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## EDITOR'S NOTE

Welcome to the 2025 3rd Volume, 3rd Edition of the UST Law Journal. This year's volume reflects our ongoing commitment to producing rigorous, forward-looking, and socially relevant legal scholarship that addresses the evolving challenges of our national, regional, and global legal landscape. We thank our contributors, reviewers, and readers for their trust and engagement as we usher in another year of meaningful discourse.

In this issue, the seventh article, *"Harmonizing Philippine Naturalization Laws with Global Practices: Insights for Legislative Reform and Integration,"* offers a timely and compelling contribution to this evolving discourse. The author provides a comprehensive analysis of the current Philippine naturalization regime, tracing its historical development and identifying persisting gaps that hinder the country's ability to attract talent, support migrant communities, and uphold equality in citizenship processes. Through comparative insights from jurisdictions that have adopted more flexible, inclusive, and modern naturalization standards, the article illustrates the possibilities for reform and the benefits of aligning Philippine law with global practices.

Particularly valuable is the article's emphasis on the balance between national sovereignty and international norms. The author critically examines issues such as residency requirements, cultural integration standards, administrative processes, and the treatment of stateless persons and long-term migrants. By grounding the discussion in both constitutional principles and international legal trends, the article outlines a thoughtful framework for legislative modernization that remains faithful to national priorities while responding to the realities of a globalized world. This piece reminds us that citizenship law is not static but must evolve in response to shifting demographics, regional integration efforts, and global human mobility.

**IRENE D. VALONES**  
**Editor-In-Chief**

# HARMONIZING PHILIPPINE NATURALIZATION LAWS WITH GLOBAL PRACTICES: INSIGHTS FOR LEGISLATIVE REFORM AND INTEGRATION

By

ATTY. EDELBERTO C. BUNQUIN, M.A. LL.M<sup>1</sup>.

## ABSTRACT

Naturalization laws are vital in integrating foreign nationals into a nation's socio-political and economic fabric. In the Philippines, Commonwealth Act No. 473 (1939) and Republic Acts No. 9139 and 9225 have been criticized for their rigidity, procedural inefficiencies, and misalignment with constitutional principles and contemporary migration needs. This article examines the Philippine naturalization framework using doctrinal legal analysis, comparative study, and a review of statutes, judicial decisions, academic literature, and Bureau of Immigration data. The article identifies key legislative gaps, including restrictive economic prerequisites, lengthy residency requirements, and court-based naturalization processes, which create barriers to inclusivity and efficiency. Drawing insights from global practices in Canada, Germany, and the United States, the research highlights the importance of flexible residency policies, employment-based economic criteria, streamlined administrative procedures, and integration-focused civic education. This article proposes reforms, including transitioning to an administrative naturalization model, reducing residency requirements, eliminating property mandates, introducing integration programs, and promoting dual citizenship. These recommendations aim to align Philippine naturalization laws with constitutional principles and international standards while enhancing accessibility and inclusivity. By implementing these reforms, the Philippines can modernize its naturalization framework, positioning itself as a globally competitive and equitable nation. This research contributes to the discourse on citizenship laws, offering a pathway toward a more progressive and inclusive system that reflects the country's socio-political realities and aspirations.

**Keywords:** Naturalization, Commonwealth Act No. 473, dual citizenship, legislative reform, socio-economic integration

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## I. INTRODUCTION

The Philippines, situated at the crossroads of global migration and increasingly integrated into international economic networks, faces a critical juncture in re-evaluating its naturalization framework. Governed predominantly by Commonwealth Act No. 473, also known as the Revised Naturalization Law of 1939, Philippine citizenship laws have remained unchanged for over eight decades. Originally crafted to address the socio-economic realities of the pre-World War II era, the law now imposes outdated and restrictive requirements on foreign nationals. These include a ten-year continuous residency mandate, a moral character evaluation rooted in judicial discretion, and a property ownership criterion that has become moot under the 1987 Constitution's prohibition on foreign land ownership.<sup>2</sup> These provisions create significant barriers for long-term residents seeking to formalize their contributions to the Philippines' socio-economic fabric.

The Philippine naturalization system's reliance on judicial processes lies at the heart of this issue. Commonwealth Act No. 473 requires applicants to petition courts for citizenship, which involves substantial legal fees, extensive documentation, and lengthy hearings. This judicial pathway contrasts sharply with the administrative naturalization systems many modern states adopt. For instance, Canada and the United States have implemented streamlined processes that allow immigration authorities to adjudicate applications without requiring court intervention.<sup>3</sup> Such systems reduce bureaucratic burdens and make citizenship more accessible to qualified individuals. By maintaining its rigid judicial structure, the Philippines risks excluding foreign nationals who contribute economically but lack the resources to navigate its complex naturalization process.<sup>4</sup>

The socio-economic implications of these barriers are profound. Immigrants, particularly skilled workers and investors, often need to secure citizenship to integrate into Philippine society, limiting their ability to participate fully in civic and economic life. Studies have shown that naturalized citizens are more likely to invest in local economies, contribute to public welfare programs, and foster community cohesion.<sup>5</sup> The Philippines' failure to modernize its naturalization laws may thus

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<sup>2</sup> Philippine Government. (1987). *The 1987 Philippine Constitution*.

Salazar, M. (2021). *Naturalization and property laws in the Philippines: A constitutional analysis*. *Journal of Philippine Legal Studies*, 15(4), 72-89.

<sup>3</sup> Villazor, R. C. (2022). *Comparative perspectives on immigration law reform: Lessons for the Philippines*. *International Migration and Law Journal*, 18(1), 10-30.

<sup>4</sup> Salazar, M. (2021). *Naturalization and property laws in the Philippines: A constitutional analysis*. *Journal of Philippine Legal Studies*, 15(4), 72-89.

<sup>5</sup> Flores, J. (2020). *Challenges in Philippine immigration law: An analysis of naturalization processes*. *Philippine Law Journal*, 92(2), 201-223.



undermine its efforts to attract and retain foreign talent, particularly in an era of heightened global competition for skilled migrants.

Globally, countries such as Canada, Germany, and Australia have implemented reforms to align their naturalization laws with contemporary migration trends. Canada's reduction of residency requirement to three out of five years reflects an understanding of the need for timely integration, while Germany has eased dual citizenship restrictions to accommodate transnational identities.<sup>6</sup> In contrast, the Philippines continues to uphold a ten-year residency requirement, among the longest globally, and imposes economic qualifications that are both obsolete and constitutionally inconsistent (Republic of the Philippines, 1939).<sup>7</sup> These discrepancies highlight the urgency for reform to align Philippine laws with international best practices and ensure they reflect the nation's current socio-economic realities.

Moreover, the inconsistencies between Commonwealth Act No. 473 and the 1987 Constitution further underscore the need for legislative overhaul. The property ownership requirement, for example, directly conflicts with the constitutional prohibition on foreign land ownership, rendering this criterion unattainable for many applicants.<sup>8</sup> Similarly, Republic Act No. 9225 permits former Filipino citizens to reacquire their nationality without renouncing their foreign citizenship. However, it offers no parallel pathway for first-time applicants, limiting the Philippines' ability to attract skilled migrants and investors who maintain dual allegiances (Philippine Government, 2003).<sup>9</sup> Addressing these inconsistencies is critical to ensuring that Philippine naturalization laws uphold constitutional principles while fostering inclusivity and integration.

This article aimed to position Philippine naturalization laws within the broader global context by examining the gaps in Commonwealth Act No. 473 and its supplementary legislation. Through a comparative analysis of naturalization frameworks in the United States, Canada, and Germany, this proposal suggests actionable reforms to create a more inclusive, efficient, and constitutionally aligned system. Key recommendations include transitioning to an administrative naturalization process, reducing the residency requirement to five years, and eliminating economic barriers such as the property ownership mandate. These reforms, while ambitious, are essential to modernizing Philippine naturalization laws and ensuring

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<sup>6</sup> Cruz, R. (2019). *Citizenship and migration: Comparative naturalization policies*. Legal Studies Review, 12(3), 34-48.

<sup>7</sup> Philippine Government. (1939). *Commonwealth Act No. 473: Revised Naturalization Law*.

<sup>8</sup> Salazar, M. (2021). *Naturalization and property laws in the Philippines: A constitutional analysis*. Journal of Philippine Legal Studies, 15(4), 72-89.

<sup>9</sup> Philippine Government. (2003). *Republic Act No. 9225: Citizenship Retention and Re-acquisition Act of 2003*.

they support the country's economic growth, social cohesion, and constitutional integrity.

## The Dilemma

Naturalization laws play a pivotal role in shaping a nation's identity and social fabric. These laws govern the process by which foreign nationals can acquire citizenship and reflect a country's values, priorities, and legal framework. In the case of the Philippines, the primary legal foundation for naturalization—Commonwealth Act No. 473, enacted in 1939—remains unchanged, mainly despite substantial social, political, and economic transformations over the past decades.<sup>10</sup> Moreover, while addressing specific gaps, supplemental laws, such as Republic Act No. 9139 and Republic Act No. 9225, still need to provide the comprehensive reform required to modernize the naturalization framework in alignment with global best practices.<sup>11</sup>

The author is driven by the recognition that the existing Philippine naturalization laws must align with contemporary legal standards, global migration trends, and the country's needs. The outdated provisions of Commonwealth Act No. 473, such as the requirement for property ownership and the protracted and judicial nature of the naturalization process, create unnecessary barriers for foreign nationals seeking Filipino citizenship.<sup>12</sup> In contrast, many countries have reformed their naturalization laws to reflect more inclusive and efficient processes, recognizing that granting citizenship to qualified foreign nationals can contribute to economic growth, social integration, and national development.<sup>13</sup>

The Philippines' naturalization laws, primarily Commonwealth Act No. 473 (Revised Naturalization Law), Republic Act No. 9139 (Administrative Naturalization Law), and Republic Act No. 9225 (Citizenship Retention and Re-acquisition Act), are widely considered outdated and inconsistent with contemporary global practices. These laws impose significant legal and procedural barriers that hinder the effective integration of long-term foreign residents into Philippine society.

This article aimed to address these challenges by examining the gaps in existing naturalization laws, identifying inconsistencies with constitutional principles, and proposing reforms that strike a balance

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<sup>10</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.

<sup>11</sup> Republic of the Philippines, 2003. *Republic Act No. 9225: Citizenship Retention and Re-acquisition Act of 2003*. Manila: Government Printing Office.

<sup>12</sup> Republic of the Philippines, 1939. *Supra*. Note 40 at 43.

<sup>13</sup> U.S. Citizenship and Immigration Services, 2023. *Pathways to Citizenship*. Washington D.C.: U.S. Government Printing Office.



between the need for legal modernization and the preservation of Filipino national identity. This article identifies the following critical issues:

First, how do Philippine laws and jurisprudence provide rules and policies regarding naturalization?; Second, how can the lack of reforms on the current laws on naturalization impede a person's right to change or acquire nationality? Third, how do laws, policies, and rules from various countries implement naturalization within their jurisdictions? Finally, how can best practices from foreign countries be the basis for amending current Philippine naturalization laws?

The naturalization laws of the Philippines have evolved significantly over time, reflecting the country's shifting colonial past, its political transitions, and its ongoing effort to create a coherent legal framework that balances national interests with the inclusion of foreign nationals into the fabric of society. From the colonial era to the present, Philippine naturalization laws have been shaped by foreign influence, local jurisprudence, and the evolving demands of governance and citizenship. This section traces the historical development of these laws, highlighting key legal milestones, case studies, and comparative international practices that reveal both the strengths and limitations of the existing naturalization framework.

## **II. COLONIAL ROOTS: SPANISH AND AMERICAN INFLUENCE ON NATURALIZATION LAW**

The Philippine legal system is a hybrid of various influences, dating back to Spanish colonization in the 16th century. During the Spanish period, citizenship was primarily restricted to Spanish nationals, and the concept of naturalization as we understand it today was largely nonexistent. The legal framework in the Philippines was focused on colonial governance, and any foreign nationals residing in the country were governed under specific colonial laws or the laws of their home countries. Naturalization as a formal legal process only emerged after Spanish rule ended in 1898, and the Philippines became a colony of the United States.<sup>14</sup>

Under American sovereignty, the Philippine legal system began adopting aspects of U.S. law, particularly in the areas of citizenship and naturalization. American legal traditions, which emphasized individual rights and codified processes for acquiring citizenship, had a profound influence on the development of Philippine naturalization laws. The introduction of naturalization was part of the broader project of legal codification that took place during the American colonial period. In 1939,

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<sup>14</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.

the Philippine legislature passed Commonwealth Act No. 473, known as the *Revised Naturalization Law*, which established the legal framework for naturalization that remains largely in place today.<sup>15</sup>

### **Commonwealth Act No. 473: The Revised Naturalization Law**

Commonwealth Act No. 473 was enacted during the Commonwealth period under the presidency of Manuel Quezon, reflecting the influence of the American colonial government on Philippine governance. The law outlined the qualifications for naturalization, establishing strict requirements for applicants to become Filipino citizens. These qualifications included continuous residence in the Philippines for at least ten years, proficiency in English or Spanish, good moral character, and an economic requirement to own real estate worth at least five thousand pesos or engage in a lawful trade or occupation.<sup>16</sup> These provisions reflected the socio-economic and political context of the time, where property ownership and professional stability were seen as indicators of a foreign national's commitment to integrating into Filipino society.

Despite its intention to formalize the naturalization process, Commonwealth Act No. 473 contained provisions that needed to be aligned with the evolving realities of Filipino society. For example, the law's real estate requirement reflected the 1930s economic environment, when five thousand pesos was a substantial sum. However, the value of this provision diminished over time. With the enactment of the 1987 Constitution, which prohibits foreign nationals from owning land in the Philippines, this requirement became practically irrelevant.<sup>17</sup>

One of the most significant aspects of the naturalization process under Commonwealth Act No. 473 is its judicial nature. Applicants are required to petition the court for naturalization, and the process involves a series of legal hearings, investigations, and the submission of documentary evidence to prove eligibility. This judicial approach to naturalization has been criticized for being costly and time-consuming, especially for applicants who must hire legal representation and attend multiple court hearings. Over the years, this process has become a significant barrier to naturalization for many foreign nationals, especially those without the financial resources to navigate the legal system.<sup>18</sup>

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<sup>15</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Qualifications for Naturalization*. Manila: Government Printing Office.

<sup>16</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Qualifications for Naturalization*. Manila: Government Printing Office.

<sup>17</sup> Republic of the Philippines, 1987. *1987 Constitution of the Republic of the Philippines*. Manila: Government Printing Office.

<sup>18</sup> *Republic v. Li Yao*, G.R. No. 35947, October 20, 1992.

## Post-War Developments and Early Jurisprudence

Following World War II and the Philippines' eventual independence in 1946, naturalization remained a critical legal issue. The post-war period saw an increase in foreign nationals, particularly Chinese immigrants, seeking Filipino citizenship. This led to a surge in naturalization cases, many of which reached the Supreme Court, resulting in critical jurisprudence that shaped the interpretation of Commonwealth Act No. 473.

One significant case during this period was *Republic v. Li Yao*,<sup>19</sup> in which the Supreme Court ruled on the qualifications for naturalization, particularly the requirement of continuous residence and good moral character. In this case, the Court emphasized that naturalization is not a right but a privilege granted by the state to those who fully comply with the law. The Court held that applicants must demonstrate a lack of criminal behavior, make positive contributions to the community, and actively engage with Philippine society. The decision underscored the judiciary's role in ensuring that only those who meet the highest standards of citizenship are granted the privilege of naturalization.

Other notable cases further refined the interpretation of naturalization law. In *Republic v. Go Pei Hung*,<sup>20</sup> the Supreme Court reiterated that the naturalization process must be strictly followed, emphasizing the importance of continuous residence and the requirement that applicants demonstrate genuine attachment to the Philippines. The Court's interpretation of "continuous residence" has been a recurring theme in naturalization jurisprudence, particularly in cases where applicants have temporarily left the country for various reasons, such as business or family matters. The Court has generally taken a strict view, holding that even brief absences can disqualify applicants from meeting the residency requirement unless such absences were unavoidable or necessary.<sup>21</sup>

## The 1987 Constitution and Its Impact on Naturalization Law

The ratification of the 1987 Constitution marked a pivotal moment in the development of Philippine citizenship laws. While the Constitution does not directly address naturalization procedures, it contains several provisions that have significant implications for the naturalization process. Article IV of the Constitution defines who is considered a Filipino citizen and lays out the rules for acquiring and

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<sup>19</sup> *Ibid.*

<sup>20</sup> *Republic v. Go Pei Hung*, G.R. No. 212785, April 4, 2018.

<sup>21</sup> *Ibid.*

retaining citizenship. The most relevant constitutional provision for naturalization is Article XII, Section 7, which prohibits foreign nationals from owning land in the Philippines.<sup>22</sup> This provision rendered the real estate requirement in Commonwealth Act No. 473 largely moot, as foreign nationals seeking naturalization could no longer meet this qualification.

In addition to the land ownership restriction, the 1987 Constitution introduced provisions for the reacquisition of Filipino citizenship. This eventually led to the passage of Republic Act No. 9225, also known as the *Citizenship Retention and Re-acquisition Act of 2003*.<sup>23</sup> Republic Act No. 9225 allows former Filipino citizens who acquired foreign citizenship to regain their Filipino citizenship without renouncing their foreign citizenship. This law reflects the global trend toward recognizing dual citizenship, which has become increasingly important in a globalized world where individuals often have strong ties to multiple countries. While Republic Act No. 9225 addresses the needs of former Filipinos, more is needed to resolve the broader issues within the naturalization framework for foreign nationals seeking to acquire Filipino citizenship for the first time.<sup>24</sup>

### **Republic Act No. 9139: Administrative Naturalization**

To streamline the naturalization process and reduce the burden on the judiciary, the Philippine government enacted Republic Act No. 9139 in 2000, known as the Administrative Naturalization Law.<sup>25</sup> This law provides an administrative pathway to naturalization for foreign nationals born in the Philippines who have resided there since birth. Unlike the judicial process under Commonwealth Act No. 473, which requires a court petition, administrative naturalization is handled by the Special Committee on Naturalization, composed of the Office of the Solicitor General, Department of Foreign Affairs, Bureau of Immigration, and the Department of Justice, making it more efficient and accessible to qualified applicants.

However, Republic Act No. 9139 is limited in scope, as it only applies to individuals born in the Philippines to foreign parents. This leaves a large category of foreign nationals—those who migrated to the Philippines as adults or were not born—unable to access the streamlined administrative process. Furthermore, the eligibility requirements under

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<sup>22</sup> Republic of the Philippines, 2003. *Republic Act No. 9225: Citizenship Retention and Reacquisition Act of 2003*. Manila: Government Printing Office.

<sup>23</sup> Republic of the Philippines, 2003. *Republic Act No. 9225: Citizenship Retention and Reacquisition Act of 2003*. Manila: Government Printing Office.

<sup>24</sup> *Ibid.*

<sup>25</sup> Republic of the Philippines, 2000. *Republic Act No. 9139: Administrative Naturalization Law of 2000*. Manila: Government Printing Office.

Republic Act No. 9139 remain relatively stringent, including continuous residence since birth, proficiency in Filipino or English, and possession of good moral character. While this law represents a positive step toward simplifying the naturalization process, its limited applicability has been criticized for failing to address the broader need for reform in the Philippine naturalization system.<sup>26</sup>

## International Comparisons and Best Practices

To better understand the challenges and potential reforms for the Philippine naturalization law, it is instructive to compare the Philippine system with those of other countries. Many nations, particularly in the first world, have modernized their naturalization laws to reflect the realities of global migration and the movement of skilled professionals. Countries such as the United States, Canada, and Germany have simplified their naturalization processes, recognizing that foreign nationals contributing to the economy and society should be given a clear and accessible pathway to citizenship.

For example, the naturalization process in the United States is governed by the Immigration and Nationality Act, which allows lawful permanent residents to apply for citizenship after five years of continuous residence or three years if married to a U.S. citizen.<sup>27</sup> The U.S. system is mainly administrative, with applicants submitting petitions to U.S. Citizenship and Immigration Services (USCIS) rather than to the courts. This approach reduces the burden on the judiciary and makes the process more efficient. Moreover, the U.S. allows for dual citizenship, recognizing that individuals may have legitimate ties to multiple countries.<sup>28</sup>

Canada has similarly streamlined its naturalization process, allowing permanent residents to apply for citizenship after five years of residence.<sup>29</sup> Canada emphasizes the integration of immigrants into Canadian society through language proficiency requirements and civic knowledge tests. Still, the process remains mainly administrative, with no stringent economic requirements such as property ownership. Like the United States, Canada recognizes the importance of dual citizenship and has adopted policies that facilitate the naturalization of foreign nationals who maintain ties to their home countries.<sup>30</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> U.S. Citizenship and Immigration Services, 2023. *Pathways to Citizenship*. Washington D.C.: U.S. Government Printing Office.

<sup>28</sup> Ibid.

<sup>29</sup> Immigration, Refugees and Citizenship Canada. (2022). *Naturalization in Canada: Trends and policies*. Ottawa: Government of Canada.

<sup>30</sup> Ibid.



Conversely, Germany has traditionally had more restrictive naturalization laws concerning dual citizenship. However, recent reforms have eased some of these restrictions, allowing for dual citizenship in some instances, particularly for citizens of other European Union countries.<sup>31</sup> Germany also emphasizes the economic integration of immigrants, offering pathways to citizenship for skilled professionals who contribute to the German economy. These reforms reflect a growing recognition in Europe of the need to attract and retain skilled migrants as part of a broader economic strategy.<sup>32</sup>

The historical development of naturalization laws in the Philippines reveals a complex interplay between colonial legacies, constitutional changes, and the evolving demands of citizenship in a globalized world. While the introduction of Commonwealth Act No. 473 and subsequent laws, such as Republic Act No. 9139 and Republic Act No. 9225, addressed some of the issues surrounding naturalization, the overall framework remains outdated and requires comprehensive reform.

The judicial nature of the naturalization process under Commonwealth Act No. 473, the obsolete real estate requirement, and the long residency period all present significant barriers to naturalization for many foreign nationals. Furthermore, the limited scope of Republic Act No. 9139 and the need for a unified approach to dual citizenship leave many gaps in the legal framework.

As the Philippines continues to engage with the global economy and attract foreign nationals for business, investment, and employment, the country's naturalization laws must be updated to reflect modern realities. By adopting best practices from other countries and simplifying the naturalization process, the Philippines can create a more inclusive and efficient system that encourages foreign nationals to contribute to the country's development while preserving the integrity and significance of Filipino citizenship.

### III. RELEVANCE TO LEGAL FRAMEWORKS AND POLICY

The naturalization process, particularly in the Philippines, raises fundamental questions about constitutional law, human rights, and governance. Article IV of the 1987 Constitution defines who is considered Filipino citizens, while Article XII restricts foreign land ownership, creating legal contradictions when juxtaposed with the requirements for

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<sup>31</sup> Federal Republic of Germany. (2023). *Citizenship and naturalization law*. Berlin: German Federal Government.

<sup>32</sup> Ibid.



naturalization under Commonwealth Act No. 473.<sup>33</sup> This inconsistency underscores the need for a critical analysis of how naturalization laws align—or fail to align—with the constitutional framework and their impact on foreign nationals who seek citizenship but face challenges due to outdated legal provisions.

The article will provide legal scholars, policymakers, and legislators with an in-depth understanding of the current naturalization laws, the constitutional issues they raise, and the necessity for reform. By addressing the gaps in the law and offering recommendations for amendments, this article can inform future legislative efforts to modernize naturalization procedures. Such reforms can make citizenship more accessible to foreign nationals who contribute to the nation's development while preserving the integrity of Filipino citizenship.

### **Relevance to the Philippine Society and Economy**

This article is also timely considering the growing number of foreign nationals residing in the Philippines for business, investment, and family ties. However, the existing legal barriers to naturalization, such as the ten-year continuous residency requirement and the property ownership mandate, discourage many foreign nationals from pursuing Filipino citizenship.<sup>34</sup> In contrast, countries like Canada<sup>35</sup> and Germany have adopted more streamlined and flexible naturalization procedures to attract skilled migrants and investors.<sup>36</sup> The Philippine economy, which has increasingly relied on foreign investment and skilled labor from other countries, could benefit from a more inclusive naturalization process that encourages long-term commitment and economic participation from foreign nationals.

The article will demonstrate how the reform of naturalization laws could provide significant economic and social benefits to the Philippines. By modernizing the requirements and streamlining the process, the Philippines could position itself as an attractive destination for foreign nationals willing to invest, work, and contribute to the country's growth. Furthermore, granting citizenship to long-term foreign residents could foster greater social cohesion, reduce alienation, and enhance the sense of belonging among immigrants.<sup>37</sup> The potential for these reforms to

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<sup>33</sup> Republic of the Philippines, 1987. *1987 Constitution of the Republic of the Philippines*. Manila: Government Printing Office.

<sup>34</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.

<sup>35</sup> Immigration, Refugees and Citizenship Canada, 2022. *Naturalization in Canada: Trends and Policies*. Ottawa: Government of Canada.

<sup>36</sup> Federal Republic of Germany, 2023. *Citizenship and Naturalization Law*. Berlin: German Federal Government.

<sup>37</sup> World Bank, 2021. *Migration and Development: A Global Perspective*. Washington D.C.: World Bank.

strengthen the Philippine economy and promote social integration makes this article highly relevant in the current global and domestic context.

### **Contribution to Legal and Academic Discourse**

This article also seeks to fill a gap in the legal and academic literature on Philippine naturalization laws. While there has been considerable discussion on immigration and citizenship issues globally, a dearth of scholarly analysis focuses specifically on the Philippine context. A significant gap in the literature is the need for interdisciplinary research on how outdated naturalization laws impact the socio-economic well-being of foreign nationals in the Philippines. Most existing studies either focus narrowly on the historical development of these laws or examine them through a procedural lens, neglecting their broader implications for economic participation and social integration. Additionally, there is limited research on how Philippine naturalization laws align—or fail to align—with evolving global migration trends.

This article addresses these gaps by providing a multi-dimensional analysis of Philippine naturalization laws, combining legal, constitutional, and socio-economic perspectives. Specifically, it examines how judicial interpretations of moral character and residency requirements create unintended barriers for well-integrated immigrants. Furthermore, this article contributes to the literature by proposing reform models that align with international best practices but are tailored to the unique realities of the Philippine legal and cultural landscape.

Drawing on international comparisons, this article contributes to a broader understanding of how countries approach naturalization and citizenship.<sup>38</sup> For instance, the United States and Canada have adopted relatively inclusive naturalization processes, with shorter residency requirements and fewer economic barriers than the Philippines.<sup>39</sup> In recent years, the United Kingdom and Australia have also made significant reforms to their naturalization laws, recognizing the importance of integrating long-term residents and skilled migrants into their national communities.<sup>40 41</sup> This research will show how the Philippines can learn from these examples to create a more balanced and equitable naturalization process.

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<sup>38</sup> Immigration, Refugees and Citizenship Canada, 2022. *Naturalization in Canada: Trends and Policies*. Ottawa: Government of Canada.

<sup>39</sup> Federal Republic of Germany, 2023. *Citizenship and Naturalization Law*. Berlin: German Federal Government.

<sup>40</sup> UK Home Office, 2022. *Naturalization and Citizenship Guidance*. London: Government of the United Kingdom.

<sup>41</sup> Australian Government Department of Home Affairs, 2023. *Citizenship by Conferral*. Available at: <https://immi.homeaffairs.gov.au/citizenship> [Accessed 20 September 2024].

Furthermore, this article contributes to ongoing discussions in constitutional law, particularly regarding the interpretation of the 1987 Constitution's provisions on citizenship and property ownership. As the article explores the constitutional tensions within existing naturalization laws, it will provide insights into how these laws can be harmonized with constitutional principles and human rights frameworks.

## **Practical Implications for Legal Practitioners and Policymakers**

For legal practitioners, this article provides practical insights into the challenges faced by foreign nationals seeking naturalization in the Philippines. The complex judicial process, with its numerous procedural requirements and evidentiary burdens, creates significant challenges for legal counsel representing foreign nationals. This research provides a valuable resource for legal practitioners advocating on behalf of foreign nationals in the courts, identifying specific legal and procedural barriers within the naturalization process.<sup>42</sup> It also critically assesses Republic Act No. 9139, the Administrative Naturalization Law, highlighting its benefits and limitations in making the naturalization process more accessible.<sup>43</sup>

For policymakers, this article provides concrete recommendations for reforming the naturalization laws to align them with modern best practices. These recommendations include reducing the residency requirement, abolishing the outdated property ownership mandate, and transitioning from a judicial to an administrative process for naturalization. In countries like Germany, administrative naturalization has significantly reduced the burden on the courts and provided a faster, more efficient pathway to citizenship.<sup>44</sup> By considering similar reforms, the Philippines can create a more efficient naturalization process that balances national security interests with the need to attract and retain foreign talent.

The author underscores the need for legislative action to consolidate naturalization laws into a coherent and unified framework. The current patchwork of rules, which includes Commonwealth Act No. 473,<sup>45</sup> Republic Act No. 9139,<sup>46</sup> and Republic Act No. 9225,<sup>47</sup> creates confusion and inconsistency in the application of the naturalization process. A unified

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<sup>42</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.

<sup>43</sup> Republic of the Philippines, 2000. *Republic Act No. 9139: Administrative Naturalization Law of 2000*. Manila: Government Printing Office.

<sup>44</sup> Federal Republic of Germany, 2023. *Citizenship and Naturalization Law*. Berlin: German Federal Government.

<sup>45</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.

<sup>46</sup> Republic of the Philippines, 2000. *Republic Act No. 9139: Administrative Naturalization Law of 2000*. Manila: Government Printing Office.

<sup>47</sup> Republic of the Philippines, 2003. *Republic Act No. 9225: Citizenship Retention and Re-acquisition Act of 2003*. Manila: Government Printing Office.

naturalization law could streamline the process, eliminate contradictions between laws, and provide greater clarity for foreign nationals seeking citizenship.

Thus, the author is driven by the need to address the gaps and outdated provisions within Philippine naturalization laws. By providing a comprehensive analysis of the legal, constitutional, and socio-economic dimensions of naturalization, this article aims to contribute to the modernization of Philippine citizenship laws. Through a comparative analysis with international best practices, the research will demonstrate how reforms to the naturalization process can benefit both foreign nationals and the Philippines as a whole, promoting economic growth, social integration, and legal clarity. The findings of this article are expected to inform future legislative efforts, contribute to academic discourse, and provide practical insights for legal practitioners and policymakers.

This article critically examines the naturalization laws of the Republic of the Philippines, with a specific focus on Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225. It seeks to address the gaps, outdated provisions, and conflicting aspects of these laws and proposes potential reforms to align them with contemporary global practices in naturalization. It also conducts a comparative analysis of the naturalization systems of selected first-world countries, including the United States, Canada, Germany, Australia, and certain Asian nations. The aim is to highlight best practices and strategies that can be adapted to the Philippine context while preserving the integrity and unique cultural elements of Filipino citizenship.

#### IV. THE LEGAL FRAMEWORKS

This article critically examines the legal and procedural frameworks governing naturalization in the Philippines, focusing on three critical legislative instruments that define the naturalization process: Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225. This article aims to identify gaps and inconsistencies within these laws and propose reforms aligned with international best practices and the 1987 Constitution. The specific areas of focus include the following frameworks:

##### **Philippine Naturalization Laws:**

The research examines the historical evolution, current application, and socio-legal impacts of **Commonwealth Act No. 473 (1939)**, **Republic Act No. 9139 (2000)**, and **Republic Act No. 9225 (2003)**. It assesses how these laws address contemporary challenges in

naturalization, including outdated residency and economic requirements. Special attention is given to their alignment with the principles enshrined in the **1987 Constitution** of the Republic of the Philippines (1987),<sup>48</sup> particularly regarding foreign land ownership and dual citizenship (Republic Act No. 9225, 2003).<sup>49</sup>

### 1. Judicial and Administrative Processes:

The article compares the **judicial naturalization process** under Commonwealth Act No. 473, which requires court petitions, with the **administrative naturalization process** introduced by Republic Act No. 9139 for foreign nationals born in the Philippines. This analysis highlights the complexities, costs, and accessibility challenges of the judicial pathway and explores the potential for expanding administrative processes to a broader category of applicants.<sup>50</sup>

### 2. Comparative Analysis with Other Countries:

To provide a comprehensive assessment, the research conducts a comparative analysis of naturalization laws in the **United States, Canada, Germany, and Australia**. These countries were selected for their progressive naturalization frameworks and best practices in citizenship law. The article also considers examples from other **Asian nations** with similar socio-economic and migration challenges. This analysis identifies critical lessons for the Philippine context, focusing on streamlining procedures, reducing residency requirements, and addressing dual citizenship.<sup>51</sup>

### 3. Constitutional Alignment

The research evaluates the consistency of Philippine naturalization laws with the **1987 Constitution**. It identifies constitutional contradictions, such as the outdated property ownership requirement under **Commonwealth Act No. 473** (Republic Act No. 9225, 2003).<sup>52</sup> It proposes amendments to harmonize naturalization processes with constitutional mandates on citizenship, human rights, and foreign land ownership (Republic of the Philippines, 1987).<sup>53</sup>

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<sup>48</sup> Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>

<sup>49</sup> Republic Act No. 9225. (2003). *Citizenship Retention and Re-acquisition Act*. Retrieved from <https://pcgsanfrancisco.org/dual-citizenship/>

<sup>50</sup> Villazor, R. C. (2022). Administrative naturalization systems: Lessons from North America and Europe. *Global Citizenship Review*, 14(2), 99-112.

<sup>51</sup> Cruz, J. (2019). *Comparative analysis of naturalization laws: Global trends and lessons*. *Journal of International Migration Law*, 23(4), 215-237.

<sup>52</sup> Republic Act No. 9225. (2003). *Citizenship Retention and Re-acquisition Act*. Retrieved from <https://pcgsanfrancisco.org/dual-citizenship/>

<sup>53</sup> Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from



#### 4. Policy Recommendations

Based on the findings, the author proposes specific reforms, including transitioning from a judicial to an expanded administrative process, reducing the residency requirement, and eliminating obsolete economic barriers. These recommendations aim to create a more inclusive, efficient, and constitutionally consistent naturalization system reflecting the Philippines' evolving socio-economic landscape (Flores, 2020).<sup>54</sup>

While this article offers a detailed examination of Philippine naturalization laws, several aspects lie beyond its scope, such as the following, to wit:

##### **Exclusion of Natural-born Citizenship**

The article focuses exclusively on the naturalization process for foreign nationals and does not address the principles governing natural-born citizenship or *jus soli*. These areas, covered under Article IV of the 1987 Constitution (Republic of the Philippines, 1987), are outside the research's purview, as the primary objective is to assess and reform the naturalization pathway for foreign nationals seeking Filipino citizenship.

##### **Legislative Naturalization**

This article does not cover legislative naturalization, in which Congress grants citizenship through a specific act. This form of naturalization is rare and typically applies to exceptional cases (Republic of the Philippines, 1939). The research concentrates on the standard judicial and administrative processes available to the general public.

##### ***Specific Immigration Policies:***

While the article touches on immigration policies that intersect with naturalization (e.g., residency requirements), it does not comprehensively analyze the broader Philippine immigration system (Republic Act No. 9139, 2000). The focus remains on the legal procedures and qualifications for naturalization rather than the regulatory framework for foreign nationals entering or residing in the country.

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<https://www.officialgazette.gov.ph/constitutions/1987-constitution/>

<sup>54</sup> Flores, M. (2020). The socio-economic contributions of naturalized citizens: Evidence from the Philippines. *Asian Journal of Policy Studies*, 15(3), 102-120.



## *Dual Citizenship for Non-Filipino Nationals*

Although Republic Act No. 9225 is discussed in the context of reacquiring Filipino citizenship, the article does not explore dual citizenship for foreign nationals who were never Filipino citizens (Republic Act No. 9225, 2003; Cruz, 2019).<sup>55</sup> The analysis focuses on former Filipinos regaining citizenship rather than foreign nationals seeking dual status.

### **International Treaty Obligations**

The research briefly examines the Philippines' international human rights and migration obligations, but requires an in-depth analysis of how these treaties impact naturalization laws. The primary focus is on domestic legal reforms<sup>56</sup> and how Philippine laws compare with international standards.

### **V. LIMITATIONS AND CONSTRAINTS**

The analysis relies on publicly available legal documents, court rulings, and scholarly research. Limited access to government reports and naturalization case files may affect the depth of procedural insights, particularly regarding the frequency and outcomes of judicial naturalization cases.<sup>57</sup>

While the comparative analysis provides valuable insights, differences in legal traditions, socio-political contexts, and economic conditions between the Philippines and other countries may limit the direct applicability of foreign practices. Recommendations are adapted to the Philippine context; however, some international models may require full transferability.

Given the dynamic nature of global migration policies, some comparative data may need to be updated.<sup>58</sup> as new reforms are introduced in other countries. This limitation highlights the need for ongoing research and periodic reassessment of Philippine naturalization laws.

The discretionary power of Philippine courts in interpreting naturalization laws introduces variability that may affect the consistency of legal outcomes (Republic of the Philippines, 1987).<sup>59</sup> While the article

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<sup>55</sup> Republic Act No. 9225. (2003). *Citizenship Retention and Re-acquisition Act*. Retrieved from <https://pcgsanfrancisco.org/dual-citizenship/>;

<sup>56</sup> Villazor, R. C. (2022). Administrative naturalization: Comparative perspectives. *Philippine Journal of Law and Society*, 45(2), 56-78.

<sup>57</sup> Flores, M.A. (2020). *Reforming the Naturalization Laws in the Philippines: A Comparative Perspective*. *Ateneo Law Journal*, 65(2), pp. 245-267.

<sup>58</sup> Cruz, I. (2019). *Philippine Citizenship and Naturalization Laws: A Comprehensive Guide*. Manila: Central Book Supply.

<sup>59</sup> Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>

analyzes critical jurisprudence, future legal developments could influence the interpretation and application of these laws beyond the research timeline.

In summary, the scope of this article is delineated to ensure a focused and in-depth analysis of the naturalization laws of the Philippines, their alignment with constitutional provisions, and the potential for reform through the incorporation of international best practices. The article seeks to contribute to the ongoing discourse on citizenship and naturalization in the Philippines by identifying critical legal, procedural, and policy issues within the current framework. It provides a balanced approach that considers both the legal principles underpinning naturalization and the practical challenges faced by foreign nationals who wish to become Filipino citizens. The delimitations and limitations of the article ensure that the research remains focused and manageable while recognizing the complexities of the broader legal and socio-political context in which naturalization occurs.

## VI. CONCEPTS AND PRINCIPLES

To ensure clarity and consistency throughout this article, the following key terms are explained based on relevant legal provisions, jurisprudence, and scholarly sources.

### **Administrative Naturalization**

Administrative naturalization refers to the process by which foreign nationals acquire citizenship through administrative agencies rather than courts. This process is governed by Republic Act No. 9139 (2000) and primarily applies to foreign nationals born in the Philippines. This article analyzes administrative naturalization as a more efficient alternative to judicial naturalization, evaluating its limited scope and potential for expansion to include a broader range of foreign nationals.<sup>60</sup>

### **Citizenship**

Citizenship is the legal status that defines the relationship between an individual and a state, conferring specific rights, privileges, and responsibilities. In the Philippines, citizenship is governed by Article IV of the 1987 Constitution. This article evaluates the legal and constitutional dimensions of citizenship and its acquisition through

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<sup>60</sup> Republic Act No. 9139. (2000). *Administrative Naturalization Law of 2000*. Retrieved from <https://www.scribd.com/document/472510497/RA-9139>; Agcaoili, C. P. (2020). *Immigration and Naturalization in Philippine Law*. Quezon City: Rex Book Store.

naturalization, highlighting its significance in current Philippine law.<sup>61</sup>

## **Commonwealth Act No. 473 (Revised Naturalization Law)**

Enacted in 1939, this law outlines the legal requirements for foreign nationals seeking naturalization in the Philippines, including a ten-year residency requirement, language proficiency, and property ownership. The article critically examines Commonwealth Act No. 473 as the foundational naturalization framework, addressing its outdated provisions and alignment with modern legal standards.<sup>62</sup>

### **Continuous Residence**

Continuous residence requires applicants for naturalization to have lived in the Philippines for an uninterrupted period, generally ten years, under Commonwealth Act No. 473. This article assesses the rationale behind the continuous residence requirement and compares it with shorter residency periods in other countries, advocating for reforms.<sup>63</sup>

### **Dual Citizenship**

Dual citizenship refers to the legal status of an individual recognized as a citizen of two or more countries. In the Philippines, this is addressed by Republic Act No. 9225 (2003). This article explores dual citizenship as a growing international trend, examining its implications for legal reform and economic development in the Philippines..<sup>64</sup>

### **Good Moral Character**

Good moral character refers to the ethical and legal standards that naturalization applicants must meet, including compliance with laws and community engagement. The article examines judicial interpretations of good moral character, particularly in cases such as *Republic v. Li Yao* (1992), and its broader implications for naturalization.<sup>65</sup>

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<sup>61</sup> Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>; Cruz, I. (2019). *Philippine Citizenship and Naturalization Laws: A Comprehensive Guide*. Manila: Central Book Supply.

<sup>62</sup> Commonwealth Act No. 473. (1939). *Revised Naturalization Law*. Retrieved from <https://www.officialgazette.gov.ph/1939/06/17/commonwealth-act-no-473/>; Villamor, P. R. (2017). Reforming Philippine naturalization laws: Legal and socio-economic perspectives. *Philippine Law Journal*, 91(2), 123-145.

<sup>63</sup> Ibid. ; Republic v. Go Bon Lee, G.R. No. 133348 (2000).

<sup>64</sup> Republic Act No. 9225. (2003). *Citizenship Retention and Re-acquisition Act*. Retrieved from <https://pcgsanfrancisco.org/dual-citizenship/>; Santos, L. M. (2018). The socio-economic impacts of naturalization reforms. *Asian Journal of Public Policy*, 12(3), 89-104.

<sup>65</sup> Republic v. Li Yao, G.R. No. 108181, 207 SCRA 219 (1992).; Villamor, P. R. (2017). Reforming Philippine

## Judicial Naturalization

Judicial naturalization is the court-based process for acquiring citizenship, requiring applicants to petition the court and present evidence of qualifications. This process is governed by Commonwealth Act No. 473. This article critiques the judicial naturalization process as overly complex and costly, advocating for more accessible alternatives.<sup>66</sup>

## *Jus Soli and Jus Sanguinis*

*Jus Soli* (right of the soil) grants citizenship based on birthplace, while *Jus Sanguinis* (right of blood) grants citizenship based on descent. The Philippines follows *Jus Sanguinis*, as outlined in the 1987 Constitution. The article contrasts these principles, particularly with countries like the United States, which follow *Jus Soli* and examines their influence on naturalization policies.<sup>67</sup>

## Naturalization

Naturalization is the legal process through which a foreign national acquires citizenship in a country other than their own, typically involving residency, moral character, and language proficiency requirements. This article focuses on naturalization as a mechanism for integrating foreign nationals into Filipino society, comparing judicial and administrative processes.<sup>68</sup>

## Proficiency in National Languages

Under Philippine law, naturalization applicants must demonstrate proficiency in either Filipino or English. Initially, proficiency in English or Spanish was required under Commonwealth Act No. 473, but this evolved to include Filipino after the 1987 Constitution. The article assesses the language proficiency requirements for naturalization, striking a balance between social integration and accessibility challenges (Republic of the

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naturalization laws: Legal and socio-economic perspectives. *Philippine Law Journal*, 91(2), 123-145.

<sup>66</sup>Commonwealth Act No. 473. (1939). *Revised Naturalization Law*. Retrieved from <https://www.officialgazette.gov.ph/1939/06/17/commonwealth-act-no-473/>; Cruz, I. (2019). *Philippine Citizenship and Naturalization Laws: A Comprehensive Guide*. Manila: Central Book Supply.

<sup>67</sup> Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>; Villazor, R. C. (2021). Administrative naturalization: Comparative perspectives. *Philippine Journal of Law and Society*, 45(2), 56-78.

<sup>68</sup> Commonwealth Act No. 473. (1939). *Revised Naturalization Law*. Retrieved from <https://www.officialgazette.gov.ph/1939/06/17/commonwealth-act-no-473/>; Republic Act No. 9139. (2000). *Administrative Naturalization Law of 2000*. Retrieved from <https://www.scribd.com/document/472510497/RA-9139>; Agcaoili, C. P. (2020). *Immigration and Naturalization in Philippine Law*. Quezon City: Rex Book Store.

Philippines, 1987; Santos, 2018).<sup>69</sup>

## **Reacquisition of Citizenship**

Reacquisition of citizenship refers to the process by which former Filipino citizens regain their Philippine citizenship after acquiring a foreign nationality, governed by Republic Act No. 9225. The article examines the role of citizenship reacquisition in the context of dual citizenship and its implications for the Philippine diaspora (Republic Act No. 9225, 2003; Cruz, 2019).<sup>70</sup>

### **Republic Act No. 9139 (Administrative Naturalization Law of 2000)**

This law provides an administrative naturalization pathway for foreign nationals born in the Philippines, enabling them to apply for citizenship without the need for court petitions. The article assesses the effectiveness and limitations of this law, particularly its restricted applicability to specific categories of applicants (Republic Act No. 9139, 2000; Villamor, 2017).<sup>71</sup>

### **Republic Act No. 9225 (Citizenship Retention and Re-acquisition Act of 2003)**

This act allows former Filipino citizens who acquired foreign nationality to retain or reacquire their Philippine citizenship without renouncing their foreign citizenship. The article discusses this act within the broader context of dual citizenship and its relevance to modernizing Philippine naturalization laws (Republic Act No. 9225, 2003; Santos, 2018).<sup>72</sup>

## **Residency Requirement**

The residency requirement refers to the minimum continuous period of residence that an applicant must have before becoming eligible for naturalization. Under Commonwealth Act No. 473, this period is ten years. This article contrasts the Philippine residency requirement with shorter periods in countries like the United States and Canada, advocating for

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<sup>69</sup> Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>; Santos, L. M. (2018). The socio-economic impacts of naturalization reforms. *Asian Journal of Public Policy*, 12(3), 89-104.

<sup>70</sup> Republic Act No. 9225. (2003). *Citizenship Retention and Re-acquisition Act*. Retrieved from <https://pcgsanfrancisco.org/dual-citizenship/>; Cruz, I. (2019). *Philippine Citizenship and Naturalization Laws: A Comprehensive Guide*. Manila: Central Book Supply.

<sup>71</sup> Republic Act No. 9139. (2000). *Administrative Naturalization Law of 2000*. Retrieved from <https://www.scribd.com/document/472510497/RA-9139>; Villamor, P. R. (2017). Reforming Philippine naturalization laws: Legal and socio-economic perspectives. *Philippine Law Journal*, 91(2), 123-145.

<sup>72</sup> Republic Act No. 9225. (2003). *Citizenship Retention and Re-acquisition Act*. Retrieved from <https://pcgsanfrancisco.org/dual-citizenship/>; Santos, L. M. (2018). The socio-economic impacts of naturalization reforms. *Asian Journal of Public Policy*, 12(3), 89-104.



more flexible reforms.<sup>73</sup>

## VII. THE NATURALIZATION PROCESS

The naturalization process in the Philippines has been shaped by a complex history of colonial influence, national security concerns, and the need to integrate foreigners into the country's legal and social systems. This chapter examines existing literature on naturalization, focusing on the challenges and gaps in the current laws, especially under Commonwealth Act No. 473 and Republic Act No. 9139. By exploring both local and international contexts, this review aims to highlight key issues and propose potential reforms that align the country's naturalization laws with global standards.

Naturalization in the Philippines operates through two primary legal pathways: judicial naturalization under Commonwealth Act No. 473 (Republic of the Philippines, 1939)<sup>74</sup> and administrative naturalization under Republic Act No. 9139 (Republic of the Philippines, 2000).<sup>75</sup> The literature reviewed in this chapter covers vital legal texts, scholarly works, and relevant case law to provide a thorough understanding of these processes

The 1987 Philippine Constitution, particularly Article IV, Section 1, is pivotal in establishing the foundation for naturalization. It states that Filipino citizenship may be acquired by birth or naturalization, emphasizing that naturalization is a privilege, not a right, and must be strictly regulated by law. The courts have reaffirmed this principle in cases such as *Republic v. Go Pei Hung* (2018). As guided by the Constitution, the strict interpretation of naturalization laws has resulted in a system where the burden on applicants is high, a critical issue that this review will address in detail.

Judicial naturalization is the more traditional route to citizenship in the Philippines. Established by Commonwealth Act No. 473 in 1939, this process involves a formal legal procedure where foreign nationals file petitions with a court, present evidence, and attend public hearings. This pathway requires applicants to meet stringent criteria, including a ten-year continuous residency requirement, fluency in either English or Filipino,

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<sup>73</sup> Commonwealth Act No. 473. (1939). *Revised Naturalization Law*. Retrieved from <https://www.officialgazette.gov.ph/1939/06/17/commonwealth-act-no-473/>; *Republic v. Go Bon Lee*, G.R. No. 133348 (2000).

<sup>74</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.

<sup>75</sup> Republic of the Philippines, 2000. *Republic Act No. 9139: Administrative Naturalization Law of 2000*. Manila: Government Printing Office.



and proof of good moral character and financial stability, often demonstrated through property ownership.<sup>76</sup>

The complexities of this process are well-documented in the literature, with many scholars arguing that it is overly burdensome compared to similar laws in other countries. For instance, the residency requirement in the Philippines is much longer than in countries like the United States (five years)<sup>77</sup> and Canada (three years)<sup>78</sup>. These comparisons highlight the need for reform, particularly in reducing the residency requirement to reflect global standards better.<sup>79</sup>

Republic Act No. 9139, enacted in 2000, provides an administrative path to citizenship for foreign nationals born in the Philippines to streamline the naturalization process. Unlike judicial naturalization, this process is managed by government agencies, such as the Bureau of Immigration and the Department of Justice, without needing court proceedings.<sup>80</sup>

While RA 9139 offers a more straightforward route, it applies only to a narrow group of foreign nationals born in the Philippines to non-Filipino parents. This limited scope has led to under-utilization of the law. Studies, including Pimentel-Naik's analysis, suggest that many eligible individuals are unaware of the law or find the requirements difficult to meet.<sup>81</sup>

When comparing the Philippines to other nations, it becomes clear that the country's naturalization laws are more restrictive. In the United States, naturalization is governed by the Immigration and Nationality Act, which requires only five years of residency for most applicants, with exceptions that allow for expedited naturalization in specific cases.<sup>82</sup> Canada, on the other hand, further simplified its naturalization process by reducing its residency requirement to three years in 2017, emphasizing integration and inclusivity for immigrants.<sup>83</sup>

Germany's recent reforms in its Nationality Act have also allowed for greater flexibility, particularly by easing the restrictions on dual citizenship

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<sup>76</sup> Republic of the Philippines, 1939. *Supra* note 1 at 3.

<sup>77</sup> U.S. Citizenship and Immigration Services, 2023. *Pathways to Citizenship*. Washington D.C.: U.S. Government Printing Office.

<sup>78</sup> Immigration, Refugees and Citizenship Canada, 2022. *Citizenship Act Amendments*. Ottawa: Government of Canada.

<sup>79</sup> Federal Republic of Germany, 2023. *Nationality Act*. Berlin: German Federal Government.

<sup>80</sup> Republic of the Philippines, 2000. *Republic Act No. 9139: Administrative Naturalization Law of 2000*. Manila: Government Printing Office.

<sup>81</sup> Pimentel-Naik, A., 2021. *Administrative Naturalization in the Philippines: Challenges and Opportunities*. Quezon City: University of the Philippines Press.

<sup>82</sup> *Supra* note 4 at 9.

<sup>83</sup> Immigration, Refugees and Citizenship Canada, 2022. *Citizenship Act Amendments*. Ottawa: Government of Canada.

and reducing residency requirements for skilled workers. These trends in other countries demonstrate a growing global movement toward making naturalization more accessible, a lesson the Philippines could benefit from.<sup>84</sup>

The creation of Commonwealth Act No. 473 was deeply influenced by American colonial law and was enacted in 1939, just before the Philippines gained Commonwealth status. It was designed to protect national security by imposing strict controls on the naturalization of foreign nationals. However, today, these controls need to be updated and more flexible.

In cases such as *Republic v. Li Yao* (1992)<sup>85</sup> and *Republic v. Go Pei Hung* (2018),<sup>86</sup> the Philippine Supreme Court has consistently ruled that naturalization laws must be applied strictly, reinforcing the idea that naturalization is a privilege. However, these rulings also underline the need for legislative reforms to modernize the process and reduce unnecessary burdens on applicants who have long contributed to Philippine society.

The literature on naturalization laws in the Philippines reveals a system heavily influenced by colonial legacies and characterized by stringent requirements. Judicial and administrative pathways offer citizenship routes but are fraught with challenges. The comparative review of naturalization laws in countries like the U.S., Canada, and Germany provides a roadmap for potential reforms in the Philippines, particularly regarding reducing residency requirements and expanding eligibility criteria. This article will build on these insights to propose a comprehensive reform of the Philippine naturalization framework, aligning it with global best practices while safeguarding the country's legal and political interests.

## KEY PROVISIONS OF COMMONWEALTH ACT NO. 473

1. ***Residency Requirement:*** One of the most significant requirements for naturalization under Commonwealth Act No. 473 is the ten-year residency requirement. Section 2 of the law states that applicants for naturalization must have "resided continuously in the Philippines for not less than ten years" (Philippine Government, 1939). This residency period can be reduced to five years for applicants who meet specific conditions, such as being married to a Filipino citizen or providing notable public service to the country. However, the ten-year rule is notably more extended

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<sup>84</sup> Federal Republic of Germany, 2023. *Nationality Act*. Berlin: German Federal Government.

<sup>85</sup> *Republic v. Li Yao*, G.R. No. 35947, October 20, 1992 [Romero, J.]

<sup>86</sup> *Republic v. Go Pei Hung*, G.R. No. 212785, April 4, 2018.

than the residency requirements for naturalization in many other countries, where three to five years of continuous residence is often sufficient.<sup>87</sup> The rationale for this extended residency requirement was to ensure that applicants had enough time to integrate into Filipino society and demonstrate their loyalty to the country.

2. **Property Ownership:** Commonwealth Act No. 473 also included an economic requirement for naturalization. Section 2 mandates that applicants own real estate worth at least five thousand pesos or engage in a lawful trade or profession.<sup>88</sup> This provision reflected the economic realities of the 1930s, where property ownership was seen as a marker of financial stability and commitment to the country. However, this provision has become problematic over time, particularly after the ratification of the 1987 Constitution, which prohibits foreign nationals from owning land in the Philippines.<sup>89</sup> As a result, the property ownership requirement is now considered obsolete and has been a significant barrier for many otherwise qualified applicants.
3. **Language Proficiency:** Section 3 of Commonwealth Act No. 473 requires applicants to demonstrate proficiency in either English or Spanish, the official languages of the Philippines at the time of the law's enactment. Applicants must be able to read, write, and speak one of these languages fluently. This requirement ensured that naturalized citizens could participate fully in the country's social, political, and economic life.<sup>90</sup> Following the adoption of the 1987 Constitution, Filipino was designated as the national language, while English remained the official language. Consequently, the language proficiency requirement under the 1939 law has been modified in practice to include Filipino and English.<sup>91</sup>
4. **Moral Character:** Another critical provision of the law is the requirement for good moral character. Applicants must be of good moral character, as evidenced by their behavior and adherence to the laws of the Philippines. This requirement has been interpreted by Philippine courts to mean that applicants must have no criminal record and demonstrate ethical behavior, as well as a commitment to

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<sup>87</sup> Gorospe, P.S. (2019). *Philippine Citizenship and Immigration Laws: A Historical Perspective*. Quezon City: Central Book Supply, Inc.

<sup>88</sup> Philippine Government (1939). *Commonwealth Act No. 473 (Revised Naturalization Law)*. Manila: Official Gazette.

<sup>89</sup> Salazar, M.L. (2017). *Constitutional Law of the Philippines: Nationality and Citizenship*. Manila: UST Publishing House.

<sup>90</sup> Philippine Government (1939). *Commonwealth Act No. 473 (Revised Naturalization Law)*. Manila: Official Gazette.

<sup>91</sup> Philippine Legal Encyclopedia (2020). *Revised Naturalization Law of 1939*. 12th ed. Manila: Rex Book Store.

the values of Philippine society. In the landmark case of *Republic v. Li Yao* (1992), the Supreme Court emphasized that naturalization is a privilege, not a right, and should only be granted to individuals who can demonstrate a strong moral character.<sup>92</sup>

5. **Judicial Process:** Naturalization under Commonwealth Act No. 473 is a judicial process, meaning applicants must petition a court for naturalization. The court can approve or deny the application based on the applicant's ability to meet the legal requirements (Philippine Government, 1939).<sup>93</sup> The judicial nature of the process has made naturalization in the Philippines a complex and often costly endeavor, as applicants are required to hire legal counsel and present documentary evidence in court. Additionally, the process can be time-consuming, involving multiple hearings and investigations.<sup>94</sup>

## VIII. THEORETICAL PRINCIPLES

This portion delves into two fundamental theories that shed light on the evolution and impact of Philippine naturalization laws: Legal Evolution Theory and Citizenship as Social Closure. Legal Evolution Theory, developed by Lord Kames, highlights how legal systems gradually adapt to changing social, economic, and political needs. It emphasizes that laws evolve, like natural processes, to stay relevant and practical. On the other hand, Rogers Brubaker's concept of Citizenship as Social Closure offers a sociological view, explaining how citizenship laws create boundaries that define who belongs to a nation and who doesn't. Together, these theories help us understand why Philippine naturalization laws developed how they did and why updating them is crucial for addressing today's challenges and preserving national identity.

### LEGAL EVOLUTION THEORY

Legal Evolution Theory explains the gradual development of legal systems as they adapt to social, political, and economic forces. Henry Home, Lord Kames, an 18th-century Scottish philosopher, was a key proponent of this theory. He proposed that laws evolve naturally, driven by societal needs rather than being deliberately designed. This process mirrors natural selection, where beneficial laws are retained. While ineffective ones are discarded, his 1774 book *Historical Law Tracts*

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<sup>92</sup> *Republic v. Li Yao*, 204 SCRA 303 (1992). [Romero, J.]

<sup>93</sup> Philippine Government (1939). *Commonwealth Act No. 473 (Revised Naturalization Law)*. Manila: Official Gazette.

<sup>94</sup> Salazar, M.L. (2017). *Constitutional Law of the Philippines: Nationality and Citizenship*. Manila: UST Publishing House.

outlines this framework, emphasizing the role of customary law and societal practices in shaping legal systems.<sup>95</sup>

Kames argued that legal systems evolve like biological systems through gradual adaptation and improvement. Laws respond to new societal challenges such as migration, economic shifts, and governance changes. He believed that legal evolution is shaped by customary practices rather than central authority, with laws emerging from the community's needs. This is evident in standard law systems, where legal principles are developed incrementally through judicial decisions.

Kames emphasized that law originates from the people's customs, evolving organically rather than being imposed by a governing body. For instance, in societies with growing commerce, laws evolve to protect property rights and business interests. Likewise, naturalization laws may evolve to regulate the integration of immigrants, reflecting societal changes and maintaining social order. He highlighted legal development's slow, incremental nature, contrasting it with radical reform, which often fails due to the complexity of social and legal norms. He believed that legal change should be gradual, building on existing foundations. An example is the evolution of the British constitution, which developed over centuries through judicial decisions, parliamentary statutes, and customary practices rather than being codified simultaneously.<sup>96</sup>

Naturalization laws in the Philippines offer a practical example of Kames' theory. The development of Commonwealth Act No. 473 (Revised Naturalization Law of 1939) illustrates how legal systems adapt incrementally—initially influenced by American legal traditions, early Philippine naturalization laws aimed to regulate immigration, particularly from Chinese settlers during the colonial period. As migration patterns changed, the naturalization law evolved, reflecting the country's modernizing identity and position in the global community.<sup>97</sup>

Despite the historical evolution of naturalization laws in the Philippines, these laws have stagnated since the mid-20th century. The outdated requirements, such as lengthy residency periods and stringent conditions, have made naturalization challenging for foreign nationals. Kames' theory suggests that failure to adapt laws to changing societal conditions leads to legal obsolescence. In the Philippines, this stagnation has hindered the integration of foreign nationals and limited the

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<sup>95</sup> Kames, H. 1774, *Historical Law Tracts*, 2nd ed., A. Millar, London.

<sup>96</sup> Holdsworth, W.S. 1924, *A History of English Law*, 7th ed., Methuen, London.

<sup>97</sup> Republic of the Philippines, 1939. *Commonwealth Act No. 473: Revised Naturalization Law*. Manila: Government Printing Office.



country's ability to attract foreign investment and address the needs of its diaspora.<sup>98</sup>

To remain relevant, Philippine naturalization laws must undergo incremental reforms. Modernizing the legal framework could include reducing residency requirements for those contributing significantly to the economy, streamlining the naturalization process, and recognizing dual citizenship for foreign nationals. Such reforms would align with Kames' theory, allowing the legal system to evolve with the country's economic and social needs, attracting more foreign investment, and facilitating better integration of foreign nationals.<sup>99</sup>

In a nutshell, Lord Kames' Legal Evolution Theory provides a framework for understanding the historical development and current stagnation of Philippine naturalization laws. Kames' theory underscores the need for ongoing legal reform to address modern challenges by emphasizing the gradual, adaptive nature of legal change. The Philippines must adapt its naturalization laws to reflect the realities of a globalized world, fostering social cohesion, encouraging foreign investment, and ensuring its legal system remains robust.

### **Citizenship as Social Closure**

Rogers Brubaker, a sociologist, introduced the concept of citizenship as social closure in his influential work *Citizenship and Nationhood in France and Germany* (1992). He argues that citizenship functions as a mechanism of social closure, delineating who is included or excluded from a political community. According to Brubaker, citizenship is not merely a legal status, but also a social boundary that grants rights and privileges to citizens while denying them to non-citizens. This closed community regulates access to resources, political participation, and social benefits, thereby creating a controlled environment for distributing societal advantages.

According to Brubaker's theory, states utilize citizenship to maintain national identity and social cohesion. The inclusion and exclusion process is governed by legal criteria such as naturalization laws, residency requirements, and language proficiency tests, which act as barriers to entry for foreign nationals. These requirements often reflect the state's historical, cultural, and political interests, reinforcing that citizenship is a guarded privilege only accessible to those who meet the state's criteria.

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<sup>98</sup> De Guzman, M. 2016, 'The Challenges of Philippine Naturalization Law in a Globalized World', *Philippine Law Journal*, vol. 90, pp. 45-66.

<sup>99</sup> Orges, A. 2015, 'Investment-Based Naturalization Programs: A Comparative Study', *Journal of International Law*, vol. 12, no. 4, pp. 123-142.



The naturalization process in the Philippines exemplifies Brubaker's concept of citizenship as a form of social closure. Under Commonwealth Act No. 473 (Revised Naturalization Law of 1939), foreign nationals must meet strict criteria when applying for Philippine citizenship, including a ten-year residency requirement, good moral character, and proficiency in Filipino or English. These stringent requirements serve as mechanisms of social closure, restricting access to citizenship and ensuring that only individuals who have fully integrated into Filipino society are granted the rights and privileges of citizenship.

Brubaker's theory helps explain the exclusivity of Philippine naturalization laws as a reflection of the country's desire to preserve national identity and social cohesion. As a nation with a complex history of colonization and struggles for sovereignty, the Philippines regards citizenship as a symbol of loyalty and belonging. The state controls who can join the Filipino political community by enforcing strict naturalization criteria, thereby protecting its cultural identity and political stability.

A notable example is the treatment of Chinese immigrants, who have historically encountered significant difficulties in acquiring Philippine citizenship despite their economic contributions. In the case of *Tan Chong v. Secretary of Labor* (1955), the Supreme Court of the Philippines denied Tan Chong's naturalization application, citing his lack of complete assimilation into Filipino society, despite meeting the formal residency requirements. This case highlights the exclusionary nature of the naturalization process, underscoring the importance of cultural integration in achieving citizenship, as outlined in Brubaker's framework (Republic of the Philippines, 1955).

The Citizenship Retention and Re-acquisition Act of 2003 (Republic Act No. 9225) further demonstrates Brubaker's theory. While the law allows former Filipino citizens who have acquired foreign nationality to re-acquire their Filipino citizenship, it continues to restrict citizenship for foreign nationals. This reflects the state's desire to maintain social closure by facilitating inclusion only for former citizens, while non-nationals face stringent naturalization barriers (Republic of the Philippines, 2003).

Thus, Rogers Brubaker's concept of citizenship as social closure offers a valuable framework for analyzing the restrictive nature of Philippine naturalization laws. By viewing citizenship as a means of regulating inclusion and exclusion within the political community, we can gain a deeper understanding of how naturalization laws in the Philippines function to preserve national identity and social cohesion.

The stringent naturalization requirements serve as tools for maintaining a closed community, ensuring that only those who fully integrate into Filipino society are granted citizenship. This reflects the broader role of citizenship in safeguarding national interests and cultural unity.

A solid conceptual framework is essential to guiding meaningful research. It provides a structure for understanding the research problem, shaping the article's development and analysis. Acting as a roadmap, the framework connects relevant concepts, theories, and ideas within the field of inquiry, helping to visualize presumed relationships among variables. Whether presented through diagrams or text, it clarifies what the author expects to uncover and defines the critical variables while explaining how they interrelate. This systematic approach provides a method for organizing and categorizing knowledge, facilitating the development of hypotheses and theories that can lead to sound conclusions in empirical research.

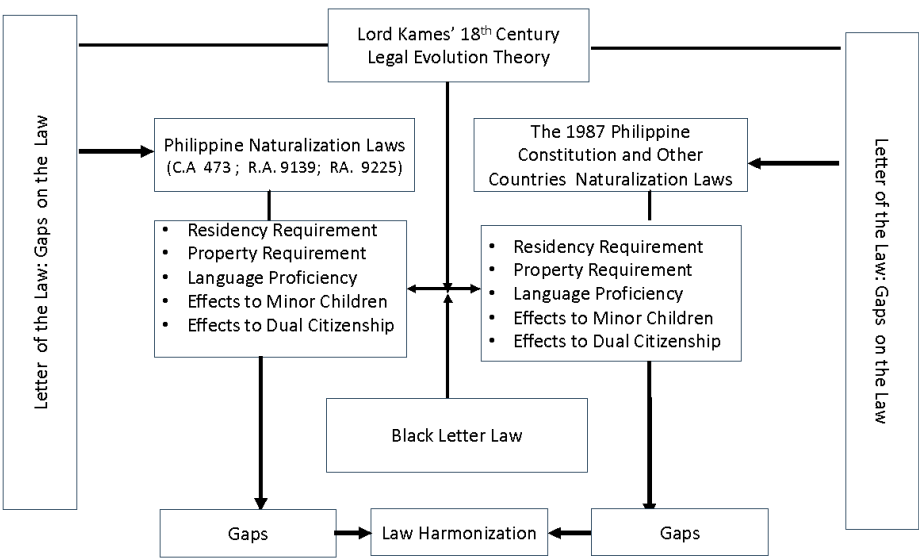


Figure 2. Conceptual Paradigm of the article

The present article employs a conceptual framework that examines the legal and constitutional framework governing naturalization in the Philippines, with a focus on the evolution of related laws and regulations. Central to this analysis is an exploration of constitutional provisions, statutory requirements, and relevant judicial interpretations that have impacted naturalization policies over time.

One significant aspect of this article is its examination of specific provisions in the 1939 Naturalization Law of the Philippines, assessing their consistency with the 1987 Constitution and their alignment with evolving international laws and norms. The article also evaluates the implications of Republic Act No. 9139 and Republic Act No. 9225, identifying outdated or ineffective provisions and suggesting possible

reforms. Proposed amendments address areas such as residency requirements, property qualifications, language proficiency, dual citizenship, and the legal status of minor children, aiming to modernize naturalization laws and align them with global best practices.

Furthermore, the author evaluates how current naturalization requirements can be improved to reflect better the rapid social changes occurring in both domestic and global contexts. By benchmarking against international standards, the article proposes ways to make the naturalization process more efficient and responsive to the needs of the evolving Filipino society. It also addresses the challenges that must be addressed for the naturalization process to serve the community better and adapt to contemporary social dynamics.

## IX. METHOD

The Black Letter Law method emphasizes a meticulous analysis of the literal text of statutes, case law, and legal principles without engaging in their practical application or socio-political implications. This doctrinal approach is integral to this research, mainly because the article focuses on critically examining the Philippine naturalization laws, specifically Commonwealth Act No. 473 (The Naturalization Law of 1939), Republic Act No. 9139 (The Administrative Naturalization Law of 2000), and Republic Act No. 9225 (The Re-Acquisition of Citizenship Law of 2003). It seeks to analyze the alignment of these laws with the 1987 Constitution and propose reforms based on identified gaps and inconsistencies. The Black Letter Law approach plays a crucial role in proposing reforms by providing a clear and authoritative interpretation of the existing laws, which forms the basis for identifying areas that require reform.

The Black Letter Law approach is well-suited for legal research that seeks to understand the exact meaning of legal texts. According to W.L. Twining (1994) in his work, *Blackstone's Tower: The English Law School*, the Black Letter Law method is a fundamental approach that explains and organizes legal rules, cases, and principles to present an authoritative view of the law in its purest form. This method, which enables the author to concretely describe, analyze, and critique primary sources of law, such as legislation and judicial decisions, plays a crucial role in providing a clear and precise interpretation of legal rules.<sup>100</sup> By drawing solely from statutory provisions, case law, and ordinances, the Black Letter Law approach ensures a focused and accurate understanding of the law.

The Black Letter Law methodology is advantageous as it facilitates a precise and structured examination of the legal provisions, ensuring that

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<sup>100</sup> Jones, L. (2019) *Foundations of Legal Research Methods*. New York: Oxford University Press.

the research remains firmly anchored in objective legal analysis. This approach enables the author to avoid the subjective biases that might emerge when factoring in social or political influences. The author collects, organizes, and analyzes the law, subsequently providing a critique. After this, the research identifies underlying conflicts within the law and proposes potential resolutions to the legal issues.<sup>101</sup>

The Black Letter Law's primary aim is to systematically explain legal theory and describe the technical legal norms derived from primary legal sources, such as statutes and case law. Using this method, the author can map out the emergence, significance, and relevance of authoritative legal sources such as Commonwealth Act No. 473 and Republic Act No. 9139 and critically review these legal frameworks.

The article identifies and discusses the legislative acts governing naturalization in the Philippines, mainly Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225. In addition to examining the corresponding jurisprudence and legal principles, the research analyzes legal issues, their underlying principles, and potential resolutions. The author also examines international best practices in naturalization laws, comparing those from an Asian and a global perspective, thereby providing a broader context for critiquing Philippine naturalization laws.

While the Black Letter Law approach provides a solid structure for the article, it is also criticized for being overly formalistic and rigid. Some argue that by focusing solely on the law's literal meaning, this approach may oversimplify legal doctrines and overlook the law's practical applications in society. Moreover, it might ignore the lived experiences of individuals subject to the rules. Nonetheless, as a foundational method for critiquing legal frameworks and proposing reforms, it remains invaluable for this research.

### ***Descriptive Research Method***

In addition to the doctrinal approach, this research employs the Descriptive Research Method. The descriptive method aims to document and catalog the procedural aspects of naturalization laws in the Philippines. It systematically describes how legal processes such as judicial naturalization (as outlined in Commonwealth Act No. 473) and administrative naturalization (under Republic Act No. 9139) function in practice. According to *Republic v. Go Pei Hung* (2018)<sup>102</sup>, judicial

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<sup>101</sup> Martin, P. (2022) *Comparative Legal Studies: Naturalization Law and Global Practices*. Cambridge: Cambridge University Press.

<sup>102</sup> *Republic v. Go Pei Hung* (2018) G.R. No. 212785, 4 April 2018, Supreme Court of the Philippines.

naturalization involves filing a petition in court, whereas administrative naturalization allows for a streamlined process before the Special Committee on Naturalization.

The descriptive approach is beneficial in illustrating the complexities and potential barriers foreign nationals seeking naturalization in the Philippines face. It also describes the practical application of the legal framework, helping readers understand how the laws are implemented. For instance, under Commonwealth Act No. 473, applicants must demonstrate good moral character, language proficiency, and continuous residency for a minimum of ten years.<sup>103</sup> These descriptive accounts of legal processes are grounded, providing a clearer understanding of naturalization applicants' hurdles and highlighting areas where the law could be reformed for greater efficiency and fairness.

This method also provides a platform for examining the best practices in naturalization laws of other jurisdictions. By describing how naturalization laws operate in various countries, such as Canada, Australia, and the United States, this research establishes a comparative baseline for evaluating the Philippine naturalization process. The research offers insights into how Philippine law might be improved by adopting more streamlined, accessible processes like those in other countries.<sup>104</sup>

### *Historical Research Method*

This research also adopts a Historical Research Method to investigate the evolution of Philippine naturalization laws. The historical method offers insights into how legal doctrines have evolved, reflecting shifts in political, economic, and social contexts. For example, the Naturalization Law of 1939 (Commonwealth Act No. 473) was enacted when the Philippines was still under American influence. Understanding this context is crucial for evaluating why specific provisions, such as the requirement for real estate ownership, are no longer relevant today. This method allows for a nuanced understanding of how the law has evolved and whether it has adapted sufficiently to meet modern societal needs (Republic of the Philippines, 2000).<sup>105</sup>

Historical research provides essential background information that explains the development and persistence of specific legal principles. It untangles legal problems rooted in outdated naturalization laws, which have not been thoroughly reviewed or revised since their enactment. The Naturalization Law of 1939 reflects a colonial-era mindset prioritizing

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<sup>103</sup> Santos, C. (2019) *Philippine Naturalization Law: History and Reforms*. Manila: Legal Publishers.

<sup>104</sup> Kim, Y. (2018) *Global Migration and Legal Reforms: A Comparative Study*. New York: Palgrave Macmillan.

<sup>105</sup> Republic of the Philippines (2000) *Republic Act No. 9139: The Administrative Naturalization Law*.



property ownership and long-term residency – criteria that no longer align with the contemporary realities of global migration.<sup>106</sup> By tracing the evolution of these laws, this article identifies how and why specific provisions have become obsolete and proposes reforms to align them with modern international standards.

The historical approach also enables the article to explore the socio-political contexts that shaped the naturalization laws. The research uncovers how various governments have viewed citizenship and migration over time by examining the legislative history. This is particularly relevant in the case of the Re-Acquisition of Citizenship Law (RA 9225), enacted to address the growing number of Filipinos who had become dual citizens due to international migration (Republic of the Philippines, 2003).<sup>107</sup> Understanding the historical context of this law is crucial for assessing its current relevance and potential for reform.

### *Analytical Research Method*

Finally, the analytical research method is applied to critically examine the legal principles embedded within the Philippine naturalization law. This method evaluates legal principles, assesses gaps and inconsistencies, and analyzes potential areas for reform. It provides a platform for comparing the effectiveness of Philippine naturalization laws with the laws of other countries. For instance, the United States, Canada, Germany, and Australia have developed more inclusive and efficient pathways to citizenship, offering valuable lessons for the Philippines in simplifying and streamlining the naturalization process.<sup>108</sup>

The analytical approach involves scrutinizing the Philippine naturalization process, evaluating whether it aligns with the country's constitutional objectives, and identifying areas where the law could be reformed. For example, the ten-year continuous residency requirement under Commonwealth Act No. 473 is significantly longer than the five-year residency required in many other jurisdictions.<sup>109</sup> The research examines the justifications for this extended residency period and compares it with shorter, more accessible residency requirements elsewhere.

This method also involves analyzing case law related to naturalization, such as *Republic v. Li Yao* (1992), in which the Supreme Court ruled on the requirements of continuous residence and good moral

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<sup>106</sup> Borges, P. (2015) *Historical Perspectives on Legal Evolution: Naturalization and Migration Law*. Berlin: Springer.

<sup>107</sup> Republic of the Philippines (2003) *Republic Act No. 9225: The Citizenship Re-Acquisition Act*.

<sup>108</sup> Smith, J. (2020) *Legal Analysis and Interpretation in Contemporary Legal Systems*. London: Routledge.

<sup>109</sup> Cruz, I. (2021) *Philippine Legal Doctrines on Migration and Citizenship*. Quezon City: Ateneo de Manila University Press.

character for naturalization.<sup>110</sup> By examining these cases in detail, the research highlights the areas where legal inconsistencies arise and proposes solutions to streamline the process. Additionally, by conducting a comparative legal analysis, the article evaluates how the Philippine legal framework compares with international standards and identifies best practices that could be adopted for a more efficient and equitable naturalization process.<sup>111</sup>

As an immigration lawyer and litigation attorney, the author also shares some personal experiences and ideas from his day-to-day immigration practice and activities, including hearings, writing pleadings, and appearances in various government offices related to the entire naturalization process.

The article primarily employs the Black Letter Law approach, which focuses on analyzing statutory provisions, judicial decisions, and other legal texts while avoiding an examination of broader social, political, or economic contexts. This approach enables the researcher to critically evaluate Philippine naturalization laws, specifically Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225, assessing their alignment with the 1987 Philippine Constitution. The specific objectives of employing Black Letter Law in this article include:

1. Identifying and analyzing inconsistencies within the current naturalization laws, especially regarding their provisions on dual citizenship, residency requirements, and foreign ownership restrictions.
2. Conducting a comparative analysis of naturalization laws in countries such as the United States, Canada, and Australia, highlighting best practices and identifying areas where the Philippine system could benefit from reforms.
3. Proposing legal reforms that would modernize Philippine naturalization laws, making them more aligned with global migration trends while maintaining the cultural and legal principles of the country.

Focusing on the Black Letter Law approach, this article systematically evaluates the legal framework governing naturalization in the Philippines. It enables the researcher to propose reforms rooted in international standards and best practices.<sup>112</sup>

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<sup>110</sup> Republic v. Li Yao (1992) G.R. No. 35947, 20 October 1992, Supreme Court of the Philippines.

<sup>111</sup> Taylor, R. (2021) *Global Trends in Migration Law: Legal Reforms and Citizenship*. New York: Palgrave Macmillan.

<sup>112</sup> Martin, P. (2022) *Comparative Legal Studies: Naturalization Law and Global Practices*. Cambridge: Cambridge University Press.

The Black Letter Law approach is valued for providing clarity and certainty in legal interpretation by simplifying complex legal concepts. It makes the law understandable for legal professionals and non-experts, enabling individuals to comprehend their rights and obligations. It is beneficial in time-constrained legal environments, allowing researchers to quickly grasp fundamental legal principles without engaging with extensive commentary or analysis.<sup>113</sup> This method emphasizes well-established legal principles that courts have consistently upheld, helping build solid legal arguments while minimizing the risk of errors or misinterpretation.<sup>114</sup> However, it has its limitations. Its reliance on formal aspects of the law can make it rigid and unable to adapt to the evolving social, political, and economic context. Additionally, its focus on memorizing legal facts and rules can lead to a lack of depth in theoretical application, potentially downplaying critical legal issues in broader contexts.<sup>115</sup> Despite these shortcomings, the Black Letter Law approach remains a crucial tool for legal research, offering clarity, reliability, and efficiency in focusing on established legal precedents while minimizing legal errors through the literal interpretation of legal texts.<sup>116</sup>

The Descriptive Research approach provides a detailed and factual account of the current legal framework of naturalization laws in the Philippines. Specifically, it documents and catalogs the provisions of Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225, offering a comprehensive overview of statutory requirements, procedures, and the legal challenges associated with these laws. The descriptive method allows the researcher to document existing legal provisions governing naturalization, giving a structured presentation of the statutory requirements and processes involved; describe the practical implications of these laws on foreign nationals seeking Filipino citizenship, focusing on the real-world applications and the outcomes of naturalization petitions; and, provide a comparative descriptive analysis of naturalization frameworks from countries like the United States, Canada, and Australia, identifying similarities and differences with the Philippine system to provide a factual basis for possible reforms.

This method ensures that the research presents a detailed and structured portrayal of the laws and their effects without delving into interpretive analysis, thus offering a straightforward legal narrative.<sup>117</sup>

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<sup>113</sup> Jones, L. (2019) *Foundations of Legal Research Methods*. New York: Oxford University Press.

<sup>114</sup> Martin, P. (2022) *Comparative Legal Studies: Naturalization Law and Global Practices*. Cambridge: Cambridge University Press.

<sup>115</sup> Borges, P. (2015) *Historical Perspectives on Legal Evolution: Naturalization and Migration Law*. Berlin: Springer.

<sup>116</sup> in, R.K. (2018) *Case Study Research and Applications: Design and Methods*. 6th ed. Thousand Oaks: SAGE Publications.

<sup>117</sup> Creswell, J. & Poth, C. (2018) *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. 4th ed. Thousand Oaks: SAGE Publications.

The Historical Research approach is employed to trace the evolution and development of naturalization laws in the Philippines. This method enables the article to explore how past legislative and judicial decisions have shaped the legal framework. The specific objectives include: tracing the historical evolution of Philippine naturalization laws, from the enactment of Commonwealth Act No. 473 through the introduction of Republic Act No. 9139 and Republic Act No. 9225, which reveals significant legal amendments and judicial precedents. Second, examining the socio-political context in which these naturalization laws were developed, identifying how colonialism, migration patterns, and constitutional amendments have influenced their content and application. Thirdly, comparing the historical trajectory of Philippine naturalization laws with those of other nations, particularly Canada and the United States, to better understand how global trends in citizenship and migration have influenced the Philippine legal landscape.

By focusing on the legal and historical progression, the historical approach provides valuable insights into how past legal principles continue influencing the current naturalization process, thus making a case for necessary reforms.<sup>118</sup>

The Analytical Research method critically evaluates the laws governing naturalization in the Philippines. This approach dissects legal frameworks and judicial decisions to assess their efficacy and constitutional validity. The specific objectives of this approach are as follows:

1. Critically analyzing the statutory provisions of Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225, focusing on their alignment with the 1987 Constitution, particularly regarding foreign ownership, dual citizenship, and residency requirements.
2. Evaluating the legal effectiveness of these provisions by examining how they are applied in practice, using case studies such as *Republic v. Li Yao* and *Republic v. Go Pei Hung* to highlight legal inconsistencies or judicial interpretations that complicate the naturalization process.
3. Conducting a comparative legal analysis, exploring naturalization laws from other jurisdictions such as Canada, the United States, and Australia, critically assessing how these countries streamline their naturalization processes, and proposing relevant reforms for the Philippine legal system.

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<sup>118</sup> Given, L. M. (2017) *The Sage Encyclopedia of Qualitative Research Methods*. Thousand Oaks: SAGE Publications.

This approach allows for a profound critique of legal texts and procedures, aiming to identify weaknesses and suggest ways to improve the legal structure, aligning it with contemporary global practices.<sup>119</sup>

Moreover, this research incorporates the analysis of historical events, comparative studies of naturalization laws across various jurisdictions, and their application in real-world contexts. Data and information were carefully considered and weighed without bias, ensuring a balanced and thorough examination of the subject matter. The methodologies used were selected for their suitability to address the research questions posed and the broader goals of this article .

The Black Letter Law approach, combined with descriptive, historical, and analytical methods, is appropriate for this research because it leverages a qualitative interpretative article of naturalization laws. This research critically examines the legal rules' wording, interpretation, and application by focusing on legal texts, judicial decisions, and their broader implications. This thorough analysis allows the researcher to investigate the underlying legal principles and offers potential solutions for reform based on global best practices.

This author's primary data sources include statutory laws, jurisprudence, legislative enactments, and commentaries. The article makes use of both local and international legal sources. Legal materials, including Philippine Supreme Court decisions, judicial rulings, and statutory texts, are the backbone of the research. Additionally, international legal commentaries, journals, and articles on comparative naturalization laws are utilized to provide a global perspective. Published research, books, and data on naturalization processes abroad, particularly from Asian and European contexts, are essential for the comparative aspect of the article.<sup>120</sup>

The research also utilizes official documents and forms from institutions such as the Office of the Solicitor General, the Bureau of Immigration, and the Regional Trial Courts to provide real-world insights into the procedural aspects of naturalization. Comments, oppositions, appeals, and appellate pleadings from various stakeholders are also analyzed to gauge government participation in naturalization.<sup>121</sup>

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<sup>119</sup> Yin, R.K. (2018) *Case Study Research and Applications: Design and Methods*. 6th ed. Thousand Oaks: SAGE Publications.

<sup>120</sup> Given, L. M. (2017) *The Sage Encyclopedia of Qualitative Research Methods*. Thousand Oaks: SAGE Publications.

<sup>121</sup> Yin, R.K. (2018) *Case Study Research and Applications: Design and Methods*. Thousand Oaks: SAGE Publications.



This chapter has outlined the various methodologies employed in examining Philippine naturalization laws, focusing on the Black Letter Law approach, supplemented by descriptive, historical, and analytical methods. The article systematically critiques these laws by concentrating on primary legal sources such as Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225, assessing their alignment with the 1987 Constitution and proposing reforms that would better align Philippine naturalization procedures with international standards. The Black Letter Law method provided a solid foundation for the research, ensuring clarity and precision in analyzing statutory provisions and jurisprudence. However, integrating the descriptive and historical approaches allowed for a broader examination of the socio-political context influencing these laws. At the same time, the analytical method ensured a comparative legal analysis with other jurisdictions.

## **X. NATURALIZATION AND ITS IMPLICATIONS**

Naturalization, a pivotal process that grants foreign nationals the rights and responsibilities of citizenship, is the focus of this chapter. The Philippine legal framework, including Commonwealth Act No. 473 (Revised Naturalization Law of 1939), Republic Act No. 9139 (Administrative Naturalization Law of 2000), and Republic Act No. 9225 (Citizenship Retention and Re-acquisition Act of 2003), reflects the country's legal heritage and its adaptation to changing socio-political conditions. However, the outdated provisions of these laws urgently require immediate and comprehensive reforms, especially in light of the 1987 Constitution, which serves as the cornerstone of our legal system and a guide for adapting to global trends in naturalization.

This article delves into the critical issues in Philippine naturalization laws, exploring three fundamental questions that encapsulate the research's Statement of the Problem (SOP), which is a concise statement that outlines the main issues or problems to be addressed in the article :

1. How do Philippine laws and jurisprudence provide rules and policies regarding naturalization?
2. How can the lack of reforms on the current laws on naturalization impede a person's right to change or acquire nationality?
3. How do laws, policies, and rules from various countries implement naturalization within their jurisdictions?
4. how can best practices from foreign countries be the basis for amending current Philippine naturalization laws?

Through a comprehensive analysis, the presented findings examine the gaps, contradictions, and reform thoroughly needed in Philippine naturalization laws, drawing on comparative studies from other nations and placing them in constitutional law, human rights, and social integration.

## **XI. LAWS AND JURISPRUDENCE PROVIDE RULES AND POLICIES ON NATURALIZATION**

Naturalization is a legal mechanism by which a foreign national acquires citizenship in a host country. It represents not only the formal integration of an individual into a nation's socio-political framework but also reflects the nation's legal, historical, and cultural values. In the Philippines, naturalization laws are primarily governed by Commonwealth Act No. 473, the Revised Naturalization Law of 1939, and Republic Act No. 9139, the Administrative Naturalization Law of 2000. These laws establish the qualifications and procedures for citizenship acquisition, demonstrating the country's intent to safeguard its national identity and socio-economic priorities.

However, these laws, especially Commonwealth Act No. 473, were crafted in a socio-political context vastly different from the present day. Enacted nearly in decades before the promulgation of the 1987 Philippine Constitution, they exhibit significant misalignments with constitutional principles, particularly concerning equality, inclusivity, and national patrimony (Republic of the Philippines, 1939, 1987).<sup>122</sup> This misalignment underscores the need for reform to harmonize naturalization laws with constitutional mandates and modern governance practices.

The evolution of naturalization laws in the Philippines reflects the country's colonial past and the influence of foreign legal systems. During the Spanish colonial period, citizenship was limited to Spaniards and their descendants, with no formal naturalization process for foreign nationals residing in the Philippines (Corpuz, 1989).<sup>123</sup> The concept of citizenship was tied to allegiance to the Spanish crown, and non-Spaniards were governed by special colonial laws or the laws of their home countries.

The transition to American colonial rule brought significant legal changes, including the introduction of codified naturalization processes. The United States sought to standardize citizenship acquisition in its territories, leading to the development of the Philippine Bill of 1902 and subsequent legislative acts.<sup>124</sup> These efforts culminated in the enactment of

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<sup>122</sup> Republic of the Philippines. (1939). *Commonwealth Act No. 473*.

Republic of the Philippines. (1987). *The 1987 Constitution of the Republic of the Philippines*.

<sup>123</sup> Corpuz, O. D. (1989). *The roots of the Filipino nation*. Aklahi Foundation.

<sup>124</sup> Go, J. (2003). *American empire and the politics of meaning*. Duke University Press.

Commonwealth Act No. 473 in 1939, establishing the foundational framework for naturalization in the Philippines.

Commonwealth Act No. 473 was designed to regulate the integration of foreign nationals into Philippine society, requiring applicants to meet strict qualifications such as a ten-year residency period, proficiency in English or Spanish, and the ownership of property valued at ₱5,000 or more (Republic of the Philippines, 1939).<sup>125</sup> These requirements reflected the socio-economic priorities of the time, emphasizing loyalty, economic stability, and integration.

The 1987 Philippine Constitution serves as the supreme law of the land, providing the legal foundation for all citizenship policies. Article IV defines Filipino citizenship, adopting *jus sanguinis* (citizenship by descent) as the primary determinant while allowing for naturalization as a secondary mode of citizenship acquisition. Beyond these foundational rules, the Constitution incorporates principles that shape the framework for naturalization laws.

Key constitutional mandates relevant to naturalization include the following:

1. Equal Protection Clause (Article III, Section 1): This ensures that all individuals are afforded equal protection under the law, prohibiting discriminatory practices (Republic of the Philippines, 1987).<sup>126</sup>
2. Promotion of Social Justice (Article II, Section 10): This mandates the government to enact laws that advance inclusivity and protect marginalized groups (Republic of the Philippines, 1987).<sup>127</sup>
3. National Patrimony and Land Ownership (Article XII, Section 7): This provision restricts foreign ownership of private land, ensuring that the nation's resources are preserved for its citizens (Republic of the Philippines, 1987).<sup>128</sup>

Commonwealth Act No. 473 exhibits significant misalignments with constitutional mandates despite these principles. These misalignments are evident in three primary areas: property ownership requirements, residency mandates, and procedural inefficiencies.

One of the most controversial aspects of Commonwealth Act No. 473 is its property ownership requirement, which mandates that applicants own real estate in the Philippines valued at ₱5,000 or more or engage in a

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<sup>125</sup> Republic of the Philippines. (1939). *Commonwealth Act No. 473*.

<sup>126</sup> Republic of the Philippines. (1987). *The 1987 Constitution of the Republic of the Philippines*. Article III, Section 1.

<sup>127</sup> *Ibid.*, Article II, Section 10.

<sup>128</sup> *Ibid.*, Article XII, Section 7.

lucrative trade or occupation (Republic of the Philippines, 1939).<sup>129</sup> This requirement conflicts with Article XII, Section 7 of the 1987 Constitution, which prohibits foreign nationals from owning private land in the Philippines, except in hereditary succession or for former natural-born Filipino citizens.<sup>130</sup>

The contradiction arises from the constitutional principle of national patrimony, which seeks to safeguard the country's limited land resources for its citizens.<sup>131</sup> By imposing a property ownership requirement, Commonwealth Act No. 473 creates a legal impossibility for many applicants, effectively excluding them from the naturalization process. The economic qualification of engaging in a "lucrative trade" also raises concerns. The term must be more clearly defined, leading to inconsistent judicial interpretations. In *Republic v. Li Yao* (1992),<sup>132</sup> the Supreme Court's subjective assessment of the applicant's economic qualifications highlighted the lack of clarity in this provision. Modern naturalization systems, such as those in Canada and Germany, assess economic contributions through lawful employment or entrepreneurial activities, offering a more inclusive and practical approach.<sup>133</sup>

The property ownership requirement should be abolished to align with constitutional principles and international best practices. Economic self-sufficiency demonstrated through employment or business activities would provide a fairer and more practical alternative.

Residency requirements are a standard feature of naturalization laws, reflecting an applicant's commitment to their host country. However, the Philippines' ten-year continuous residency requirement under Commonwealth Act No. 473 is among the most restrictive globally (Republic of the Philippines, 1939).<sup>134</sup> Exceptions to this rule include reducing residency to five years for applicants married to Filipino citizens or those engaged in significant public service.

In comparison, other countries adopt more flexible residency requirements. The United States requires five years of lawful permanent residency, which is reduced to three years for applicants married to U.S. citizens (Immigration and Nationality Act, 1952).<sup>135</sup> Canada mandates three years of residence within the last five years, while Germany permits naturalization after eight years, which is reducible to six for applicants

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<sup>129</sup> Republic of the Philippines. (1939). *Commonwealth Act No. 473*.

<sup>130</sup> Cruz v. Secretary of Environment and Natural Resources, G.R. No. 135385 (2000).

<sup>131</sup> Cruz, R. (2019). *Citizenship and migration: Comparative naturalization policies*. Legal Studies Review, 12(3), 34-48.

<sup>132</sup> Republic v. Li Yao, G.R. No. 35947 (1992).

<sup>133</sup> Bauböck, R. (2018). *Debating transformations of national citizenship*. Springer.

<sup>134</sup> Republic of the Philippines. (1939). *Commonwealth Act No. 473*.

<sup>135</sup> Immigration and Nationality Act, 8 U.S.C. (1952).

demonstrating exceptional integration.<sup>136</sup> These systems recognize the importance of timely integration in fostering social and economic participation.

The Philippine interpretation of continuous residency further complicates the naturalization process. In *Republic v. Li Yao* (1992),<sup>137</sup> the Supreme Court ruled that temporary absences could disrupt residency continuity, even for legitimate reasons such as business or familial obligations. This rigid interpretation disproportionately affects individuals engaged in international work or personal commitments, conflicting with the constitutional guarantee of equal protection.

Reducing the residency requirement to five years would align Philippine laws with international norms and enhance accessibility. Providing clear guidelines on acceptable temporary absences would also address ambiguities that currently deter potential applicants.

The judicial nature of the naturalization process under Commonwealth Act No. 473 imposes significant financial and procedural burdens. Applicants are required to file petitions in Regional Trial Courts, publish their petitions in newspapers, and attend public hearings, resulting in costs ranging from ₱100,000 to ₱300,000.<sup>138</sup> These barriers effectively exclude economically disadvantaged individuals, undermining the constitutional mandate of equal protection.

Countries like the United States and Canada have adopted administrative naturalization systems to streamline the process and reduce costs. In the United States, the U.S. Citizenship and Immigration Services (USCIS) handles most naturalization applications administratively, reserving court intervention for contested cases (USCIS, 2023).<sup>139</sup> Similarly, Canada's administrative model minimizes procedural delays and enhances accessibility (Citizenship Act, 1985).<sup>140</sup>

Republic Act No. 9139 introduced an administrative pathway for foreign nationals born in the Philippines. While it simplifies procedures, its scope is limited, excluding long-term residents who migrated as adults. Expanding this administrative model to include all eligible applicants would reduce procedural barriers and promote fairness.

Philippine naturalization laws must evolve to align with

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<sup>136</sup> Bauböck, R. (2018). *Debating transformations of national citizenship*. Springer.

Citizenship Act, R.S.C. 1985, c. C-29 (Canada).

<sup>137</sup> *Republic v. Li Yao*, G.R. No. 35947 (1992).

<sup>138</sup> Roa, M. (2021). Legal barriers to naturalization: A Philippine perspective. *Philippine Law Journal*, 95(2), 341-367.

<sup>139</sup> USCIS. (2023). *Naturalization process*. U.S. Citizenship and Immigration Services.

<sup>140</sup> Citizenship Act, R.S.C. 1985, c. C-29 (Canada).



constitutional principles and contemporary realities. The country can create a more inclusive and equitable naturalization framework by addressing inconsistencies in property ownership, residency mandates, and procedural inefficiencies. These reforms will promote social cohesion and economic integration and reflect the nation’s commitment to justice, equality, and inclusivity. The table below summarizes key differences in naturalization systems:

**Table 1. Summary of Key Differences in Naturalization Systems**

Country	Residency Requirement	Pathway	Economic Criteria	Dual Citizenship Policy
Philippines	10 years (5 in cases)	Judicial/ Administrative	Property or "lucrative trade"	Limited under RA 9225
United States	5 years (3 if married)	Administrative	None	Recognized
Canada	3 years in 5	Administrative	None	Recognized
Germany	8 years	Administrative	Proof of economic stability	Recognized in some cases

The reliance on judicial processes and restrictive residency requirements in the Philippines contrasts sharply with other countries' administrative and inclusive systems. To address constitutional misalignments and procedural inefficiencies, the following reforms are recommended:

1. Abolish and replace the property ownership requirement with employment-based economic criteria.
2. Reduce the residency requirement to five years and clarify rules for temporary absences.
3. Expand the scope of Republic Act No. 9139 to cover all eligible applicants, transitioning to an administrative naturalization model.

**XII. LACK OF REFORMS ON THE CURRENT LAWS ON NATURALIZATION IMPEDE A PERSON'S RIGHT TO CHANGE OR ACQUIRE NATIONALITY**

The legal framework for naturalization in the Philippines, established through Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225, serves as the gateway for foreign nationals seeking Filipino citizenship. These laws are pivotal in defining the country's approach to

inclusivity, national security, and economic integration. However, the need for more reforms in these laws has increasingly exposed tensions between outdated requirements and the constitutional rights enshrined in the 1987 Philippine Constitution, particularly those concerning equality, inclusion, and property ownership. This presentation situates the issue of naturalization reform within its legal, historical, and international contexts, emphasizing the contradictions between existing laws and constitutional rights while drawing on global best practices for modernization.

The Philippine naturalization process is primarily governed by Commonwealth Act No. 473, enacted in 1939. This law establishes a judicial naturalization system requiring foreign nationals to undergo rigorous court procedures to gain citizenship. Applicants must meet a ten-year residency requirement, reduced to five years under specific conditions such as marriage to a Filipino citizen or exceptional service to the country. They must also demonstrate good moral character, proficiency in English or Filipino, and own real estate valued at a minimum of ₱5,000 or engage in a lawful trade or occupation. While these provisions aimed to ensure new citizens' socio-economic and cultural integration, they have become increasingly misaligned with contemporary realities. For instance, the property ownership requirement directly contradicts Article XII, Section 7 of the 1987 Constitution, which prohibits foreign nationals from owning land.

Republic Act No. 9139, enacted in 2000, offers an administrative pathway to naturalization. This process, managed by the Special Committee on Naturalization, streamlines the citizenship application but limits eligibility to foreign nationals born in the Philippines. The scope of this law excludes long-term residents who have made significant contributions to society but still need to meet the birthplace criterion. Furthermore, the Citizenship Retention and Reacquisition Act of 2003, or Republic Act No. 9225, provides a mechanism for former Filipino citizens to regain citizenship without renouncing their foreign nationality. However, this law needs to address the needs of first-time applicants seeking Filipino citizenship, leaving gaps in the inclusivity of the naturalization framework.

The 1987 Philippine Constitution defines the parameters for citizenship under Article IV, emphasizing the principle of *jus sanguinis* or citizenship by descent. The Constitution also underscores that naturalization is a privilege rather than a right, necessitating strict compliance with legal requirements. This principle has been reinforced through landmark cases such as *Republic v. Li Yao* (1992), where the Supreme Court underscored the discretionary nature of naturalization. Nonetheless, these stringent requirements and procedural barriers have

raised questions about the compatibility of current naturalization laws with constitutional rights, notably equality and inclusivity.

The evolution of Philippine naturalization laws is rooted in its colonial past. Under Spanish rule, citizenship was mainly inaccessible to natives, and the concept of naturalization was virtually nonexistent. The introduction of naturalization emerged during the American colonial period, reflecting the influence of U.S. legal traditions. Commonwealth Act No. 473 was a product of this era, designed to safeguard national interests by imposing strict qualifications on prospective citizens.

Statistical data highlight the restrictive nature of these laws. Judicial naturalization, governed by Commonwealth Act No. 473, remains costly and time-consuming, with success rates hindered by the complexity of legal requirements. In contrast, administrative naturalization under Republic Act No. 9139 has seen limited utilization, with its narrow scope and high financial costs as barriers to accessibility. The table below illustrates the comparative characteristics of the Philippines' naturalization processes:

**Table 2.**  
**Comparative Characteristics of the Philippines' Naturalization Processes**

Law/Process	Residency	Property Requirement	Dual Citizenship	Administration
Commonwealth Act No. 473	10 years	Yes (₱5,000)	No	Judicial
Republic Act No. 9139	Since birth	No	No	Administrative
Republic Act No. 9225	N/A	N/A	Yes (for former citizens)	Administrative

The lack of reforms in the Philippines' naturalization laws has led to significant contradictions with constitutional rights, particularly those outlined in the 1987 Constitution. The principle of equality before the law, enshrined in Article III, has been undermined by economic and procedural barriers embedded within the naturalization framework. Requirements such as property ownership and judicial processes disproportionately affect long-term residents who are economically integrated into society but cannot meet these outdated criteria.

Moreover, including stringent residency requirements and moral character evaluations reflects an exclusionary approach that conflicts with the Constitution's emphasis on inclusivity and equal opportunity. The

inconsistency between the property ownership requirement under Commonwealth Act No. 473 and the constitutional prohibition on foreign land ownership exemplifies these contradictions, rendering naturalization unattainable for many qualified applicants.

Globally, countries like the United States, Canada, and Germany have modernized their naturalization processes to align with contemporary migration trends and international human rights standards. In the United States, naturalization is primarily administrative, with a residency requirement of five or three years for spouses of U.S. citizens. The process emphasizes integration through language proficiency and civics tests while allowing dual citizenship. Similarly, Canada has reduced its residency requirement to three out of five years, demonstrating a commitment to inclusivity and expedited integration for skilled workers and family reunification.

While traditionally restrictive, Germany has implemented reforms to ease dual citizenship restrictions and reduce residency requirements for highly skilled migrants. These international practices highlight a growing recognition of the need for accessible and equitable naturalization processes, offering valuable lessons for the Philippines.

**Table 3.**  
**Comparative Modernized Naturalization Process and Migration Trends**

Country	Residency (Years)	Dual Citizenship	Administrative Process	Legal Cost (Estimate)
Philippines	10 (5 in cases)	Limited	Mixed	PHP 100,000+
United States	5 (3 for spouses)	Yes	Yes	\$640+
Canada	3 of 5	Yes	Yes	CAD 630
Germany	8 (exceptions)	Conditional	Yes	€255

Article 15 of the Universal Declaration of Human Rights (UDHR) states that “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality” (United Nations, 1948).<sup>141</sup> With their restrictive requirements and procedural hurdles, the Philippines' current naturalization laws risk contradicting this international standard by effectively excluding foreign nationals who fulfill the broader criteria for integration and contribution to the nation’s socio-economic fabric. By aligning its laws with the UDHR, the Philippines can ensure compliance with its international obligations and

<sup>141</sup> United Nations. (1948). *Universal Declaration of Human Rights*. Article 15.

foster a more inclusive approach to citizenship.

Reforms to the Philippine naturalization framework should focus on reducing residency requirements to five years, removing property ownership mandates, and expanding the scope of administrative naturalization under Republic Act No. 9139. Transitioning to an administrative model for all naturalization cases could alleviate judicial bottlenecks and enhance efficiency. Additionally, integrating technological solutions into application processes could streamline documentation and improve transparency.

The Philippines should consolidate its naturalization laws into an updated framework that aligns with constitutional principles and international best practices. Specific reforms include reducing economic barriers, shortening residency periods, and adopting a predominantly administrative process for naturalization. By incorporating lessons from global models and adhering to the principles of the UDHR, the country can create a more inclusive and efficient naturalization system that supports national development.

### **XIII. IMPLEMENTATION OF NATURALIZATION LAWS IN FOREIGN JURISDICTIONS**

Naturalization laws form a cornerstone of a country's legal system, embodying its socio-political values while determining how non-citizens integrate into society. These laws aim to balance national security, cultural cohesion, and inclusivity. A comparative analysis of best practices across different jurisdictions provides valuable insights for reforming outdated systems and aligning them with contemporary realities. This discussion holistically explores naturalization practices in key jurisdictions, including the United States, Canada, Germany, the United Kingdom, Australia, the European Union (EU), and selected Asian countries. The analysis is organized around four critical dimensions of naturalization policies: residency requirements, economic participation, language and integration criteria, and procedural efficiencies. Each section concludes by assessing how these practices could inform reforms in the Philippine naturalization framework.

### **XIV. RESIDENCY REQUIREMENTS: A MEASURE OF COMMITMENT**

Residency requirements are crucial to an applicant's intent to integrate and contribute to the host country. They assess an applicant's stability, physical presence, and alignment with societal norms. A comparison of residency requirements in the selected jurisdictions



highlights varying thresholds and flexibilities.

**Table 4.**  
**Comparison of Residency Requirements in the**  
**Selected Jurisdictions**

Country	Residency Requirement	Flexibilities
United States	Five years of lawful permanent residency (LPR); three years for spouses of U.S. citizens.	Shortened residency for military service. The physical presence of 30 months is required.
Canada	Three years of residence out of the preceding five years.	Partial credit for time spent in Canada before gaining LPR status (e.g., as refugees or temporary workers).
Germany	Eight years of residency; reduced to six for exceptional integration.	Reduced duration for spouses of German citizens and participants in advanced integration programs.
United Kingdom	Five years of residency; three years for spouses of British citizens.	Allows up to 450 days of absence over the qualifying period.
Australia	Four years of residence with at least one year as a permanent resident.	Absences of up to one year allowed shorter pathways for refugees and migrants with specialties.
Asian Countries	Typically, it requires five to ten years of residency (e.g., Japan: five years; South Korea: five years).	Limited flexibilities; exceptions for highly skilled professionals and investors.

*Best Practices Analysis:*

1. *Shorter and Flexible Residency Periods:* Countries like Canada and Germany provide reasonable residency thresholds while incorporating flexibilities for specific categories of applicants (e.g., spouses, refugees, and skilled workers).
2. *Physical Presence Rules:* Physical presence requirements in the United States and Canada ensure that applicants maintain a tangible connection to their host country, preventing abuse of residency rules.<sup>142</sup>
3. *Integration-based Reductions:* Germany’s allowance for shortened

<sup>142</sup> Immigration and Nationality Act. (1952). 8 U.S.C. § 316. Retrieved from <https://www.uscis.gov>

residency based on integration achievements underscores the importance of societal alignment.<sup>143</sup>

## Implications for the Philippines

The Philippines' ten-year residency requirement under Commonwealth Act No. 473 is significantly longer than international norms, limiting accessibility. Flexible pathways, such as reduced residency for family connections or economic contributions, could modernize the framework. Adopting Canada's partial credit model for pre-permanent residency periods would also recognize contributions from long-term residents.

Under Commonwealth Act No. 473, foreign nationals applying for naturalization in the Philippines must complete a ten-year continuous residency requirement. This is one of the most extended residency requirements in the world and presents a significant barrier for foreign nationals who have already demonstrated long-term residence and integration into the country. Other countries have adopted much shorter residency requirements, which reflect the understanding that long-term residency is sufficient proof of an applicant's commitment:

- United States: Requires only five years of residency, or three years if the applicant is married to a U.S. citizen.<sup>144</sup>
- Canada: Allows permanent residents to apply for citizenship within five years after three years of residency.<sup>145</sup>
- Ireland: Applicants need only five years of continuous residency to qualify for naturalization.<sup>146</sup>
- Japan: Requires five years of continuous residency or three years if married to a Japanese national.<sup>147</sup>

The ten-year residency requirement in the Philippines is excessive compared to global standards. The era of globalization suggests that local issues often have international implications, and shorter residency periods can facilitate quicker integration of foreign nationals. Countries like Germany have also recently reduced residency requirements to encourage skilled migrants to integrate more quickly and contribute to society.<sup>148</sup> Reducing the residency requirement in the Philippines to five years, similar to global standards, would make the process more accessible to long-term

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<sup>143</sup> Staatsangehörigkeitsgesetz (Nationality Act). (2000). Germany. Retrieved from <https://www.gesetze-im-internet.de>

<sup>144</sup> U.S. Citizenship and Immigration Services (USCIS), *Immigration and Nationality Act*, 1965.

<sup>145</sup> Immigration, Refugees and Citizenship Canada (IRCC), *Canadian Citizenship Act*, 1947.

<sup>146</sup> Ireland Immigration, *Irish Nationality and Citizenship Act*, 1956.

<sup>147</sup> Japan Nationality Act, *Japan Nationality Law*, 1950.

<sup>148</sup> Germany Nationality Act, *Nationality Law of Germany*, 1913 (with amendments).

residents already contributing to the economy and society.<sup>149</sup>

*Economic Participation: Evaluating Contribution*

Economic participation is a central criterion in naturalization, ensuring applicants can support themselves and contribute meaningfully to society. However, the interpretation of economic requirements varies globally.

**Table 5. Global Interpretation of Economic Requirement**

Country	Economic Criteria	Key Considerations
United States	No specific income or property requirements; lawful employment suffices.	Economic independence is inferred through tax compliance and proof of employment.
Canada	There are no explicit financial thresholds; economic participation is assessed indirectly.	Skilled migrants gain points through the Express Entry system, influencing pathways to residency and citizenship.
Germany	Proof of financial independence is required; reliance on social welfare disqualifies.	Evaluates stability through steady employment or documented financial resources.
United Kingdom	Financial stability is considered under the "good character" requirement.	There are no explicit thresholds, but applicants with financial insolvency may face challenges.
Australia	Focus on lawful employment or self-sustenance; no property ownership mandates.	Includes mechanisms to attract skilled migrants and entrepreneurs.
Asian Countries	Property ownership is sometimes required (e.g., in Indonesia).	Restrictions on land ownership often need to be revised to meet financial thresholds for applicants.

*Best Practices Analysis:*

1. *Inclusive Economic Benchmarks:* Countries like the United States and Canada assess economic participation indirectly, ensuring that

<sup>149</sup> Australia Citizenship Act, 2007.

naturalization remains accessible to various economic contributors without imposing rigid financial thresholds (INA, 1952).<sup>150</sup>

2. *Focus on Stability Over Wealth:* Germany's approach to evaluating financial independence through employment excludes otherwise eligible applicants lacking assets or significant wealth (Citizenship Act, 1985; Australian Citizenship Act, 2007).<sup>151</sup>
3. *Modernized Systems for Skilled Migrants:* Australia and Canada use immigration pathways, such as points-based systems, to streamline skilled workers' transitions to citizenship.<sup>152</sup>

### *Implications for the Philippines*

The Philippines' property ownership requirement conflicts with constitutional prohibitions on foreign land ownership, making it legally untenable. Transitioning to benchmarks emphasizing lawful employment and self-sufficiency, as practiced in Germany and Canada, would create a fairer system. Such a reform would also encourage economic integration and attract skilled migrants.

The economic requirements under Commonwealth Act No. 473 further complicate the naturalization process. Applicants must own real property valued at least five thousand pesos or demonstrate that they engage in a lucrative trade, profession, or occupation. However, this requirement directly conflicts with the 1987 Constitution, which prohibits foreign nationals from owning land in the Philippines under Article XII, Section 7.<sup>153</sup> The constitutional prohibition renders the property ownership requirement obsolete and unattainable for foreign nationals.

In comparison, many countries have eliminated property ownership mandates and instead focus on an applicant's ability to contribute economically through lawful trade or employment:

- Canada: Does not impose property ownership requirements but evaluates an applicant's overall financial stability.<sup>154</sup>
- United States: Similarly, the U.S. naturalization process does not require property ownership, focusing instead on general financial independence.<sup>155</sup>

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<sup>150</sup> Immigration and Nationality Act. (1952). 8 U.S.C. § 316. Retrieved from <https://www.uscis.gov>

<sup>151</sup> Citizenship Act. (1985). R.S.C., c. C-29. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/C-29/>; Australian Citizenship Act. (2007). Commonwealth of Australia. Retrieved from <https://www.legislation.gov.au>

<sup>152</sup> Staatsangehörigkeitsgesetz (Nationality Act). (2000). Germany. Retrieved from <https://www.gesetze-im-internet.de>

<sup>153</sup> The 1987 Constitution of the Republic of the Philippines, Article XII, Section 7

<sup>154</sup> Government of Canada, *Canadian Citizenship Requirements*, 2023.

<sup>155</sup> U.S. Citizenship and Immigration Services (USCIS), *Immigration and Nationality Act*, 1965.

The property ownership mandate in the Philippines must be updated and constitutionally prohibited, making it an impractical barrier for foreign nationals seeking naturalization. The Supreme Court in *Cruz v. Secretary of Environment and Natural Resources*<sup>156</sup> They reaffirmed the prohibition on foreign land ownership, underscoring the need to update the naturalization law to reflect constitutional provisions. The requirement for engaging in a "lucrative trade" is also vague and often inconsistently applied by the courts, further complicating the process for applicants. Reforms should focus on practical economic contributions, such as employment or lawful business activities, rather than outdated and conflicting property ownership mandates.<sup>157</sup>

*Language and Integration Criteria: Building Social Cohesion*

Language proficiency and integration assessments ensure that naturalized citizens can engage fully in their host country’s civic and cultural life. These criteria are increasingly prioritized in global naturalization policies.

**Table 6. Global Language and Integration Criteria**

Country	Language Requirement	Integration Assessments
United States	Basic English proficiency is required.	The citizenship test includes U.S. history and government knowledge.
Canada	Proficiency in English or French (ages 18–54).	The citizenship test evaluates Canadian history, institutions, and cultural values.
Germany	B1-level German proficiency under CEFR.	An integration course covering German law, history, and societal norms is mandatory.
United Kingdom	Knowledge of English, Welsh, or Scottish Gaelic.	The "Life in the UK" test assesses understanding British traditions, history, and responsibilities.
Australia	Basic English proficiency.	The citizenship test emphasizes Australian values, history, and responsibilities.
Asian Countries	Language requirements vary (e.g., Japan requires basic Japanese; South Korea requires	Integration programs are limited, but some nations assess cultural familiarity

<sup>156</sup> *Cruz v. Secretary of Environment and Natural Resources*, G.R. No. 135385, December 6, 2000.

<sup>157</sup> *Republic Act No. 9139, Administrative Naturalization Law*, 2000.



Country	Language Requirement	Integration Assessments
	Korean proficiency).	during interviews.

*Best Practices Analysis:*

1. *Balanced Language Benchmarks:* Requiring B1-level proficiency, as in Germany, ensures that applicants can navigate societal interactions without imposing excessive linguistic demands (Staatsangehörigkeitsgesetz, 2000).<sup>158</sup>
2. *Cultural and Civic Education:* Integration courses, such as those in Germany and the UK, help prepare applicants for active participation in civic life (Citizenship Act, 1985; British Nationality Act, 1981).<sup>159</sup>
3. *Inclusion of National Values:* Citizenship tests in Canada and Australia incorporate national values, fostering alignment with societal norms (Citizenship Act, 1985; British Nationality Act, 1981).<sup>160</sup>

*Implications for the Philippines*

The current English and Spanish proficiency requirements in the Philippines should be updated, particularly given the limited use of Spanish. Revising language criteria to emphasize Filipino and English would reflect societal realities. Additionally, introducing integration assessments, as in Germany or the UK, could ensure that naturalized citizens are well-equipped to participate in civic and cultural life.

*Procedural Efficiencies: Streamlining the Process*

Efficient procedures are vital for minimizing delays and ensuring equitable access to naturalization. Administrative models are increasingly favored for their cost-effectiveness and accessibility.

**Table 7. Global Administrative Models Comparison**

Country	Process Type	Key Features
United States	Administrative	U.S. Citizenship and Immigration Services (USCIS) handles applications; judicial involvement is rare.
Canada	Administrative	Managed by Immigration, Refugees,

<sup>158</sup> Staatsangehörigkeitsgesetz (Nationality Act). (2000). Germany. Retrieved from <https://www.gesetze-im-internet.de>

<sup>159</sup> Citizenship Act. (1985). R.S.C., c. C-29. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/C-29/>; British Nationality Act. (1981). United Kingdom. Retrieved from <https://www.legislation.gov.uk>

<sup>160</sup> Ibid.; Ibid.,

Country	Process Type	Key Features
		and Citizenship Canada (IRCC), straightforward cases are resolved quickly.
Germany	Decentralized administrative	Local offices handle applications, reducing bureaucratic bottlenecks.
United Kingdom	Administrative with minimal hearings.	Online applications streamline the process; citizenship ceremonies finalize approval.
Australia	Administrative	High reliance on online systems; citizenship granted within months.
Asian Countries	Judicial or mixed models (varies).	Inconsistent processes; some countries still rely on court approvals, increasing delays and costs.

*Best Practices Analysis:*

1. *Streamlined Administrative Models:* Systems in Canada, the U.S., and Germany reduce procedural delays and minimize financial burdens on applicants (INA, 1952; Citizenship Act, 1985).<sup>161</sup>
2. *Use of Technology:* Online applications in the UK and Australia improve accessibility and transparency (British Nationality Act, 1981).<sup>162</sup>
3. *Selective Judicial Oversight:* Retaining court involvement only for contested cases, as in the U.S., ensures efficiency without compromising scrutiny (INA, 1952).<sup>163</sup>

*Implications for the Philippines*

In most countries, the naturalization process is streamlined and handled by administrative bodies, simplifying the process for applicants. For example:

- United States: The U.S. Citizenship and Immigration Services (USCIS) handles naturalization applications, making the process more efficient and reducing the need for costly legal proceedings.<sup>164</sup>
- Canada: The process is managed by Immigration, Refugees and Citizenship Canada (IRCC), which has made the application process more accessible and straightforward.<sup>165</sup>

<sup>161</sup> Immigration and Nationality Act. (1952). 8 U.S.C. § 316. Retrieved from <https://www.uscis.gov>; Citizenship Act. (1985). R.S.C., c. C-29. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/C-29/>  
<sup>162</sup> British Nationality Act. (1981). United Kingdom. Retrieved from <https://www.legislation.gov.uk>  
<sup>163</sup> Ibid.  
<sup>164</sup> U.S. Citizenship and Immigration Services (USCIS), *Immigration and Nationality Act*, 1965.  
<sup>165</sup> Immigration, Refugees and Citizenship Canada (IRCC), *Canadian Citizenship Act*, 1947.

In contrast, the naturalization process in the Philippines under Commonwealth Act No. 473 remains judicial, requiring applicants to file a petition in the Regional Trial Court. This introduces significant bureaucratic and financial hurdles, as applicants must hire legal counsel, attend multiple court hearings, and publish their petitions in newspapers. While Republic Act No. 9139 (Administrative Naturalization Law) introduced an administrative pathway, it only applies to foreign nationals born in the Philippines.<sup>166</sup>

The judicial nature of the Philippine naturalization process under Commonwealth Act No. 473 imposes unnecessary financial and procedural burdens. Transitioning to an administrative model akin to Canada or Germany could significantly reduce costs and improve accessibility for applicants. The Philippines could expand the scope of Republic Act No. 9139 (Administrative Naturalization Law) to include all eligible long-term residents, not just those born in the Philippines. Additionally, integrating online platforms for application submissions and status tracking, as practiced in the UK and Australia, would enhance procedural efficiency and transparency

**XV. HOLISTIC COMPARATIVE SUMMARY OF BEST PRACTICES**

The following table summarizes the best practices observed across the selected jurisdictions and their potential applicability to the Philippine naturalization framework:

**Table 8. Summary of Best Practices Observed Across the Selected Jurisdictions**

Dimension	Best Practices	Relevance for the Philippines
Residency Requirements	- Shortened periods for family ties, skilled migrants, and exceptional integration (e.g., Canada, Germany).	- Reduce the 10-year residency requirement to align with global norms (e.g., 5 years).
	- Partial credit for pre-permanent residency time (Canada).	- Recognize pre-residency contributions for refugees and temporary workers.
Economic Participation	- Focus on lawful employment or financial independence (Germany, U.S.).	- Replace the property ownership mandate with employment or income-based criteria.

<sup>166</sup> Republic Act No. 9225, Citizenship Retention and Re-Acquisition Act, 2003.

Dimension	Best Practices	Relevance for the Philippines
	- Use points-based systems to attract skilled migrants (Canada, Australia).	- Introduce economic pathways for skilled workers that transition to citizenship eligibility.
Language and Integration Criteria	- Language proficiency assessed at primary or intermediate levels (e.g., B1 in Germany).	- Update language requirements to emphasize Filipino and English proficiency, replacing outdated Spanish criteria.
	- Civic integration programs (Germany, UK).	- Introduce integration courses or assessments to foster cultural and civic understanding.
Procedural Efficiencies	- Administrative models streamline application processes (U.S., Canada).	- Transition to an administrative naturalization model to reduce delays and costs.
	- Use of technology for applications and status tracking (UK, Australia).	- Develop online platforms to enhance transparency and accessibility.
	- Judicial oversight reserved for contested cases (U.S.).	- Retain court intervention only for exceptional or disputed applications.

### Potential Challenges in Adopting Best Practices

While the adoption of international best practices offers significant advantages, potential challenges must also be addressed:

- Constitutional Constraints:* Some reforms, such as those involving dual citizenship or economic criteria, must align with the Philippine Constitution’s national patrimony and equality provisions.
- Capacity for Implementation:* Shifting from a judicial to an administrative model requires infrastructure, personnel, and training investments to ensure effective execution.
- Cultural and Historical Considerations:* Reforms must respect the Philippines’ unique socio-political context, ensuring stakeholders embrace changes and do not conflict with existing national values.

BEST PRACTICES FROM FOREIGN COUNTRIES AS BASIS FOR AMENDING CURRENT PHILIPPINE NATURALIZATION LAWS

The Philippines’ naturalization framework, governed by Commonwealth Act No. 473 and rooted in pre-World War II policies, is overdue for reform. Contemporary global practices highlight the importance of inclusivity, efficiency, and alignment with constitutional principles. By examining best practices from countries such as the United States, Canada, Germany, the United Kingdom, and select Asian nations, actionable reforms can be implemented. These reforms can modernize the Philippines’ naturalization laws, making them more equitable and effective. This presentation synthesizes findings related to residency requirements, economic participation, language and integration benchmarks, procedural efficiencies, and family reunification, culminating in recommendations tailored to the Philippine context.

Residency Requirements

The Philippines requires ten years of continuous residency for naturalization, reducible to five years for specific categories, such as spouses of Filipino citizens or public servants. This requirement is significantly stricter than most global standards, which typically range from three to eight years. Moreover, Philippine jurisprudence, such as the Supreme Court ruling in *Republic v. Li Yao* (1992), enforces strict interpretations of continuity, disqualifying applicants for even temporary absences abroad. This rigid approach disregards the realities of modern mobility and deters potential applicants.

Table 9. Global Best Practices in terms of Residency Requirements

Country	Residency Requirement	Flexibilities
United States	Five years of lawful permanent residency (three for spouses of U.S. citizens).	Temporary absences of up to six months are allowed without disrupting residency continuity (INA, 1952).
Canada	Three out of the last five years (Citizenship Act, 1985).	Partial credit for time spent as refugees or temporary residents



Country	Residency Requirement	Flexibilities
		before permanent residency.
Germany	Eight years, reducible to six for exceptional integration (Staatsangehörigkeitsgesetz, 2000).	Integration programs and family ties offer additional flexibility.
United Kingdom	Five years (three for spouses of British citizens).	Allows up to 450 days of absence over the qualifying period (British Nationality Act, 1981).
Japan	Five years is the maximum for most applicants, and three are the maximum for spouses of Japanese citizens.	Allows exceptions for highly skilled professionals (Yamamura, 2020).

In contrast, countries like Canada require three years of residency within the last five years, with partial credit given to refugees and temporary residents. The United States allows five years of lawful permanent residency, reduced to three years for spouses of citizens, with provisions for temporary absences of up to six months. Germany balances its eight-year requirement with reductions for applicants completing integration programs, demonstrating flexibility while maintaining societal alignment.

To address these disparities, the Philippines should reduce its baseline residency requirement to five years, which aligns with global norms. Additionally, recognizing pre-permanent residency contributions, as in Canada, would acknowledge the value of refugees and temporary residents. Allowing justified temporary absences, as practiced in the United States and the United Kingdom, would modernize the approach while preserving continuity as a core principle.

Reducing the residency period to five years would align the Philippines with these international norms and make the naturalization process more accessible to long-term residents who have demonstrated their commitment to the country. This change would also help the Philippines attract skilled professionals, business people, and foreign nationals who contribute to the economy and society.

Philippine jurisprudence supports the idea of shorter residency periods to encourage integration and contribution. Reiterating *Republic v. Li Yao*<sup>167</sup>, the Supreme Court emphasized the importance of long-term

<sup>167</sup> *Republic v. Li Yao*, G.R. No. 175926, June 26, 2009.

residency as evidence of an applicant's genuine commitment to the country. Reducing the residency requirement would align the country’s laws with this principle, ensuring foreign nationals can naturalize without undue delays.

*Economic Participation*

Economic requirements in the Philippines mandate either property ownership worth at least ₱5,000 or proof of lucrative employment. However, the property mandate conflicts with Article XII, Section 7 of the 1987 Constitution, which prohibits foreign nationals from owning land, as clarified in *Cruz v. DENR* (2000). This requirement also excludes economically active applicants, particularly those in non-traditional roles such as freelancers or entrepreneurs.

**Table 10. Global Best Practices in terms of Economic Requirements**

Country	Economic Requirements	Key Features
United States	Employment or lawful income suffices; no property ownership is required.	Economic independence is assessed indirectly through tax compliance.
Canada	Points-based systems prioritize skills, education, and employment (Citizenship Act, 1985).	Focuses on contributions to the labor market and economic stability.
Germany	Proof of financial independence is required; reliance on social welfare disqualifies applicants (Staatsangehörigkeitsgesetz, 2000).	Avoids property ownership mandates, emphasizing economic self-sufficiency.

Globally, economic criteria focus on employment or financial self-sufficiency rather than property ownership. The United States assesses economic independence through lawful employment or income, avoiding rigid thresholds. Canada employs a points-based system prioritizing skills, education, and economic contributions, which aligns applicants' qualifications with national labor market needs. Similarly, Germany emphasizes financial independence while excluding applicants reliant on social welfare, ensuring fairness and sustainability.

The Philippines should eliminate the property ownership requirement, replacing it with employment or income-based criteria that assess financial independence. A points-based system similar to Canada’s

could attract skilled workers and entrepreneurs, aligning naturalization with economic development goals.

The requirement under Commonwealth Act No. 473 that applicants for naturalization must own real property in the Philippines valued at least five thousand pesos is another area that requires immediate reform. This provision is now obsolete due to the 1987 Constitution, which explicitly prohibits foreign nationals from owning land in the country under Article XII, Section 7<sup>168</sup>. Given that foreign nationals cannot legally own land, this requirement imposes an insurmountable barrier for many qualified individuals seeking naturalization.

Other countries, such as Canada and Germany, have removed property ownership requirements and instead focus on an applicant’s overall financial independence and ability to contribute to society through lawful employment or business activities.<sup>169</sup> The United States, for example, does not require naturalization applicants to own property but instead evaluates their financial stability and economic contributions.<sup>170</sup>

By eliminating the property ownership requirement, the Philippines would align its naturalization laws with the 1987 Constitution and reduce unnecessary economic barriers that prevent foreign nationals from obtaining citizenship. As reaffirmed by the Supreme Court in *Cruz v. Secretary of Environment and Natural Resources*,<sup>171</sup> the prohibition of property ownership by foreign nationals is an essential aspect of preserving national patrimony. Thus, amending the naturalization laws to reflect this constitutional principle is necessary and logical.

*Language and Integration Criteria*

The Philippines requires proficiency in English or Spanish for naturalization, with no formal integration or civic education programs. While English remains relevant, Spanish is obsolete mainly in Philippine society, rendering this criterion outdated. Moreover, the lack of integration assessments fails to prepare applicants for active civic participation.

**Table 11. Global Best Practices in terms of Language Requirements**

<sup>168</sup> The 1987 Constitution of the Republic of the Philippines, Article XII, Section 7.  
<sup>169</sup> Germany Nationality Act, *Nationality Law of Germany*, 1913 (with amendments).  
<sup>170</sup> Australia Citizenship Act, 2007.  
<sup>171</sup> *Cruz v. Secretary of Environment and Natural Resources*, G.R. No. 135385, December 6, 2000.

Country	Language Requirements	Integration Assessments
United States	Basic English proficiency is required.	The citizenship test includes U.S. history and government knowledge (INA, 1952).
Canada	English or French proficiency is required for applicants aged 18–54.	The citizenship test evaluates Canadian values, history, and governance (Citizenship Act, 1985).
Germany	B1-level German proficiency is required.	Integration courses are mandatory, covering law, culture, and civic norms (Staatsangehörigkeitsgesetz, 2000).

Germany exemplifies best practices by requiring B1-level proficiency in German and mandatory integration courses covering history, culture, and governance. Canada tests applicants' knowledge of Canadian values and institutions, complementing language proficiency with civic readiness. Similarly, the United States evaluates English proficiency alongside a citizenship test covering U.S. history and government.

The Philippines should update its language requirements to focus on Filipino and English, reflecting contemporary linguistic realities. Additionally, introducing integration courses and a citizenship test could foster civic alignment and societal engagement among naturalized citizens.

Language proficiency is a critical component of naturalization, as it ensures that new citizens can fully integrate into the cultural and social fabric of the country. Under Commonwealth Act No. 473, applicants must demonstrate proficiency in both English and Spanish. This requirement needs to be updated because Spanish is no longer widely spoken in the Philippines. Most modern states require proficiency only in their national language.

Countries like Germany, France, and Australia require naturalization applicants to demonstrate proficiency in their national languages (German, French, and English).<sup>172</sup> In the Philippines, the language requirements should be simplified to focus on basic proficiency in Filipino or English without imposing overly stringent standards that could exclude otherwise qualified applicants.

Simplifying the language requirements would balance the need for integration and the inclusivity of foreign nationals from diverse backgrounds. It would also make the naturalization process more

<sup>172</sup> France Nationality Code, 1945 (with amendments).

accessible, ensuring that individuals contributing to Philippine society are not unduly excluded due to unnecessary language barriers.

*Procedural Efficiencies*

The naturalization process in the Philippines is judicially oriented, requiring applicants to file petitions in regional trial courts, publish newspaper notices, and attend hearings. This model is costly and time-consuming, discouraging many eligible applicants. Bureau of Immigration data indicates that these financial and procedural burdens are among the top reasons for low naturalization application rates.

**Table 12. Global Best Practices in terms of Procedural Efficiency**

Country	Process Type	Key Features
United States	Administrative	USCIS processes applications, minimizing court involvement (INA, 1952).
Canada	Administrative	IRCC handles applications, with online platforms enhancing efficiency (Citizenship Act, 1985).
Germany	Decentralized administrative system.	Local authorities process applications, reducing delays and costs (Staatsangehörigkeitsgesetz, 2000).

In contrast, administrative models in countries like Canada and Germany streamline the process, reducing costs and delays. Canada’s Immigration, Refugees, and Citizenship Canada (IRCC) leverages online platforms to simplify application submissions and tracking. Similarly, the United States processes applications administratively through U.S. Citizenship and Immigration Services (USCIS), reserving court intervention for exceptional cases.

The Philippines should transition to an administrative naturalization system to enhance procedural efficiency. Expanding Republic Act No. 9139 to include all eligible applicants, not just those born in the Philippines, would further modernize the framework. Developing online platforms for application submissions and progress tracking would also improve accessibility and transparency.

*Family Reunification and Post-Naturalization Rights*

Current Philippine laws provide limited support for family reunification. While naturalized citizens enjoy rights similar to natural-born Filipinos, no structured post-naturalization programs support



their civic integration. This absence of provisions for family members or cultural education reduces the inclusivity of the naturalization framework.

**Table 13. Global Best Practices in terms of Family Reunification**

Country	Family Reunification	Post-Naturalization Support
United States	Expedited naturalization for spouses and minor children.	Offers structured civic integration programs post-naturalization (INA, 1952).
Canada	Family sponsorship programs.	Equal rights granted to naturalized citizens (Citizenship Act, 1985).

Countries like Canada and the United States prioritize family reunification, offering expedited pathways for spouses and children of citizens. Germany grants residency privileges to family members of naturalized citizens, facilitating their integration into society. Post-naturalization programs, such as cultural and language support, strengthen societal bonds in these countries.

To address these gaps, the Philippines should introduce pathways for family reunification, particularly for spouses and minor children of naturalized citizens. Post-naturalization programs, including cultural orientation and language support, should also be established to ensure smoother integration into Philippine society.

The naturalization process under Commonwealth Act No. 473 is essentially judicial, requiring applicants to file petitions in court, publish notices, and attend multiple hearings. This process is cumbersome, time-consuming, and costly for applicants. While Republic Act No. 9139 (Administrative Naturalization Law) introduced an administrative pathway for naturalization, it is limited to foreign nationals born in the Philippines, excluding a broader range of long-term residents.<sup>173</sup>

To streamline the process and reduce the burden on the courts, the Philippines should expand administrative naturalization to include all eligible foreign nationals, regardless of their place of birth. Countries like the United States and Canada have successfully transitioned to administrative models, where immigration authorities, rather than courts, handle most naturalization cases.<sup>174</sup> This approach reduces bureaucratic hurdles, speeds up the application process, and lowers costs for applicants.

Expanding administrative naturalization in the Philippines would also align with the global trend of simplifying the path to citizenship for

<sup>173</sup> Republic Act No. 9139, Administrative Naturalization Law, 2000.

<sup>174</sup> U.S. Citizenship and Immigration Services (USCIS).

long-term residents who have demonstrated their commitment to their host country. As noted by the Supreme Court in *Go Bon Lee v. Republic*,<sup>175</sup> the judiciary should not be burdened with tasks that can be efficiently handled through administrative means. This reform would benefit the government and applicants by making the process faster and less costly.

The findings reveal significant gaps in the Philippine naturalization framework, particularly in residency requirements, economic participation, language criteria, procedural efficiencies, and family reunification policies. International best practices demonstrate the benefits of adopting more inclusive, flexible, and efficient systems. By reducing residency durations, modernizing economic and language criteria, transitioning to administrative procedures, and prioritizing family reunification, the Philippines can align its naturalization laws with global standards while respecting constitutional principles. These reforms would not only enhance accessibility and inclusivity but also position the Philippines as a competitive destination for skilled migrants and long-term contributors.

## **XVI. CONSTITUTIONAL PRINCIPLES AND THE IMPERATIVE FOR ALIGNMENT**

### *The 1987 Philippine Constitution as a Guiding Framework*

The 1987 Philippine Constitution provides the foundational legal framework for citizenship, emphasizing equality, inclusivity, and national identity principles. Article III's equal protection clause mandates fair treatment for all individuals under the law. However, economic barriers embedded in naturalization laws, such as the property ownership requirement, directly conflict with this principle by excluding socio-economically disadvantaged applicants. These inconsistencies underscore the need for reforms reflecting the Constitution's commitment to equality.

Article IV outlines the criteria for citizenship, prioritizing the principle of *jus sanguinis* (citizenship by descent) while treating naturalization as a privilege. This dual framework aims to balance inclusivity with the preservation of national identity. Legal scholars, such as Garcia (2018),<sup>176</sup> argue that while this structure is valuable, it must evolve to address the realities of modern migration, particularly for long-term residents who actively contribute to Philippine society.

### *Constitutional and Human Rights Dimensions*

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<sup>175</sup> *Go Bon Lee v. Republic*, G.R. No. L-21052, February 28, 1969.

<sup>176</sup> Garcia, L. M. (2018). Citizenship and Naturalization in the Philippines. *Philippine Journal of Law and Society*, 34(2), 45-67.

From a human rights perspective, the current naturalization laws fail to fully align with the Universal Declaration of Human Rights (UDHR). Article 15 of the UDHR establishes the right to a nationality and prohibits arbitrary deprivation of such a right. Maintaining a ten-year residency requirement—the longest among many nations—the Philippines limits timely access to citizenship for long-term residents, contradicting the UDHR’s call for fair and equitable nationality laws (United Nations, 1948).<sup>177</sup> Moreover, economic requirements, such as proof of financial stability and prioritizing wealth over contribution, further conflict with human rights norms.

Administrative naturalization, introduced under Republic Act No. 9139, represents a partial attempt to address these challenges. Shifting the process from judicial to administrative oversight simplifies procedures for a limited group of applicants. However, its narrow scope—restricted to those born in the Philippines—leaves most long-term residents reliant on the burdensome judicial process (Republic of the Philippines, 2000).<sup>178</sup>

To address these gaps, reforms must align naturalization laws with constitutional and international principles. Recommended changes include eliminating the obsolete property ownership requirement, reducing residency requirements to five years, and expanding administrative pathways to encompass all long-term residents. Strengthening legal aid for marginalized applicants and incorporating human rights training for adjudicators can also enhance fairness and compliance with global standards. By reconciling its naturalization framework with constitutional and human rights obligations, the Philippines can create a system that is inclusive, equitable, and reflective of modern socio-economic realities.

### *Contradictions in Economic Prerequisites*

The property ownership requirement under Section 2 of Commonwealth Act No. 473 creates significant barriers to naturalization. Originally intended to ensure financial stability, this requirement disproportionately favors wealthy applicants and directly conflicts with Article XII, Section 7 of the Constitution, which prohibits foreign nationals from owning land. The Supreme Court’s ruling in *Cruz v. DENR* (2000)<sup>179</sup> reaffirmed this prohibition, highlighting the legal misalignment within the naturalization framework.

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<sup>177</sup> United Nations. (1948). *Universal Declaration of Human Rights*.

<sup>178</sup> Republic of the Philippines. (2000). *Republic Act No. 9139*.

<sup>179</sup> *Cruz v. DENR*, 131 SCRA 477 (2000). Supreme Court of the Philippines.

This contradiction not only exposes constitutional inconsistencies but also perpetuates socio-economic inequities. Santiago (2021)<sup>180</sup> suggests that alternative measures, such as employment-based criteria, provide a more equitable assessment of an applicant's contribution to the nation's economy without breaching constitutional safeguards.

### *Subjectivity of Good Moral Character*

The “good moral character” requirement for naturalization introduces a significant degree of subjectivity, resulting in inconsistent judicial interpretations. In *Republic v. Li Yao* (1992),<sup>181</sup> the Supreme Court denied an application based on questionable assessments of moral character, illustrating the arbitrary nature of this criterion. Critics, including Delos Reyes (2019),<sup>182</sup> contend that vague standards disadvantage socio-economically marginalized applicants, particularly those with limited access to legal representation. Establishing more explicit guidelines and objective benchmarks is essential to ensure fairness and consistency in evaluating this requirement.

### *Rigidity of Existing Laws and the Role of Jurisprudence*

The Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225 collectively govern naturalization in the Philippines. However, these laws impose rigid requirements, such as the ten-year residency rule, moral character clause, and economic qualifications, which are neither constitutionally mandated nor aligned with global standards. These provisions risk violating the Equal Protection Clause under Article III and failing to adapt to the evolving societal needs emphasized in the Constitution.

Jurisprudence, as seen in *Republic v. Li Yao* and *Republic v. Go Pei Hung*, reinforces the privilege-based nature of naturalization, often amplifying its structural barriers through strict procedural interpretations. While valid within the bounds of existing legislation, these rulings underscore the urgent need for reforms to ensure alignment with constitutional principles and modern realities.

### *Addressing Legislative and Constitutional Misalignments*

The analysis highlights the pressing need for legislative reforms to

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<sup>180</sup> Santiago, L. (2021). *Reforming naturalization requirements in the Philippines: A path toward greater inclusivity*. Philippine Journal of Migration Studies, 9(3), 77-89.

<sup>181</sup> *Republic v. Li Yao*, G.R. No. 98612, 214 SCRA 753 (1992). Supreme Court of the Philippines.

<sup>182</sup> Delos Reyes, E. (2019). *Good moral character in naturalization cases: A critical assessment*. Philippine Law Review, 65(4), 113-131.

address the contradictions and inefficiencies in the naturalization process. Aligning the economic and moral character requirements with constitutional principles and incorporating international best practices can help modernize the framework. By doing so, the Philippines can better harmonize its naturalization laws with the values of inclusivity, human dignity, and equality enshrined in the 1987 Constitution.

## ***Policy Gaps in the Current Naturalization Framework and Their Impacts***

### *Outdated Economic Qualifications*

The economic prerequisites for naturalization in the Philippines, such as the ₱5,000 property ownership requirement, are remnants of colonial-era socio-economic priorities. Originally intended to ensure the financial stability of naturalized citizens, these measures now disproportionately exclude applicants who contribute through employment, entrepreneurship, or cultural integration. The constitutional prohibition on foreign land ownership further complicates this requirement, disqualifying many otherwise eligible individuals.

Comparatively, modern nations like Germany prioritize active labor market participation over wealth-based indicators. Bauböck (2018)<sup>183</sup> notes that such measures recognize financial stability as a dynamic concept shaped by employment, entrepreneurship, and societal integration rather than static wealth thresholds. Reforming the economic criteria for Philippine naturalization to align with these principles would promote accessibility and inclusivity.

### *Stringent Residency Requirements*

The ten-year residency requirement under Commonwealth Act No. 473 is one of the most prohibitive globally, creating significant barriers to citizenship. By contrast, countries like Canada and the United States require only three to five years of residency and offer credit for pre-residency periods, reflecting a more pragmatic approach to modern migration patterns.

The Supreme Court's ruling in *Republic v. Go Pei Hung* (2018)<sup>184</sup> underscores the rigidity of this requirement, mandating continuous physical presence and disqualifying applicants for temporary absences. This interpretation fails to accommodate legitimate circumstances such as business travel or familial obligations, further alienating skilled workers

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<sup>183</sup> Bauböck, R. (2018). *Democratic Inclusion: Rainer Bauböck in Dialogue*. Manchester University Press.

<sup>184</sup> *Republic v. Go Pei Hung*, G.R. No. 226430, 864 SCRA 20 (2018). Supreme Court of the Philippines.



and long-term residents. Kymlicka (2015)<sup>185</sup> criticizes such inflexibility, emphasizing that modern mobility often necessitates international movement for professional and personal reasons.

### *Judicial Barriers and Accessibility Issues*

The court-based naturalization process mandated by Commonwealth Act No. 473 imposes prohibitive costs, ranging from ₱100,000 to ₱300,000. These expenses include legal representation, court fees, and publication requirements, creating substantial barriers for socio-economically disadvantaged applicants. Such financial burdens reinforce systemic inequalities, limiting access to naturalization for a significant portion of the population.

In contrast, administrative naturalization models in countries like Canada and Germany offer more streamlined, cost-effective processes. Roa (2021)<sup>186</sup> highlights that these systems enhance accessibility by reducing costs and simplifying procedural requirements, enabling broader demographic participation.

### *Limited Scope of Republic Act No. 9139*

Republic Act No. 9139, introduced to streamline naturalization through administrative means, applies only to a narrow category of individuals born in the Philippines to foreign parents. While an improvement over judicial naturalization, its limited scope neglects a significant population of long-term residents who contribute economically and socially yet remain excluded from citizenship pathways.

Broadening the application of administrative naturalization to include diverse groups of long-term residents would address this gap, ensuring that individuals who actively contribute to Philippine society are recognized as full citizens. Adopting inclusive policies aligned with international best practices would reflect the constitutional values of equality and human dignity while fostering greater socio-economic integration.

### *The Need for Reform*

The Philippine naturalization system is characterized by outdated provisions, rigid standards, and financial barriers that fail to

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<sup>185</sup> Kymlicka, W. (2015). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford University Press.

<sup>186</sup> Roa, M. J. (2021). Financial Barriers in Judicial Naturalization. *Philippine Law Review*, 89(3), 78-95.

accommodate the modern dynamics of migration. Addressing these legislative gaps requires a holistic reform approach, including:

1. Revising economic qualifications to prioritize labor market participation over property ownership.
2. Reducing the residency requirement to align with international standards.
3. Transitioning to a more accessible administrative naturalization process for a broader range of applicants.

Such reforms would promote inclusivity, efficiency, and socio-economic equity, ensuring that Philippine naturalization laws align with global best practices and contemporary societal needs.

### ***Comparative Analysis of Global Best Practices in Naturalization***

The challenges and limitations of the Philippine naturalization system become more apparent when compared with international best practices. Jurisdictions such as Canada, the United States, Germany, and Australia offer insights into how naturalization laws can evolve to reflect modern migration realities, promote inclusivity, and support integration. These countries have progressively reformed their naturalization frameworks, aligning them with the needs of diverse populations and global migration trends. Analyzing their approaches reveals key lessons that the Philippines can adapt to address its legislative gaps and socio-legal challenges.

#### ***Canada: An Emphasis on Integration and Participation***

Canada stands out as a model of inclusivity and accessibility in its approach to naturalization. Under the Citizenship Act of 1985, the residency requirement for citizenship is three years within five years, significantly shorter than the Philippine ten-year requirement under Commonwealth Act No. 473. This shortened timeline reflects Canada's commitment to timely integration, allowing immigrants to participate fully in society without unnecessary delays.

In addition, Canada's naturalization process is predominantly administrative, minimizing bureaucratic hurdles and legal costs associated with judicial oversight. Applicants undergo a streamlined process managed by the federal government, reducing barriers for socio-economically disadvantaged individuals. The absence of judicial involvement means lower expenses, making citizenship accessible to a broader demographic.

Canada also recognizes dual citizenship, which aligns with global trends promoting transnational identities. This provision encourages immigrants to maintain ties with their countries of origin, fostering global connections while ensuring loyalty to Canada. The government also incorporates mandatory civic knowledge assessments into its naturalization process, requiring applicants to demonstrate an understanding of Canadian history, governance, and societal values. This approach fosters civic engagement and ensures that new citizens are well-prepared to contribute meaningfully to Canadian society.

Canada's policies extend inclusivity to vulnerable groups such as refugees and temporary residents. Partial residency credits are granted to individuals in these categories, acknowledging their contributions and allowing them to qualify for citizenship more quickly. This flexibility reflects Canada's progressive stance on migration and recognizes the diverse circumstances that bring individuals to the country.

### ***United States: Balancing Accessibility and Rigorous Vetting***

The United States offers another example of a balanced and accessible naturalization framework. Guided by the Immigration and Nationality Act of 1952, the U.S. naturalization process prioritizes efficiency while upholding rigorous standards for civic participation. The residency requirement is five years, reduced to three years for spouses of U.S. citizens. Compared to the Philippines' ten-year mandate, this shorter timeline facilitates quicker integration of immigrants into society.

The U.S. naturalization process is primarily administrative, overseen by U.S. Citizenship and Immigration Services (USCIS). This administrative structure reduces delays and costs associated with judicial proceedings, ensuring the process is accessible to many applicants. Applicants must also demonstrate knowledge of U.S. history, government, and civic responsibilities through a citizenship test, which fosters a sense of belonging and encourages active participation in the country's democratic processes.

Moreover, the United States integrates language proficiency requirements into its naturalization process, ensuring applicants can effectively communicate and participate in their communities. This emphasis on linguistic and civic education underscores the country's commitment to integration and accessibility.

### ***Germany: Structured Inclusivity***

Germany, traditionally known for its restrictive naturalization policies, has made significant strides toward inclusivity in recent years. The Nationality Act of 2000 reflects a shift in the country's approach, prioritizing integration while maintaining high standards for citizenship. One notable reform is the reduction of residency requirements for skilled migrants and participants in government-approved integration programs, which aim to facilitate their adaptation to German society.

Language proficiency and civic education are central to Germany's naturalization process, ensuring that new citizens are equipped to participate actively in social, economic, and political spheres. Applicants must demonstrate knowledge of German laws, culture, and governance, fostering a strong national identity and commitment.

Germany has also introduced provisions for dual citizenship under specific conditions, recognizing the importance of transnational ties in an increasingly interconnected world. By accommodating dual citizenship, Germany attracts and retains skilled migrants who might otherwise hesitate to relinquish their original citizenship. This progressive approach aligns with global migration trends and reflects the country's strategic priorities in talent retention and integration.

### ***Australia: Administrative Efficiency and Tailored Requirements***

Australia's Citizenship Act offers another example of a naturalization framework designed for efficiency and inclusivity. Applicants are eligible for citizenship after four years of lawful residence, including at least one year as a permanent resident. While slightly more extended than Canada's, this residency requirement is still significantly shorter than the Philippines' ten-year mandate.

The naturalization process in Australia is primarily administrative, minimizing legal barriers and associated costs. Applicants must pass a citizenship test that evaluates their language proficiency and understanding of Australian values, laws, and governance. This test balances accessibility to foster integration, ensuring that new citizens are well-prepared to contribute to Australian society.

Australia also tailors its requirements to encourage skilled migration, reflecting its focus on economic development and demographic growth. Australia promotes inclusivity and national interests by aligning its naturalization policies with broader migration strategies.

## **XVII.KEY LESSONS FOR THE PHILIPPINES**

The naturalization systems of Canada, the United States, Germany, and Australia share several common features that the Philippines can adapt to modernize its framework:

1. *Reduced Residency Requirements*

These countries have significantly shorter residency requirements than the Philippines, ranging from three to five years. Reducing the residency requirement would make Philippine naturalization more accessible and better aligned with global standards.

2. *Administrative Processes*

Transitioning from a predominantly judicial process to an administrative system could reduce costs, streamline procedures, and make citizenship more accessible to a broader range of applicants. As seen in Canada and Germany, administrative models eliminate the financial burden of court fees and legal representation, addressing systemic inequities in the current Philippine system.

3. *Recognition of Dual Citizenship*

Recognizing dual citizenship, as practiced by all four countries, would align the Philippines with global trends and encourage transnational ties. Such a policy would also attract skilled migrants who value the ability to maintain connections with their countries of origin.

4. *Civic Education and Language Proficiency*

Incorporating civic education and language proficiency requirements would ensure that naturalized citizens are well-equipped to participate in Philippine society. These measures, successfully implemented in the United States, Germany, and Australia, promote integration while fostering a sense of national identity.

5. *Flexibility for Vulnerable Groups*

Providing flexible pathways for vulnerable groups, such as refugees and long-term residents, would enhance inclusivity and reflect the Philippines' constitutional commitment to equality and human dignity.

6. *Removal of Economic Barriers*

Replacing outdated economic qualifications with measures prioritizing labor market participation and societal contributions would



align Philippine naturalization laws with modern realities. The property ownership requirement, in particular, should be abolished, as it conflicts with constitutional provisions and excludes socio-economically disadvantaged applicants.

### *Applying Global Best Practices to Philippine Naturalization Law Reform*

Adopting best practices from these jurisdictions requires a nuanced approach, balancing the Philippines' constitutional imperatives with the practical need for a more inclusive and efficient system. First, transitioning from a judicial to an administrative naturalization process is paramount. Creating an expanded administrative framework under the Bureau of Immigration or a dedicated naturalization agency would streamline procedures, reduce costs, and enhance accessibility.

Second, the residency requirement should be reduced to five years, with allowances for temporary absences justified by employment, education, or humanitarian reasons. This adjustment aligns with international standards while maintaining safeguards against misuse.

Third, economic barriers, including the property ownership requirement, must be abolished in favor of demonstrating financial independence through employment or entrepreneurship. This change ensures compliance with constitutional provisions while recognizing diverse economic contributions.

Fourth, including a dual citizenship pathway for first-time applicants mirrors global trends and addresses the growing need for transnational flexibility. Republic Act No. 9225 provides a precedent for accommodating dual allegiances without compromising national interests.

Finally, integrating a civic knowledge component into the naturalization process fosters cultural assimilation and civic engagement. Language proficiency tests in Filipino or English and education on Philippine history and governance ensure that new citizens are well-prepared to contribute to national development.

Thus, the Philippine naturalization system, deeply rooted in colonial-era legislation, requires comprehensive reform to address its constitutional inconsistencies, procedural inefficiencies, and socio-economic exclusions. The Philippines can create a naturalization framework that balances inclusivity, efficiency, and national security by drawing on global best practices. Reforms such as transitioning to an administrative process, reducing residency requirements, and eliminating economic barriers align with constitutional principles and position the

Philippines as a competitive and welcoming destination for skilled migrants and long-term residents. These changes are not merely legislative adjustments but a reimagining of citizenship as a dynamic and inclusive institution essential for national progress.

## **XVIII. SUMMARY**

The 1987 Philippine Constitution provides the fundamental legal framework for citizenship, emphasizing the principles of *jus sanguinis* while acknowledging the necessity of naturalization for foreign nationals. However, the rigidity of Commonwealth Act No. 473, Republic Act No. 9139, and Republic Act No. 9225 often renders these pathways inconsistent with the Constitution's inclusivity, human dignity, and social integration ethos.

Article IV of the Constitution underscores the necessity of regulating naturalization as a privilege, safeguarding the integrity of Filipino citizenship. Yet, critical provisions such as the ten-year residency requirement, the moral character clause, and economic qualifications impose undue restrictions, which are neither constitutionally mandated nor consistent with global standards. These restrictions potentially violate the Constitution's emphasis on equality under Article III and its broader intent to harmonize citizenship laws with evolving societal needs. For instance, the economic criterion rooted in property ownership directly contradicts the constitutional prohibition on foreign land ownership, creating a paradox that renders compliance impossible for many applicants.

The Supreme Court's jurisprudence, as seen in cases such as *Republic v. Li Yao* and *Republic v. Go Pei Hung*, reinforces the privilege-based nature of naturalization. However, these rulings often amplify the structural barriers of naturalization rather than mitigate them, demonstrating a strict interpretation of procedural compliance. Such interpretations, while valid within the bounds of current legislation, underscore the urgent need for legislative reform to ensure alignment with constitutional principles.

The Philippine naturalization system is characterized by profound policy gaps that hinder its accessibility, efficiency, and socio-economic inclusivity. Commonwealth Act No. 473, enacted in 1939, remains the cornerstone of the judicial naturalization process, yet its provisions are deeply entrenched in outdated socio-economic contexts.

The residency requirement, which mandates ten continuous years of physical presence, is among the most stringent globally. Unlike the United States (five years) or Canada (three years), this protracted period fails to account for modern migration patterns and the mobility of skilled workers.

Moreover, as seen in *Republic v. Go Pei Hung*, judicial interpretations often disqualify applicants for temporary absences. This reflects an overly rigid standard that fails to accommodate legitimate circumstances such as business travel or familial obligations.

Economic qualifications present another critical gap. The mandate for property ownership or a "lucrative trade or profession" does not align with the realities of a globalized economy. The constitutional prohibition on land ownership for foreign nationals further complicates this requirement, effectively disqualifying otherwise eligible applicants. Additionally, the judicial process under Commonwealth Act No. 473 imposes prohibitive costs, requiring applicants to bear the financial burden of legal representation, court fees, and documentary submissions. These barriers disproportionately exclude socio-economically disadvantaged applicants, reinforcing systemic inequalities.

Republic Act No. 9139, while an attempt to streamline naturalization through administrative means, applies only to a narrow category of applicants born in the Philippines to foreign parents. This limited scope neglects a significant population of long-term residents who contribute economically and socially yet remain excluded from citizenship pathways.

The limitations of the Philippine naturalization system become more apparent when juxtaposed with international best practices. Jurisdictions such as Canada, the United States, Germany, and Australia have progressively reformed their naturalization laws to reflect the realities of migration and integration.

Canada has embraced inclusivity by reducing its residency requirement to three years within five years, emphasizing the timely integration of immigrants. The process, primarily administrative, minimizes bureaucratic hurdles and allows permanent residents to access citizenship without the financial strain of judicial proceedings. Furthermore, Canada's recognition of dual citizenship aligns with global trends, promoting transnational identities without compromising national loyalty.

The United States offers a similarly accessible pathway, with a residency requirement of five years (three years for spouses of U.S. citizens) under the Immigration and Nationality Act. The naturalization process is predominantly administrative, adjudicated by U.S. Citizenship and Immigration Services (USCIS), which reduces delays and costs associated with judicial oversight. Notably, the U.S. has integrated civic education into its naturalization framework, requiring applicants to demonstrate knowledge of the country's history and government, fostering civic

engagement.

Germany, traditionally restrictive, has introduced significant reforms to its Nationality Act, including reduced residency requirements for skilled migrants and provisions for dual citizenship under specific conditions. These changes reflect Germany's strategy to attract and retain talent while accommodating transnational identities.

Australia, through its Citizenship Act, provides a model of administrative efficiency. Applicants with four years of lawful residence (including one year as a permanent resident) are eligible for naturalization, with requirements tailored to encourage skilled migration. The process also consists of a citizenship test focusing on language proficiency and civic knowledge, balancing integration with accessibility. These examples highlight a global shift towards administrative naturalization processes, reduced residency requirements, and removing economic barriers, emphasizing inclusivity and integration. The Philippines benefits significantly by adopting similar reforms tailored to its socio-political context.

Adopting best practices from these jurisdictions requires a nuanced approach, balancing the Philippines' constitutional imperatives with the practical need for a more inclusive and efficient system. First, transitioning from a judicial to an administrative naturalization process is paramount. Creating an expanded administrative framework under the Bureau of Immigration or a dedicated naturalization agency would streamline procedures, reduce costs, and enhance accessibility. Second, the residency requirement should be reduced to five years, with allowances for temporary absences justified by employment, education, or humanitarian reasons. This adjustment aligns with international standards while maintaining safeguards against misuse. Third, economic barriers, including the property ownership requirement, must be abolished in favor of demonstrating financial independence through employment or entrepreneurship. This change ensures compliance with constitutional provisions while recognizing diverse economic contributions. Fourth, including a dual citizenship pathway for first-time applicants mirrors global trends and addresses the growing need for transnational flexibility. Republic Act No. 9225 provides a precedent for accommodating dual allegiances without compromising national interests. Finally, integrating a civic knowledge component into the naturalization process fosters cultural assimilation and civic engagement. Language proficiency tests in Filipino or English and education on Philippine history and governance ensure that new citizens are well-prepared to contribute to national development.

Thus, the Philippine naturalization system, deeply rooted in

colonial-era legislation, requires comprehensive reform to address its constitutional inconsistencies, procedural inefficiencies, and socio-economic exclusions. The Philippines can create a naturalization framework that balances inclusivity, efficiency, and national security by drawing on global best practices. Reforms such as transitioning to an administrative process, reducing residency requirements, and eliminating economic barriers align with constitutional principles and position the Philippines as a competitive and welcoming destination for skilled migrants and long-term residents. These changes are not merely legislative adjustments but a reimagining of citizenship as a dynamic and inclusive institution essential for national progress.

## **XIX. CONCLUSION**

Naturalization is an essential process through which foreign nationals become full-fledged citizens of a nation. It signifies an individual's legal integration and the host country's openness to inclusivity, equality, and international integration. With its rich migration history and global interaction, the Philippines has relied on naturalization laws to regulate and facilitate citizenship acquisition for non-Filipinos. However, its current framework, primarily governed by Commonwealth Act No. 473 (1939), is marked by rigidity, procedural inefficiency, and constitutional misalignments. Despite incremental updates, such as Republic Acts No. 9139 and 9225, the naturalization process remains poorly suited to modern migration and global best practices. This conclusion synthesizes the findings from the analysis of the Philippine naturalization framework, addressing its historical evolution, constitutional alignment, and legislative gaps. Drawing on comparative insights from international models, mainly from Canada, Germany, and the United States, this discussion emphasizes the critical need for reform. It advocates for a naturalization system that aligns with constitutional principles, fosters inclusivity and enhances procedural efficiency, positioning the Philippines as a progressive and globally competitive nation.

### **The Constitutional Foundations and Challenges of Philippine Naturalization Laws**

The 1987 Philippine Constitution establishes the foundational principles of citizenship and naturalization. Articles III and IV provide the legal scaffolding for equality before the law, protection of human rights, and the delineation of citizenship pathways. While these constitutional provisions reflect a commitment to justice and inclusivity, the practical application of naturalization laws has struggled to align with these ideals. Commonwealth Act No. 473, which predates the Constitution by decades,



embodies a framework prioritizing national security and economic stability over accessibility and fairness.

One of the Constitution's most important principles is equality before the law, as outlined in Article III. This principle ensures everyone is treated fairly regardless of socio-economic status, race, or nationality. However, economic barriers embedded in Commonwealth Act No. 473, such as the property ownership mandate, starkly contradict this principle. The requirement for applicants to own property worth at least ₱5,000 or demonstrate lucrative trade disproportionately favors wealthy individuals, excluding those who contribute to the nation's economy through lawful employment or entrepreneurship. Furthermore, Article XII, Section 7 of the Constitution prohibits foreign nationals from owning land, creating a direct conflict between the economic prerequisites of naturalization and constitutional provisions.

In addition to economic disparities, subjective criteria such as "good moral character" create inconsistency and arbitrariness in applying naturalization laws. Judicial interpretations, such as those in *Republic v. Li Yao* (1992), reveal how the vagueness of moral character assessments often disadvantages marginalized applicants. Without clear and objective guidelines, these evaluations risk perpetuating bias and inequality. Moreover, residency requirements, set at an exceptionally long ten years, fail to consider modern mobility patterns and the contributions of long-term residents who actively engage with Philippine society.

While Republic Act No. 9139 introduced an administrative pathway to naturalization, its limited scope excludes significant segments of the immigrant population, particularly those who migrated to the Philippines as adults. Similarly, Republic Act No. 9225 recognizes dual citizenship but primarily benefits former Filipinos rather than first-time naturalization applicants. These limitations highlight the need for comprehensive reforms that address constitutional inconsistencies and the socio-economic realities of the 21st century.

## **Legislative Gaps and Their Implications**

Philippine naturalization laws' rigidity and outdated nature can be traced to their origins in the Commonwealth period. When national security and economic stability were paramount concerns, Commonwealth Act No. 473 prioritized stringent criteria that excluded many would-be citizens. While these measures may have been appropriate in the early 20th century, they are ill-suited to the complexities of modern migration and global integration.

One of the most glaring gaps in the legislative framework is the emphasis on property ownership as an economic qualification. This requirement, rooted in colonial-era priorities, is both exclusionary and legally problematic. Many economically active individuals, including skilled workers, entrepreneurs, and temporary residents, cannot meet this criterion despite their significant contributions to the nation's economy. By contrast, modern naturalization systems in countries such as Canada and Germany prioritize lawful employment and economic self-sufficiency, recognizing diverse forms of economic participation.

Residency requirements also represent a significant legislative gap. The ten-year residency mandate under Commonwealth Act No. 473 is among the longest globally and fails to acknowledge the realities of modern migration. Countries like Canada and the United States adopt more flexible standards, requiring three and five years of residency. These countries also provide accommodations for justified absences, reflecting the transnational nature of contemporary mobility. In the Philippines, however, strict interpretations of continuity, as seen in *Republic v. Go Pei Hung* (2018), exclude applicants for minor disruptions to their residency, undermining fairness and accessibility.

Another critical issue is the reliance on judicial processes for naturalization. The court-based model imposes significant financial and procedural burdens, with applicants facing costs ranging from ₱100,000 to ₱300,000 for legal representation, publication, and other requirements. This system disproportionately affects lower-income applicants, creating a barrier to naturalization for otherwise qualified individuals. In comparison, administrative models in countries such as Canada and Germany streamline naturalization processes, reducing costs and improving accessibility.

The absence of structured integration programs further exacerbates the limitations of the Philippine naturalization framework. While language proficiency in English or Spanish is a requirement under Commonwealth Act No. 473, there are no mandatory civic education programs to prepare applicants for active participation in Philippine society. This gap limits the ability of naturalized citizens to engage meaningfully in civic and cultural life, hindering their full integration.

## **Comparative Insights from Global Practices**

Analyzing naturalization systems in Canada, Germany, and the United States reveals essential lessons for reforming Philippine laws. Each of these countries has adopted measures that balance accessibility with rigorous integration standards, ensuring that naturalized citizens are

well-prepared to contribute to their host nations.

Canada's Citizenship Act (1985) exemplifies inclusivity and efficiency. The three-year residency requirement is among the shortest globally, with partial credit granted to refugees and temporary residents. The predominantly administrative process reduces legal barriers, while mandatory civic education fosters cultural integration. Canada's encouragement of dual citizenship further reflects its commitment to transnational ties and inclusivity.

Germany's Nationality Act (2000) demonstrates a structured approach to inclusivity. Residency requirements are reduced for applicants who complete integration programs, emphasizing language proficiency and civic education. Special provisions for dual citizenship highlight Germany's modern, inclusive approach, which balances national security with global mobility.

The United States combines accessibility with rigorous vetting under the Immigration and Nationality Act (1952). The five-year residency requirement, reduced to three for spouses of U.S. citizens, is complemented by administrative procedures that minimize legal burdens. Civic education is integrated into naturalization, ensuring applicants understand their citizenship rights and responsibilities.

These models highlight the importance of streamlined processes, flexible residency requirements, and integration-focused policies. The Philippines can modernize its naturalization framework by adopting similar measures while preserving its constitutional principles and national identity.

### ***Proposed Reforms for the Philippine Naturalization Framework***

To address the legislative gaps and socio-legal implications identified in this analysis, the following reforms are recommended:

First, transitioning to an administrative model would streamline the naturalization process, reducing costs and delays. Expanding the scope of Republic Act No. 9139 to include all eligible applicants, regardless of their migration history, would enhance accessibility and efficiency.

Second, reforming residency requirements is essential. Reducing the mandate to five years, with allowances for justified absences, would align Philippine laws with international norms. Recognizing pre-residency contributions, as seen in Canada, would further reflect modern mobility patterns.

Third, replacing the property ownership requirement with employment-based criteria would ensure constitutional compliance and inclusivity. This reform acknowledges the diverse economic contributions of applicants, particularly those engaged in lawful employment or entrepreneurship.

Fourth, promoting dual citizenship by extending the rights established under Republic Act No. 9225 would strengthen transnational ties and encourage skilled migrants to maintain their Philippine identity.

Finally, introducing mandatory integration programs, including language proficiency in Filipino and English and civic education on Philippine history and governance, would prepare naturalized citizens for active social participation. These programs would foster cultural cohesion and civic engagement, enhancing the overall integration of new citizens.

## **Policy Implications and Future Outlook**

Reforming the Philippine naturalization framework is a legislative and socio-economic imperative. Modernized, inclusive laws attract skilled migrants, foster investment, and enhance social integration. The Philippines can create a system that balances constitutional integrity, national security, and global competitiveness by adopting the proposed reforms.

Furthermore, these reforms position the Philippines as a progressive and equitable destination for global talent. They reflect the country's commitment to human rights and international migration standards, reinforcing its global standing as a forward-looking nation. In doing so, the Philippines addresses the challenges of the 21st century and strengthens its identity as a nation that values inclusivity, equality, and social progress.

## **XX. RECOMMENDATIONS AND SUGGESTIONS**

Grounded in the analysis of Commonwealth Act No. 473, supplemented by Republic Acts No. 9139 and 9225, and informed by comparative insights from global best practices, these recommendations and suggestions align Philippine naturalization laws with constitutional principles, socio-economic realities, and international norms.

This section presents actionable recommendations that address legislative gaps, procedural inefficiencies, and socio-legal challenges in the existing framework. These proposals are informed by inclusivity, equity, and efficiency goals while preserving the integrity of Filipino identity and

national sovereignty.

### **Recommendation 1: Transition to an Administrative Model**

The current court-based naturalization process under Commonwealth Act No. 473 is one of the most significant barriers to accessibility. Requiring applicants to file petitions in regional trial courts, publish newspaper notices, and attend hearings imposes substantial financial and procedural burdens. These costs disproportionately affect lower-income applicants, creating an inequitable system that excludes many qualified individuals.

Shifting to an administrative model implemented in Canada and Germany would streamline the process and reduce costs. Republic Act No. 9139 provides a partial framework for administrative naturalization, but its limited scope—covering only those born in the Philippines to foreign parents—excludes a significant portion of the immigrant population. Expanding the scope of this law to include all eligible applicants, regardless of birthplace, would make the process more inclusive and efficient.

An administrative model would also allow the Bureau of Immigration (BI) to oversee naturalization applications, ensuring consistency and transparency. Online submission platforms could be introduced, enabling applicants to track the progress of their applications in real time. Such measures would not only enhance accessibility but also foster trust in the system by reducing opportunities for corruption and inefficiency.

### **Recommendation 2: Reform Residency Requirements**

Residency requirements under Commonwealth Act No. 473 are among the most restrictive globally, mandating ten years of continuous residency for most applicants. While this requirement can be reduced to five years under specific conditions, such as marriage to a Filipino citizen, it remains significantly longer than countries like Canada (three years) and the United States (five years).

Reducing the baseline residency requirement to five years would align Philippine naturalization laws with international standards while recognizing the contributions of long-term residents. Moreover, allowing justified absences for work, family, or other valid reasons would reflect the realities of modern mobility. Applicants could be required to spend at least 30 months in the Philippines within five years, as practiced in the United States, to ensure genuine commitment to the country.



Additionally, partial credit could be granted for time spent in the Philippines as a refugee, student, or temporary resident, similar to Canada's approach. This policy would acknowledge the societal and economic contributions of individuals who have integrated into Philippine society before obtaining permanent residency.

### **Recommendation 3: Replace Economic Prerequisites with Employment-Based Criteria**

Economic requirements in the current framework, particularly the property ownership mandate, are both exclusionary and constitutionally problematic. Section 2 of Commonwealth Act No. 473 requires applicants to own property worth at least ₱5,000 or demonstrate lucrative trade or employment. However, Article XII, Section 7 of the 1987 Constitution prohibits foreign nationals from owning land, creating a direct legal conflict.

Eliminating the property ownership requirement in favor of employment-based criteria would address these inconsistencies while promoting inclusivity. Applicants could be required to demonstrate lawful employment, financial independence, or stable income sources. Such criteria would ensure that naturalized citizens can support themselves and contribute to the economy without excluding those who lack significant wealth.

A points-based system employed in Canada and Australia could be adopted to evaluate applicants' qualifications based on education, skills, and economic contributions. This system would allow the Philippines to attract skilled migrants and entrepreneurs, aligning naturalization pathways with national development goals.

### **Recommendation 4: Introduce Language and Civic Integration Programs**

Language proficiency and cultural integration are critical components of successful naturalization. Commonwealth Act No. 473 requires applicants to demonstrate proficiency in English or Spanish, but these criteria are outdated and inadequate for fostering genuine integration. While English remains a relevant communication medium, Spanish is no longer widely used in Philippine society.

Updating language requirements to focus on Filipino and English would better reflect the linguistic realities of the Philippines. Additionally, introducing mandatory civic integration programs would prepare applicants for active participation in national life. These programs could include courses on Philippine history, governance, and cultural norms, similar to the integration courses required in Germany.

A basic citizenship test could also be introduced, assessing applicants' knowledge of Philippine laws, values, and institutions. This measure would ensure that naturalized citizens are well-equipped to contribute meaningfully to society while fostering a sense of national identity and belonging.

### **Recommendation 5: Promote Dual Citizenship**

Republic Act No. 9225, also known as the Citizenship Retention and Re-acquisition Act of 2003, allows natural-born Filipinos who have acquired foreign citizenship to retain or reacquire their Philippine citizenship. While this law has been instrumental in promoting transnational ties, its scope remains limited to former Filipino citizens.

Expanding the principles of dual citizenship to include naturalized citizens would enhance inclusivity and global integration. Dual citizenship allows individuals to maintain connections with their countries of origin while fully participating in Philippine society. It also fosters economic and cultural ties, as dual citizens are more likely to invest in and contribute to both nations.

Encouraging dual citizenship would align Philippine naturalization policies with those of countries like Canada and Germany, which recognize the value of transnational identities in a globalized world.

### **Recommendation 6: Streamline Family Reunification Pathways**

Family reunification is a cornerstone of inclusive naturalization systems. However, current Philippine laws provide limited pathways for the expedited naturalization of family members, particularly spouses and children of naturalized citizens.

Introducing family reunification pathways would strengthen social cohesion and support the integration of immigrant families. Spouses and minor children of naturalized citizens could be granted expedited pathways to citizenship, similar to the United States and Canada provisions. This policy would recognize the importance of family unity in fostering a stable and inclusive society.

Additionally, post-naturalization support programs could be established to help families integrate into Philippine society. These programs could include language training, cultural orientation, and access to community resources, ensuring that all family members can participate fully in national life.

## **Recommendation 7: Address Procedural Inefficiencies**

Procedural inefficiencies in the naturalization process, including lengthy timelines and high costs, deter many eligible applicants. Public data from the Bureau of Immigration indicates that the judicial nature of the process under Commonwealth Act No. 473 is a significant barrier, with applicants often facing legal fees of ₱100,000 to ₱300,000.

As recommended earlier, transitioning to an administrative model would address these inefficiencies. However, additional measures are needed to ensure transparency and accountability. Online application systems could be implemented, allowing applicants to submit documents electronically and track the status of their applications. Clear guidelines and timelines should also be established, ensuring that applications are processed within a reasonable timeframe. Regular audits and public reporting on naturalization statistics could enhance transparency and build public trust in the system.

## **Recommendation 8: Foster Public Awareness and Engagement**

Public perception plays a crucial role in the success of naturalization reforms. Misinformation and resistance to change can hinder the implementation of progressive policies. To address this challenge, the government should launch public awareness campaigns to educate citizens about the benefits of a modernized naturalization system.

These campaigns could highlight the contributions of naturalized citizens to Philippine society, emphasizing their roles in driving economic growth, fostering cultural diversity, and strengthening national identity. Engaging civil society organizations, academic institutions, and community leaders in the reform process would also help build consensus and support for the proposed changes.

The above recommendations provide a comprehensive roadmap for reforming the Philippine naturalization framework. By transitioning to an administrative model, reforming residency and economic criteria, introducing integration programs, promoting dual citizenship, and addressing procedural inefficiencies, the Philippines can create a system that is inclusive, efficient, and aligned with constitutional principles.

These reforms address the legislative and procedural gaps in the current framework and reflect the nation's commitment to human rights, equality, and global integration. The government can build a consensus

around these changes by fostering public awareness and engagement, ensuring successful implementation.

Ultimately, a modernized naturalization system positions the Philippines as a competitive and progressive nation, capable of attracting global talent and fostering social cohesion in an increasingly interconnected world.

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As a lawyer, he specializes in court trials and litigation, naturalization and immigration, land titling for foreigners spouse and family, international taxation, and foreigners and aliens cases in local jurisdiction. From Puerto Galera, Oriental Mindoro, where there are many aliens and foreigners, he served as a Legal Consultant and Municipal Legal Counsel for Puerto Galera, Oriental Mindoro, from 2007 to 2012. Additionally, he was the Chief City Legal Officer of Calapan City, Oriental Mindoro, from 2013 to 2019 and has worked with various companies in Metro Manila and other provinces. At present his Bunquin Law Office is an accredited law office of the Phliippine Retirement Authority – Bureau of Immigration in Makati City and Intramuros Main Office for aliens applying for Special Permanent Resident Retirement Visa, Deportation Cases, Lifting of Deportation Order, Hold Departure and Allowance Departure Order.

At the University of Santo Tomas, he has served as an external legal consultant for the Center for Cultural Conservation of Properties and Environment (CCCPET) from 2006 to 2008 and as external counsel for the UST Museum since 2009. Atty. Bunquin is actively engaged in law practice, focusing on immigration and deportation proceedings for aliens as well as various civil and criminal cases. His passion for teaching continues and teach at the University of Santo Tomas, handling subjects in Political Law, Government and Constitution, Taxation, and other history and social science topics. He also lectures on criminal law, criminal procedures,



political law, the Bill of Rights, and other important legal issues in the Constitution.

Atty. Bunquin is a member of ICOM-UMAC and other professional organizations, such as LAW ASIA. His involvement in these organizations has allowed him to pursue studies and travel abroad to countries including the United States, Canada, Singapore, China, South Korea, Japan, Brazil, and the Netherlands for pleasure, studies, and scholarly activities. In August 2013, he presented a paper titled "Ivory Worship: Faith and Art (UST Museum's Response to 'Blood Ivory')" at the International Convention of Museums and Universities in Rio de Janeiro, Brazil. In July 2016, he presented another paper, "Above and Below: A Case Study on Protecting Puerto Galera's Cultural Landscape," at an international convention of museums in Milan, Italy.

In the realm of community service, Atty. Bunquin is a founding chartered member of the Rotary Club of Puerto Galera Bay, established in 2014, where he is actively involved in various civil and outreach activities. He served as President of the Rotary Club from 2020 to 2022 and is currently a Lifetime Paul Harris Fellow of Rotary International. He also held the position of President of the Integrated Bar of the Philippines - Oriental Mindoro Chapter from 2021 to 2023. Atty. Bunquin is the author of two college textbooks: Essentials of Politics and Government (PolGov) and \*Economics, Taxation, and Agrarian Reforms (ETAR), which are now mandatory references for college students in Metro Manila, other provinces, and various universities.

He was invited has lectured at different colleges and universities in the Philippines on topics such as women's rights, political law, the Constitution, and the UN Declaration of Human Rights. He has served and continuously serving up to this time as a guest lecturer at Bulacan State University - College of Law and Perpetual Help Delta System - College of Law.

In June 2024, Atty. Bunquin was appointed as the founding Dean of the School of Law at Divine Word College of Calapan, Oriental Mindoro. They are currently in the process of completing all requirements with the Legal Education Board to open the School of Law and expected to offer classes by School Year 2025-2026 .

Atty. Bunquin is married to Doris A. Bunquin, an American citizen who lives and works as a Grade School Specialist in Aiea City, Hawaii, USA. They have two loving and sweet children: Eds Florence A. Bunquin, 12 years old, and Eris Francisco A. Bunquin, 11 years old, both of whom are also American Citizens and studying in Waimalu, Elementary School, Aiea



City, Hawaii, USA.

Atty. Bunquin completed his Master of Laws at the University of Santo Tomas- Graduate School of Law , España, Manila, Philippines last 2017, graduating with the honor of Benemeritus - Cum Laude. A true and full blooded Thomasian Teacher and a Lawyer.