, 795 Phil 529, 582 (2016) [Per J. Leonen, *En Banc*]. The Philippine Bill of 1902 was replaced by the Philippine Autonomy Act or the Jones Law of 1916.

That all inhabitants of the Philippine Islands who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris December tenth, eighteen hundred and ninety-eight, and except such others as have since become citizens of some other country; *Provided, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.*<sup>44</sup> (Emphasis supplied)

Although there were differing views on *jus soli* as a mode of citizenship acquisition, the 1935 Constitution ended any connection with the common law principle by following *jus sanguinis* as the basis for Philippine citizenship.<sup>45</sup> “[T]he principle of *jus sanguinis*, which confers citizenship by virtue of blood relationship, was subsequently retained under the 1973 and 1987 Constitutions.”<sup>46</sup>

In determining citizenship, the 1935 Constitution “made sole reference to parentage”<sup>47</sup> as reflected under Article IV:

Section 1. The following are citizens of the Philippines:

- 1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.
- 2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.
- 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.*
- 5) Those who are naturalized in accordance with law. (Emphasis supplied)

“Under Article IV, Section 1(4) of the 1935 Constitution, the citizenship of a legitimate child born of a Filipino mother and an alien father

<sup>44</sup> *Tecson v. Commission on Elections*, 468 Phil 421, 468-469 (2004) [Per J. Vitug, *En Banc*].

<sup>45</sup> *Id.* at 469.

<sup>46</sup> *Valles v. Commission on Elections*, 392 Phil. 327, 336 (2000) [Per J. Purisima, *En Banc*].

<sup>47</sup> *David v. Senate Electoral Tribunal*, 795 Phil. 529, 583 (2016) [Per J. Leonen, *En Banc*].

followed the citizenship of the father, unless, upon reaching the age of majority, the child elected Philippine citizenship.”<sup>48</sup> Commonwealth Act No. 625<sup>49</sup> prescribed the manner of election:

SECTION 1. The option to elect Philippine citizenship in accordance with subsection (4), section 1, Article IV, of the Constitution *shall be expressed in a statement to be signed and sworn to by the party concerned before any officer authorized to administer oaths, and shall be filed with the nearest civil registry. The said party shall accompany the aforesaid statement with the oath of allegiance to the Constitution and the Government of the Philippines.*

SECTION 2. If the party concerned is absent from the Philippines, he may make the statement herein authorized before any officer of the Government of the United States authorized to administer oaths, and he shall forward such statement together with his oath of allegiance, to the Civil Registry of Manila. (Emphasis supplied)

The provision, unfortunately, discriminated against Filipino women as they can no longer transmit their Philippine citizenship to their children if they decide to marry an alien. To rectify this, the framers of the 1973 Constitution crafted a new provision.<sup>50</sup>

### ARTICLE III *Citizenship*

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 who elect Philippine citizenship pursuant to the provisions of the Constitution of nineteen hundred and thirty-five.
- 4) Those who are naturalized in accordance with law. (Emphasis supplied)

Moreover, under Section 2 of the same Article:

Section 2. A female citizen of the Philippines who marries an alien retains her Philippine citizenship, unless by her act or omission she is deemed, under the law to have renounced her citizenship.

<sup>48</sup> *Republic v. Sagun*, 682 Phil. 303, 313 (2012) [Per J. Villarama, Jr., First Division].

<sup>49</sup> An Act Providing the Manner in which the Option to Elect Philippine Citizenship Shall Be Declared by a Person Whose Mother is a Filipino Citizen (June 7, 1941).

<sup>50</sup> *Tecson v. Commission on Elections*, 468 Phil. 421, 469 (2004) [Per J. Vitug, *En Banc*].

Clearly, while the 1935 Constitution demands election of Philippine citizenship upon reaching the age of majority for children of Filipino mothers, this requirement was already dispensed with in the 1973 Constitution.<sup>51</sup> Under the 1973 Constitution, those born to Filipino fathers “or” mothers are citizens of the Philippines.<sup>52</sup>

The 1987 Constitution mostly espoused the provisions of the 1973 Constitution save “for subsection (3) thereof that aimed to correct the irregular situation generated by the questionable *proviso* in the 1935 Constitution.”<sup>53</sup> Thus, under Article IV of the 1987 Constitution, the following are citizens of the Philippines:

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. (Emphasis supplied)

Presently, there are only two classes of Filipino citizens: natural born and naturalized. Under the 1987 Constitution, natural-born are “citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship.”<sup>54</sup>

In contrast, “a naturalized citizen is one who is not a natural born.”<sup>55</sup> *David v. Senate Electoral Tribunal* expounded:<sup>56</sup>

A natural-born citizen is defined in Article IV, Section 2 as one who is a citizen of the Philippines “from birth without having to perform any act to acquire or perfect Philippine citizenship.” By necessary implication, a naturalized citizen is one who is not natural-born. *Bengson v. House of Representatives Electoral Tribunal* articulates this definition by dichotomy:

*[O]nly naturalized Filipinos are considered not natural-born citizens. It is apparent from the enumeration of who are citizens under the present Constitution that there are only two classes of citizens: . . . A citizen who is not a*

<sup>51</sup> *Ma v. Fernandez, Jr.*, 639 Phil. 577, 597–599 (2010) [Per J. Perez, First Division].

<sup>52</sup> 1973 CONST., art. III, sec. 1(2).

<sup>53</sup> *Tacson v. Commission on Elections*, 468 Phil. 421, 470 (2004) [Per J. Vitug, *En Banc*].

<sup>54</sup> CONST., art. IV, sec. 2.

<sup>55</sup> *David v. Senate Electoral Tribunal*, 795 Phil 529, 587 (2016) [Per J. Leonen, *En Banc*].

<sup>56</sup> 795 Phil 529 (2016) [Per J. Leonen, *En Banc*].



*naturalized Filipino, i.e., did not have to undergo the process of naturalization to obtain Philippine citizenship, necessarily is a natural-born Filipino.*

Former Associate Justice Artemio Panganiban further shed light on the concept of naturalized citizens in his Concurring Opinion in *Bengson*: naturalized citizens, he stated, are “former aliens or foreigners who had to undergo a rigid procedure, in which they had to adduce sufficient evidence to prove that they possessed all the qualifications and none of the disqualifications provided by law in order to become Filipino citizens.”

One who desires to acquire Filipino citizenship by naturalization is generally required to file a verified petition. He or she must establish, among others, that he or she is of legal age, is of good moral character, and has the capacity to adapt to Filipino culture, tradition, and principles, or otherwise has resided in the Philippines for a significant period of time. Further, the applicant must show that he or she will not be a threat to the state, to the public, and to the Filipinos’ core beliefs.<sup>57</sup> (Emphasis supplied, citations omitted)

Thus, a person who wants to acquire Filipino citizenship through naturalization has to undergo a rigid process to establish that they possess all the qualifications and none of the disqualifications to become a Filipino citizen.

#### IV

Guided by the foregoing precepts, Prescott’s citizenship is based on Article IV, Section 1(2) of the 1987 Constitution which provides that those “whose fathers *or* mothers are citizens of the Philippines” are citizens of the Philippines.

*Jus sanguinis*, or blood relationship, is our basis for citizenship. At present, Filipino citizens should not be treated differently so long as their fathers *or* mothers are citizens of the Philippines, regardless of the Constitution in effect the moment they were born.

Essentially, in relation to its counterpart in the 1973 Constitution,<sup>58</sup> Section 1(3) of the 1987 Constitution is merely *descriptive* so as to acknowledge the citizenship of children born to Filipino mothers who elected Philippine citizenship upon reaching the age of majority pursuant to Article IV, Section 1(4) of the 1935 Constitution. This cannot be construed to provide for another class or group to consider as Filipino citizens from which Prescott’s citizenship can be predicated. A contrary view would not only defeat the salient reforms initiated by the framers of the 1973 and 1987 Constitutions “fully cognizant of the newly found status of Filipino women

<sup>57</sup> *Id.* at 587–590.

<sup>58</sup> 1973 CONST., art. III, sec. 1(3).

as equals to men,”<sup>59</sup> but also violates the constitutional guarantee to equal protection.<sup>60</sup>

*Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*<sup>61</sup> discussed the importance of the equal protection clause:

“Equal protection of the laws” requires that “all persons . . . be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced.” The purpose of the equal protection clause is to secure every person within a state’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through the state’s duly constituted authorities.<sup>62</sup> (Emphasis supplied, citations omitted)

Simply stated, equal justice before the law necessitates that the state refrain from discriminating among persons solely on the basis of distinctions that are irrelevant to its legitimate objective.<sup>63</sup>

The equal protection clause was not meant to prohibit statutes which create specific classes of persons or objects, or affect only these specific classes of persons or objects. Equal protection “does not demand absolute equality among residents; it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced.”<sup>64</sup>

As aptly explained in *Sameer Overseas Placement Agency, Inc. v. Cabiles*:<sup>65</sup>

A law that does not violate the equal protection clause prescribes a reasonable classification.

A reasonable classification “(1) must rest on substantial distinctions; (2) must be germane to the purposes of the law; (3) must not be limited to existing conditions only; and (4) must apply equally to all members of the same class.”<sup>66</sup> (Citations omitted)

<sup>59</sup> *Tacson v. Commission on Elections*, 468 Phil. 421, 469 (2004) [Per J. Vitug, *En Banc*].

<sup>60</sup> Common to the 1935 (Article III, Section 1), 1973 (Article IV, Section 1) and 1987 (Article III, Section 1) Constitutions is the guarantee to equal protection of the law.

<sup>61</sup> 836 Phil. 205 (2018) [Per J. Leonen, *En Banc*].

<sup>62</sup> *Id.* at 276–277.

<sup>63</sup> *Bureau of Customs Employees Association v. Teves*, 677 Phil. 636, 660 (2011) [Per J. Villarama, Jr., *En Banc*].

<sup>64</sup> *Zomer Development Company, Inc. v. Special Twentieth Division of the Court of Appeals, Cebu City*, 868 Phil. 93, 113 (2020) [Per J. Leonen, *En Banc*]. (Citation omitted)

<sup>65</sup> 740 Phil. 403 (2014) [Per J. Leonen, *En Banc*].

<sup>66</sup> *Id.* at 435.

There are three tests to ascertain the reasonableness of a classification:

*The strict scrutiny test applies when a classification either (i) interferes with the exercise of fundamental rights, including the basic liberties guaranteed under the Constitution, or (ii) burdens suspect classes. The intermediate scrutiny test applies when a classification does not involve suspect classes or fundamental rights, but requires heightened scrutiny, such as in classifications based on gender and legitimacy. Lastly, the rational basis test applies to all other subjects not covered by the first two tests.*<sup>67</sup> (Emphasis supplied, citations omitted)

That citizenship is linked to one's exercise of fundamental rights entails the application of the strict scrutiny test.<sup>68</sup> To sustain the classification, it must be crucial in attaining a *compelling state interest* and it must be "the *least restrictive means* to protect such interest or the means chosen is narrowly tailored to accomplish the interest."<sup>69</sup>

Other than being born during the effectivity of different Constitutions—to which no fault can be imputed upon the person whose citizenship is being considered—there is no substantial distinction between those born to Filipino mothers under the 1935, 1973, or 1987 Constitution. There is no showing of a compelling state interest to justify a classification. Treating them differently in terms of conferring citizenship would be downright discriminatory.

All told, petitioner is a citizen of the Philippines, having been born to a Filipino mother. His status having commenced from birth purports that he need not do anything to consummate his status, making him a *natural-born citizen*<sup>70</sup> eligible to reacquire Philippine citizenship under Republic Act No. 9225. That said, he cannot be the proper subject of deportation.

Accordingly, I vote to **GRANT** the Petition.



MARVIC M.V.F. LEONEN  
Senior Associate Justice

<sup>67</sup> *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil 1067, 1113–1114 (2017) [Per J. Perlas-Bernabe, *En Banc*].

<sup>68</sup> *See David v. Senate Electoral Tribunal*, 795 Phil. 529, 579 (2016) [Per J. Leonen, *En Banc*].

<sup>69</sup> *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil 1067, 1116 (2017) [Per J. Perlas-Bernabe, *En Banc*].

<sup>70</sup> *See David v. Senate Electoral Tribunal*, 795 Phil. 529, 578 (2016) [Per J. Leonen, *En Banc*].