



Republic of the Philippines
SENATE ELECTORAL TRIBUNAL

RIZALITO Y. DAVID,
Petitioner,

-versus-

SET CASE NO. 001-15

MARY GRACE POE LLAMANZARES,
Respondent.

Promulgated: 17 NOVEMBER 2015
[Signature]

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DECISION

This is a Petition for *Quo Warranto* under Rule 18 of the 2013 Rules of the Tribunal which seeks to unseat Respondent Mary Grace Poe Llamanzares (“Respondent”) as Senator of the Republic on the grounds that she is not a natural-born citizen of the Philippines and lacks the residency requirement; hence, not qualified to sit as a member of the Philippine Senate.

THE UNDISPUTED FACTS

Respondent is a foundling. Her Certificate of Live Birth states that she was found in the Parish Church of Jaro, on 03 September 1968, at about 9:30 A.M. by Mr. Edgardo Militar. The fact of her finding was reported to the Office of the Local Civil Registrar on 06 September 1968 by Mr. Emiliano Militar, under whose custody she was at the time of the reporting. Respondent was registered as Mary Grace Contreras Militar.¹ Respondent’s biological parents were unknown and to date remain unknown.

When Respondent was five (5) years old, she was adopted by the couple Ronald Allan Poe (also known as Fernando Poe, Jr. or FPJ) and Jesusa Sonora

¹ Exhibit P for Petitioner/Exhibit 1 for Respondent.

Poe (also known as Susan Roces) as evidenced by a Decision dated 13 May 1974 of the Municipal Trial Court of San Juan, Rizal.²

On 13 December 1986, having reached the voting age of eighteen (18) years, Respondent was issued a Voter's ID by the Commission on Elections.³ She was issued Philippine Passports by the Ministry/Department of Foreign Affairs on 04 April 1988, 05 April 1993, 19 May 1998, 13 October 2009, 19 December 2013, and 18 March 2014.⁴

In 1988, Respondent enrolled at Boston College in Chestnut Hill, Massachusetts, U.S.A., where she obtained her Bachelor of Arts degree in Political Studies in 1991.⁵ On 27 July 1991, she married Teodoro Misael Daniel V. Llamanzares, who is a citizen of both the Philippines and the United States, at the Santuario de San Jose Parish at San Juan City, Metro Manila.⁶ Two days later, on 29 July 1991, she joined her husband in United States.

Respondent became a naturalized American citizen on 18 October 2001.⁷ She was issued USA Passport No. 17037793 on 19 December 2001.⁸

Respondent came home to the Philippines in 2005⁹ and was issued a Tax Identification Number (TIN) by the Bureau of Internal Revenue on 22 July 2005.¹⁰

On 07 July 2006, respondent executed an "Oath of Allegiance" to the Republic of the Philippines,¹¹ and three days later, on 10 July 2006, filed with the Bureau of Immigration a Petition for Reacquisition of Filipino Citizenship pursuant to R.A. 9225.¹² The said petition was granted by the Bureau of Immigration in an Order dated 18 July 2006 signed by Associate Commissioner Roy M. Almoró for Commissioner Alipio F. Fernandez, Jr.¹³

Between 2006 and 2009, respondent made several trips to the USA using her USA Passport.¹⁴

² Exhibit Q for the Petitioner/Exhibit 2 for the Respondent.

³ Exhibit R for the Petitioner/Exhibit 4 for the Respondent.

⁴ Exhibits B to B-5 for the Petitioner/Exhibits 5 to 5-5 for the Respondent.

⁵ Par. 12, p. 5, Petition/par. 1.4, p. 6, Answer.

⁶ Par. 13, p. 1, Petition; par. 1.5, p. 6, Answer.

⁷ Exhibit JJ for the Petitioner.

⁸ Exhibit KK for the Petitioner/Exhibit 20 for the Respondent.

⁹ Amended Petition, p. 6, par. 14.

¹⁰ Exhibit S for the Petitioner/Exhibit 6 for the Respondent.

¹¹ Exhibit 8 for the Respondent.

¹² Exhibit C for the Petitioner/Exhibit 7 for the Respondent.

¹³ Exhibit E for the Petitioner/Exhibit 10 for the Respondent.

¹⁴ Exhibit LL-LL-2 for the Petitioner/Exhibit 22-1 to 22-3 for the Respondent.

Respondent was appointed Chairperson of the Movie and Television Review and Classification Board (MTRCB) on 06 October 2010.¹⁵ Prior to taking her Oath of Office as MTRCB Chairperson on 21 October 2010,¹⁶ respondent executed an “Affidavit of Renunciation of Allegiance to the United States of America and Renunciation of American Citizenship” on 20 October 2010.¹⁷ The original copy of the Affidavit was submitted to the Bureau of Immigration also on 20 October 2010 by her legal counsel, Escudero Marasigan Valiente & E.H. Villareal.¹⁸ On 26 October 2010, respondent assumed office as MTRCB Chairperson.¹⁹

On 12 July 2011, Respondent executed an “Oath/Affirmation of Renunciation of Nationality of the United States” before Vice-Consul Somer E. Bessire-Briers.²⁰ She likewise accomplished on the same date the “Questionnaire Information for Determining Possible Loss of U.S. Citizenship.”²¹ Respondent’s Certificate of Loss of Nationality was executed by Vice Consul Jason Galian on 09 December 2011²² and was approved by the Overseas Citizen Service, Department of State, on 03 February 2012.²³

In the 2013 elections, respondent ran for the position of Senator. Her Certificate of Candidacy (COC) executed on 27 September 2012 was filed with the Commission on Elections on 02 October 2012.²⁴ She was declared senator-elect by the Commission on Elections on 16 May 2013.²⁵ To this day, respondent is sitting as a member of the Senate.²⁶

THE CASE

On 6 August 2015, Petitioner Rizalito Y. David (“Petitioner”) filed before the Tribunal a Petition for *Quo Warranto*²⁷ against Respondent, contesting her election as Senator of the Republic for failure to comply with the citizenship and residency requirements mandated by the 1987 Constitution.

¹⁵ Exhibit U for the Petitioner/Exhibit 13 for the Respondent.

¹⁶ Exhibit X for the Petitioner/Exhibit 16 for the Respondent.

¹⁷ Exhibit V for the Petitioner/Exhibit 14 for the Respondent.

¹⁸ Exhibit W for the Petitioner/Exhibit 15 for the Respondent.

¹⁹Exhibit 16-1 for the Respondent.

²⁰ Exhibit Y for the Petitioner/Exhibit 17 for the Respondent.

²¹ Exhibit Z for the Petitioner/Exhibit 18 for the Respondent.

²² Exhibit 19 for the Respondent.

²³ Exhibit AA for the Petitioner.

²⁴ Exhibit MM for the Petitioner/Exhibit 21 for the Respondent.

²⁵ Verified Answer, p. 1

²⁶ Amended Petition, p. 2/Verified Answer, p. 2

²⁷ Petition, Rollo, Vol. 1, pp. 1-25.

On 11 August 2015, the Tribunal, through Resolution No. 15-01, required Petitioner David to correct the formal defects of his petition within a non-extendible period of three (3) days from receipt of the said Resolution.²⁸

On 17 August 2015, Petitioner filed his Amended Petition.²⁹ On the same date, Atty. Manuelito R. Luna, entered his appearance as counsel for Petitioner.³⁰

On 18 August 2015, the Tribunal, through its Executive Committee, issued Resolution No. 15-02, directing the Secretary of the Tribunal to issue the corresponding summons to Respondent, requiring her to file her ANSWER to the Amended Petition within a non-extendible period of ten (10) days from receipt of the summons.³¹

On 25 August 2015, pending submission of Respondent's Answer, Petitioner moved to subpoena the Bureau of Immigration *Record of Application of Citizenship Re-Acquisition* and related documents, including the record of travels and NSO-Kept Birth Certificate of Respondent.³²

The aforesaid Motion was granted by the Executive Committee of the Tribunal in Resolution No. 15-04 dated 26 August 2015. The Secretary of the Tribunal was directed to issue the corresponding subpoenas to the respective officials of the Bureau of Immigration and the National Statistics Office having official custody of the documents requested.³³ The subpoenas commanded them to appear at the Office of the Secretary of the Senate Electoral Tribunal on 01 September 2015 at 10:00 o'clock in the morning and to bring and produce three sets of the documents enumerated in their respective subpoenas.³⁴

On 1 September 2015, the representatives of the Bureau of Immigration and the National Statistics Office attended the hearing and submitted the required documents.³⁵

On the same date, Respondent filed her Verified Answer with (1) Prayer for Summary Dismissal; (2) Motion for Preliminary Hearing on Grounds for Immediate Dismissal/Affirmative Defenses; (3) Motion to Cite Petitioner for Direct Contempt of Court; and (4) Counterclaim for Indirect Contempt of Court.³⁶

²⁸ Rollo, Vol. 1, p. 28.

²⁹ Rollo, Vol. 1, pp. 29-63.

³⁰ Rollo, Vol. 1 pp. 64-69.

³¹ Rollo, Vol. 1, pp. 72-73.

³² Rollo, Vol. 1, pp. 76-80.

³³ Rollo, Vol. 1, pp. 96-97.

³⁴ Rollo, Vol. 1 pp. 102-103..

³⁵ Appearances, Rollo, Vol. 1, p. 103-A.

³⁶ Rollo, Vol. 1, pp. 134 – 303.



The issues having been joined, the Executive Committee of the Tribunal, in Resolution No. 15-05 dated 2 September 2015, resolved to call the parties and their respective counsel to a preliminary conference to be held on 11 September 2015. The Tribunal likewise required the parties to file not later than 09 September 2015 their respective Preliminary Conference Brief.³⁷

During the Preliminary Conference, Petitioner agreed to drop the issue of residency on the ground of prescription.³⁸

Thereafter, on 21 September 2015, the Tribunal heard the parties in Oral Argument, at the conclusion of which, the parties were required to submit their respective Memorandum, without prejudice to the submission of DNA evidence by Respondent within thirty (30) days from the said date.³⁹

On 21 October 2015, Respondent moved for an extension of fifteen (15) days or until 05 November 2015 within which to submit DNA test results.⁴⁰ The motion was granted by the Executive Committee in its Resolution No. 15-08 dated 27 October 2015.⁴¹

However, on 05 November 2015, Respondent filed a Manifestation (re: Results of DNA Testing), stating that none of the tests that Respondent took provided results that would shed light to the real identity of her biological parents. While she would continue her efforts to find personal closure with respect to this issue and undertook to inform the Tribunal should a positive development arise, Respondent submitted the issue of her natural-born Filipino citizenship as a foundling for resolution upon the legal arguments set forth in her submissions to the Tribunal.⁴² In Resolution No. 15-10 dated 06 November 2015, the Tribunal noted the manifestation and considered the case submitted for resolution.

ISSUE and SUB-ISSUES

At the Preliminary Conference, the parties narrowed down the main issue and sub-issues to be resolved, as follows:

³⁷ Rollo, Vol. 1, pp. 312-313.

³⁸ Preliminary Conference, 11 September 2015, tsn, p. 3.

³⁹ Resolution No. 15-07 dated 21 September 2015, Rollo, Vol. 5, pp. 1386-1387.

⁴⁰ Manifestation with Motion for Leave for Extension, Rollo, Vol. 6, pp. 1805-1808.

⁴¹ Rollo, Vol. 6, pp. 1811-1812.

⁴² Rollo, Vol. 6, pp. 1813-1816.

