

to establish the reasons for which the applicant lost Peruvian nationality and wishes to recover the same.

*Article 2.* On completion of the procedure prescribed by article 1 of this Decree, the appropriate Supreme Resolution shall be issued. If the applicant recovers Peruvian nationality, his position under Act No. 1569 shall be notified.

(d) SUPREME DECREE OF 11 JULY 1942 CONCERNING PERSONS BORN IN PERU OF ALIEN PARENTAGE AND REGISTERED AT THEIR PARENTS' NATIONAL CONSULATES.<sup>1</sup>

*Article 1.* A person who was born in Peru may not acquire a foreign nationality so long as he remains in the territory of the Republic.

*Article 2.* The registration of a person who was born in Peru with a foreign embassy, legation or consulate shall not, except as provided in a treaty or convention, be evidence of nationality in Peru.

*Article 3.* A Peruvian national who was naturalized abroad and subsequently acquires domicile in Peru, may recover Peruvian nationality by submitting to the appropriate naturalization procedure and paying the prescribed fee.

*Article 4.* A person who was born in Peru and is registered with his parents' national embassy, legation or consulate; the alien wife of a Peruvian national; the Peruvian wife of an alien; and in general any person possessing the status of a Peruvian national may apply for a certificate attesting his status. The application shall be supported by the relevant documents and necessary particulars and shall be granted or rejected by Ministerial Resolution, which shall if favourable order the issue of a certificate of nationality, to be signed by the Minister and stamped as prescribed by the Decree of 22 January 1942.

### 63. The Philippines

(a) CONSTITUTION OF 8 FEBRUARY 1935 AS AMENDED.

ARTICLE IV. CITIZENSHIP

*Section 1.* The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

*Section 2.* Philippine citizenship may be lost or reacquired in the manner provided by law.

<sup>1</sup> Translation by the Secretariat of the United Nations.

(b) COMMONWEALTH ACT NO. 63 OF 21 OCTOBER 1936 AS AMENDED BY REP. ACT NO. 106 CONCERNING THE LOSS AND REACQUISITION OF CITIZENSHIP.

*Section 1.* How citizenship may be lost.—A Filipino citizen may lose his citizenship in any of the following ways and/or events:

(1) By naturalization in foreign country;  
 (2) By express renunciation of citizenship;  
 (3) By subscribing to an oath of allegiance to support the constitution or laws of a foreign country upon attaining twenty-one years of age or more: *Provided, however,* That a Filipino may not divest himself of Philippine citizenship in any manner while the Republic of the Philippines is at war with any country;

(4) By rendering service to, or accepting commission in, the armed forces of a foreign country: *Provided,* That the rendering of service to, or the acceptance of such commission in, the armed forces of a foreign country, and the taking of an oath of allegiance incident thereto, with the consent of the Republic of the Philippines, shall not divest a Filipino of his Philippine citizenship if either of the following circumstances is present:

(a) The Republic of the Philippines has a defensive and/or offensive pact of alliance with the said foreign country; or

(b) The said foreign country maintains armed forces on Philippine territory with the consent of the Republic of the Philippines: *Provided,* That the Filipino citizen concerned, at the time of rendering said service, or acceptance of said commission, and taking the oath of allegiance incident thereto, states that he does so only in connection with his service to said foreign country: *And provided finally,* That any Filipino citizen who is rendering service to, or is commissioned in, the armed forces of a foreign country under any of the circumstances mentioned in paragraph (a) or (b), shall not be permitted to participate nor vote in any election of the Republic of the Philippines during the period of his service to, or commission in, the armed forces of said foreign country. Upon his discharge from the service of the said foreign country, he shall be automatically entitled to the full enjoyment of his civil and political rights as a Filipino citizen;

(5) By cancellation of the certificates of naturalization;

(6) By having been declared, by competent authority, a deserter of the Philippine armed forces in time of war, unless subsequently, a plenary pardon or amnesty has been granted; and

(7) In the case of a woman, upon her marriage to a foreigner if, by virtue of the laws in force in her husband's country, she acquires his nationality.

[*Section 2.* (Of Amendatory law.) This Act shall take effect upon its approval, but the benefits thereunder shall accrue to persons who, prior thereto, have lost Philippine citizenship under the provisions of Commonwealth Act Numbered Sixty-three but come within the proviso of paragraph (4) of section one of said Act as herein amended.

Approved, June 2, 1947.]

*Section 2.* How citizenship may be reacquired.—Citizenship may be reacquired:

(1) By naturalization: *Provided,* That the applicant possesses none of the disqualifications prescribed in section two of Act Numbered Twenty-nine hundred and twenty-seven (now Sec. 4, C. Act No. 473);

(2) By repatriation of deserters of the Army, Navy or Air Corps: *Provided*, That a woman who lost her citizenship by reason of her marriage to an alien may be repatriated in accordance with the provisions of this Act after the termination of the marital status; and

(3) By direct act of the National Assembly.

*Section 3.* Procedure incident to reacquisition of Philippine citizenship.—The procedure prescribed for naturalization under Act Numbered Twenty-nine hundred and twenty-seven, as amended (see C. Act No. 473), shall apply to the reacquisition of Philippine citizenship by naturalization provided for in the next preceding section: *Provided*, That the qualifications and special qualifications prescribed in sections three and four of said Act shall not be required: And *provided further*,

(1) That the applicant be at least twenty-one years of age and shall have resided in the Philippines at least six months before he applies for naturalization;

(2) That he shall have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines, in his relations with the constituted government as well as with the community in which he is living; and

(3) That he subscribes to an oath declaring his intention to renounce absolutely and perpetually all faith and allegiance to the foreign authority, state or sovereignty of which he was a citizen or subject.

*Section 4.* Repatriation shall be effected by merely taking the necessary oath of allegiance to the Commonwealth of the Philippines and registration in the proper civil registry.

*Section 5.* The Secretary of Justice shall issue the necessary regulations for the proper enforcement of this Act. Naturalization blanks and other blanks required for carrying out the provisions of this Act shall be prepared and furnished by the Solicitor-General, subject to the approval of the Secretary of Justice.

*Section 6.* This Act shall take effect upon its approval.

(c) THE REVISED NATURALIZATION LAW (COMMONWEALTH ACT NO. 473, OF 17 JUNE 1939).

*Section 1.* Title of Act.—This Act shall be known and may be cited as the "Revised Naturalization Law".

*Section 2.* Qualifications.—Subject to section four of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

Second. He must have resided in the Philippines for a continuous period of not less than ten years;

Third. He must be of good moral character and believe in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living;

Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;

Fifth. He must be able to speak and write English or Spanish and any one of the principal Philippine languages; and

Sixth. He must have enrolled his minor children of school age, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen.

*Section 3. Special qualifications.*—The ten years of continuous residence required under the second condition of the last preceding section shall be understood as reduced to five years for any petitioner having any of the following qualifications:

1. Having honorably held office under the Government of the Philippines or under that of any of the provinces, cities, municipalities, or political subdivisions thereof;
2. Having established a new industry or introduced a useful invention in the Philippines;
3. Being married to a Filipino woman;
4. Having been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years.
5. Having been born in the Philippines.

*Section 4. Who are disqualified.*—The following can not be naturalized as Philippine citizens:

- (a) Persons opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;
- (b) Persons defending or teaching the necessity or propriety of violence, personal assault, or assassination for the success and predominance of their ideas;
- (c) Polygamists or believers in the practice of polygamy;
- (d) Persons convicted of crimes involving moral turpitude;
- (e) Persons suffering from mental alienation or incurable contagious diseases;
- (f) Persons who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;
- (g) Citizens or subjects of nations with whom the United States and the Philippines are at war, during the period of such war;
- (h) Citizens or subjects of a foreign country other than the United States, whose laws do not grant Filipinos the right to become naturalized citizens or subjects thereof.

*Section 5. Declaration of intention.*—One year prior to the filing of his petition for admission to Philippine citizenship, the applicant for Philippine citizenship shall file with the Bureau of Justice a declaration under oath that it is his bona fide intention to become a citizen of the Philippines. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel or aircraft, if any, in which he came to the Philippines, and the place of residence in the Philippines at the

time of making the declaration. No declaration shall be valid until lawful entry for permanent residence has been established and a certificate showing the date, place, and manner of his arrival has been issued. The declarant must also state that he has enrolled his minor children, if any, in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government, and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of his petition for naturalization as Philippine citizen. Each declarant must furnish two photographs of himself.

*Section 6.* Persons exempt from requirement to make a declaration of intention.—Persons born in the Philippines and who have received their primary and secondary education in public schools or those recognized by the Government and not limited to any race or nationality, and those who have resided continuously in the Philippines for a period of thirty years or more before filing their application, may be naturalized without having to make a declaration of intention upon complying with the other requirements of this Act. To such requirements shall be added that which establishes that the applicant has given primary and secondary education to all his children in the public schools or in private schools recognized by the Government and not limited to any race or nationality. The same shall be understood applicable with respect to the widow and minor children of an alien who has declared his intention to become a citizen of the Philippines, and dies before he is actually naturalized. (As amended by Commonwealth Act No. 535.)

*Section 7.* Petition for citizenship.—Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and if the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not disqualified for naturalization under the provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act. The petition shall also set forth the names and post office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case. The certificate of arrival, and the declaration of intention must be made part of the petition.

*Section 8.* Competent court.—The Court of First Instance of the province in which the petitioner has resided at least one year immediately preceding

the filing of the petition shall have exclusive original jurisdiction to hear the petition.

*Section 9. Notification and appearance.*—Immediately upon the filing of a petition, it shall be the duty of the clerk of the court to publish the same at the petitioner's expense, once a week for three consecutive weeks, in the Official Gazette, and in one of the newspapers of general circulation in the province where the petitioner resides, and to have copies of said petition and a general notice of the hearing posted in a public and conspicuous place in his office or in the building where said office is located, setting forth in such notice the name, birthplace, and residence of the petitioner, the date and place of his arrival in the Philippines, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the hearing of the petition, which hearing shall not be held within ninety days from the date of the last publication of the Notice. The clerk shall, as soon as possible, forward copies of the petition, the sentence, the naturalization certificate, and other pertinent data to the Department of the Interior, the Bureau of Justice, the Provincial Inspector of the Philippine Constabulary of the province and the justice of the peace of the municipality wherein the petitioner resides.

*Section 10. Hearing of the petition.*—No petition shall be heard within the thirty days preceding any election. The hearing shall be public, and the Solicitor-General, either himself or through his delegate or the provincial fiscal concerned, shall appear on behalf of the Commonwealth of the Philippines at all the proceedings and at the hearing. If, after the hearing, the court believes, in view of the evidence taken, that the petitioner has all the qualifications required by, and none of the disqualifications specified in, this Act and has complied with all requisites herein established, it shall order the proper naturalization certificate to be issued and the registration of the said naturalization certificate in the proper civil registry as required in section ten of Act Numbered Three thousand seven hundred and fifty-three.

*Section 11. Appeal.*—The final sentence may, at the instance of either of the parties, be appealed to the Supreme Court.

*Section 12. Issuance of the Certificate of Naturalization.*—If, after the lapse of thirty days from the date on which the parties were notified of the decision of the court, no appeal has been filed, or if, upon appeal, the decision of the court has been confirmed by the Supreme Court, and the said decision has become final, the clerk of the court which heard the petition shall issue to the petitioner a naturalization certificate which shall, among other things, state the following: The file number of the petition, the number of the naturalization certificate, the signature of the person naturalized affixed in the presence of the clerk of the court, the personal circumstances of the person naturalized, the dates on which his declaration of intention and petition were filed, the date of the decision granting the petition, and the name of the judge who rendered the decision. A photograph of the petitioner with the dry seal affixed thereto of the court which granted the petition must be affixed to the certificate.

Before the naturalization certificate is issued, the petitioner shall, in open court, take the following oath:

“I, . . . . . solemnly swear that I renounce absolutely and forever all allegiance and fidelity to any foreign prince,

potentate, state or sovereignty, and particularly to the . . . . . of which at this time I am a subject or citizen; that I will support and defend the Constitution of the Philippines and that I will obey the laws, legal orders and decrees promulgated by the duly constituted authorities of the Commonwealth of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the United States of America in the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.

“So help me God.”

The renunciation of foreign citizenship shall not require the consent of the state allegiance to which is renounced. (As amended by House Bill No. 712 R., approved in the last session of Congress.)

*Section 13. Record books.*—The clerk of the court shall keep two books; one in which the petition and declarations of intention shall be recorded in chronological order, noting all proceedings thereof from the filing of the petition to the final issuance of the naturalization certificate; and another, which shall be a record of naturalization certificates each page of which shall have a duplicate which shall be duly attested by the clerk of the court and delivered to the petitioner.

*Section 14. Fees.*—The clerk of the Court of First Instance shall charge as fees for recording a petition for naturalization and for the proceedings in connection therewith, including the issuance of the certificate, the sum of thirty pesos.

The Clerk of the Supreme Court shall collect for each appeal and for the services rendered by him in connection therewith the sum of twenty-four pesos.

*Section 15. Effect of the naturalization on wife and children.*—Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines.

Minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens thereof.

A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a Philippine citizen, and a foreign-born minor child, who is not in the Philippines at the time the parent is naturalized, shall be deemed a Philippine citizen only during his minority, unless he begins to reside permanently in the Philippines when still a minor, in which case, he will continue to be a Philippine citizen even after becoming of age.

A child born outside of the Philippines after the naturalization of his parent, shall be considered a Philippine citizen, unless within one year after reaching the age of majority, he fails to register himself as a Philippine citizen at the American Consulate of the country where he resides, and to take the necessary oath of allegiance.

*Section 16. Right of widow and children of petitioners who have died.*—In case a petitioner should die before the final decision has been rendered, his widow and minor children may continue the proceedings. The decision rendered in the case shall, so far as the widow and minor children are concerned, produce the same legal effect as if it had been rendered during the life of the petitioner.

*Section 17.* Renunciation of title or orders of nobility.—In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been granted any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court in which his application is made, and his renunciation shall be recorded in the court, unless with the express consent of the National Assembly.

*Section 18.* Cancellation of naturalization certificate issued.—Upon motion made in the proper proceedings by the Solicitor-General or his representative, or by the proper provincial fiscal, the competent judge may cancel the naturalization certificate issued and its registration in the Civil Registry:

(a) If it is shown that said naturalization certificate was obtained fraudulently or illegally;

(b) If the person naturalized shall, within the five years next following the issuance of said naturalization certificate, return to his native country or to some foreign country and establish his permanent residence there: *Provided*, That the fact of the person naturalized remaining for more than one year in his native country or the country of his former nationality, or two years in any other foreign country, shall be considered as prima facie evidence of his intention of taking up his permanent residence in the same;

(c) If the petition was made on an invalid declaration of intention;

(d) If it is shown that the minor children of the person naturalized failed to graduate from a public or private high school recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught as part of the school curriculum, through the fault of their parents either by neglecting to support them or by transferring them to another school or schools. A certified copy of the decree cancelling the naturalization certificate shall be forwarded by the clerk of the Court to the Department of the Interior and the Bureau of Justice;

(e) If it is shown that the naturalized citizen has allowed himself to be used as a dummy in violation of the Constitutional or legal provision requiring Philippine citizenship as a requisite for the exercise, use or enjoyment of a right, franchise or privilege.

*Section 19.* Penalties for violation of this Act.—Any person who shall fraudulently make, falsify, forge, alter, or cause or aid any person to do the same, or who shall purposely aid and assist in falsely making, forging, falsifying, changing or altering a naturalization certificate for the purpose of making use thereof, or in order that the same may be used by another person or persons, and any person who shall purposely aid and assist another in obtaining a naturalization certificate in violation of the provisions of this Act, shall be punished by a fine of not more than five thousand pesos or by imprisonment for not more than five years, or both, and in the case that the person convicted is a naturalized citizen his certificate of naturalization and the registration of the same in the proper civil registry shall be ordered cancelled.

*Section 20.* Prescription.—No person shall be prosecuted, charged, or punished for an offense implying a violation of the provisions of this Act, unless the information or complaint is filed within five years from the detection or discovery of the commission of said offense.



*Section 21.* Regulation and blanks.—The Secretary of Justice shall issue the necessary regulations for the proper enforcement of this Act. Naturalization certificate blanks and other blanks required for carrying out the provisions of this Act shall be prepared and furnished by the Solicitor General, subject to the approval of the Secretary of Justice.

*Section 22.* Repealing clause.—Act Numbered Twenty-nine hundred and twenty-seven as amended by Act Numbered Thirty-four hundred and forty-eight, entitled “The Naturalization Law”, is repealed: *Provided*, That nothing in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing or matter, civil or criminal, done or existing before the taking effect of this Act, but as to all such prosecutions, suits, actions, proceedings, acts, things or matters, the laws, or parts of laws repealed or amended by this Act are contained in force and effect.

*Section 23.* Date when this Act shall take effect.—This Act shall take effect on its approval.

(d) REPUBLIC ACT NO. 530 OF 16 JUNE 1950 MAKING ADDITIONAL PROVISIONS FOR NATURALIZATION.

*Section 1.* The provisions of existing laws notwithstanding, no petition for Philippine citizenship shall be heard by the Courts until after six months from the publication of the application required by law, nor shall any decision granting the application become executory until after two years from its promulgation and after the court, on proper hearing, with the attendance of the Solicitor General or his representative, is satisfied, and so finds, that during the intervening time the applicant has (1) not left the Philippines, (2) has dedicated himself continuously to a lawful calling or profession, (3) has not been convicted of any offense or violation of Government promulgated rules, (4) or committed any act prejudicial to the interest of the nation or contrary to any Government announced policies.

*Section 2.* After the finding mentioned in section one, the order of the court granting citizenship shall be registered and the oath provided by existing laws shall be taken by the applicant, whereupon, and not before, he will be entitled to all the privileges of a Filipino citizen.

*Section 3.* Such parts of Act Numbered Four hundred seventy-three as are inconsistent with the provisions of the present Act are hereby repealed.

*Section 4.* This Act shall take effect upon its approval, and shall apply to cases pending in court and to those where the applicant has not yet taken the oath of citizenship;

*Provided*, however, that in pending cases where the requisite publication under the old law has already been complied with, the publication herein required shall not apply.

## 64. Poland

### (a) NATIONALITY ACT <sup>1</sup> OF 8 JANUARY 1951.

#### CHAPTER I. POLISH NATIONALS

*Article 1.* A Polish national cannot be at the same time a national of another State.

<sup>1</sup> Translation by the Secretariat of the United Nations.