



SEPARATE OPINION

SENATOR CYNTHIA A. VILLAR, :

Petitioner is asking us to unseat Senator Mary Grace Poe Llamanzares as Senator of the Republic on the ground that she is not a natural-born citizen of the Philippines. Petitioner based his claim that Senator Poe is not a natural-born citizen of the Philippines solely on the admitted fact that she is a foundling whose biological parents are unknown. He did not present any proof that Senator Poe is indeed not a natural-born citizen of the Philippines.

The enumeration of who are citizens of the Philippines under the 1935 Constitution did not include foundlings. However, I found enlightening the records of the deliberations of the 1934 Constitutional Convention which indicated that it was not the intention of the framers of the Constitution to exclude foundlings from natural-born Philippine citizenship, that there was recognition that "a child of unknown parentage born in the Philippines is deemed to be Filipino" and that the only reason there was no specific reference to foundlings in the 1935 Constitution was that foundlings are "few and far in between so that it is not necessary to include a provision on the subject exhaustively".

Secondly, under generally accepted principles of international law, as embodied in the Hague Convention of 1930, a foundling is, until the contrary is proved, presumed to have been born in the territory of the State in which it was found. We have adopted these generally accepted principles of international law as part of the law of our land, according to our Constitution.

These lead me to conclude that the fact of being a foundling, by itself, will not necessarily make an individual not a natural-born citizen of the Philippines. In other words, the fact that Senator Poe is a foundling does not necessarily mean that she is not and cannot be a natural-born citizen of the Philippines. Therefore, anybody who claims that she is not a natural-born citizen of the Philippines must establish that fact with adequate proof and not merely rely on her being a foundling.

To my mind, the need for proof becomes even more compelling in the present case, where we are being asked to unseat someone who has been overwhelmingly elected to her position by majority of our countrymen.

I THEREFORE VOTE TO DISMISS THE PETITION.



Senator/Member