

HARD CASES MAKE BAD MOVIES: THE CANDIDATES POE AND PHILIPPINE CITIZENSHIP LAW AS SCREENPLAY*

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ABSTRACT

Two Supreme Court decisions on citizenship and the presidency involve Fernando Poe Jr. (“FPJ”), a titan of Philippine movies, and his adopted daughter Grace. The former was the child of aliens, the latter was a foundling. Both won their Supreme Court cases but never became President. FPJ died while protesting the election results. Grace came in third in her race. Both cases are so long and difficult to read with facts so incredible that they seem contrived. They seem to have been written as a screenplay, aimed at increasing viewership. I suggest that Supreme Court decisions can be re-written in order to elicit playfulness, or to have cases performed as a complement to traditional teaching techniques in law schools. The cases of the Candidates Poe, were begging to be parodied and in this Article, I present these cases reimagined for instructional and entertainment value.

I. INTRODUCTION

Two decisions of the Supreme Court of the Philippines on citizenship law are remarkable for many reasons. First, both these cases involved aspirants to the presidency. Second, both involved a challenge to the citizenship of the candidates. One, apparently, was the child of aliens, while the other was a foundling whose parents, naturally, were unknown. Third, the candidates were related. In *Tecson v. Commission on Elections*,¹ the candidate was Fernando Poe Jr. (“FPJ”), a titan of Philippine movies. In *Poe-Llamanzares v.*

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¹ [Hereinafter “*Tecson*”], G.R. No. 161434, 424 SCRA 277, Mar. 3, 2004.

Commission on Elections,² the candidate was his adopted daughter Grace. Fourth, both prevailed before the Court. The Supreme Court held in these cases that both father and daughter were natural-born citizens of the Philippines and therefore qualified to run for the presidency. Fifth, neither candidate, in the end, became President. FPJ died while he was questioning the official results of the 2004 Presidential Elections,³ whereas Grace Poe lost to Rodrigo Duterte in 2016.

² [Hereinafter “*Poe-Llamanzares*”], G.R. No. 221697, 786 SCRA 1, Mar. 8, 2016. Grace Poe’s citizenship was also decided in a case questioning her qualification as a Senator of the Philippines, a position similarly reserved for natural-born citizens. In *David v. Senate Electoral Tribunal* [hereinafter “*David*”], G.R. No. 221538, 803 SCRA 435, Sept. 20, 2016, Rizalito Y. David asked for the nullification of resolutions of the Senate Electoral Tribunal. The first Nov. 17, 2015 Decision “dismissed the Petition for *Quo Warranto* filed by David, which sought to unseat Mary Grace Poe-Llamanzares as a Senator for allegedly not being a natural-born citizen of the Philippines and, therefore, not being qualified to hold such office under Article VI, Section 3 of the 1987 Constitution.” The second Dec. 3, 2015 Resolution “denied David’s Motion for Reconsideration.”

The Supreme Court dismissed David’s Petition. The Court held, in upholding the Tribunal’s rulings, that:

The Senate Electoral Tribunal knew the limits of human capacity. It did not insist on burdening [the] private respondent with conclusively proving, within the course of the few short months, the one thing that she has never been in a position to know throughout her lifetime. Instead, it conscientiously appreciated the implications of all other facts known about her finding. Therefore, it arrived at conclusions in a manner in keeping with the degree of proof required in proceedings before a quasi-judicial body: not absolute certainty, not proof beyond reasonable doubt or preponderance of evidence, but “substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. *Id.* at 475.

Later, the Court explained that depriving foundlings of natural-born citizenship discriminates against foundlings:

Concluding that foundlings are not natural-born Filipino citizens is tantamount to permanently discriminating against our foundling citizens. They can then never be of service to the country in the highest possible capacities. It is also tantamount to excluding them from certain means such as professions and state scholarships, which will enable the actualization of their aspirations. These consequences cannot be tolerated by the Constitution, not least of all through the present politically charged proceedings, the direct objective of which is merely to exclude a singular politician from office. Concluding that foundlings are not natural-born citizens creates an inferior class of citizens who are made to suffer that inferiority through no fault of their own.

If that is not discrimination, we do not know what is. *Id.* at 521.

³ Associated Press, *Fernando Poe Jr., 65; Philippine Presidential Candidate and Actor*, L.A. TIMES, Dec. 14, 2004, available at <https://www.latimes.com/archives/la-xpm-2004-dec-14-me-poe14-story.html>.

The facts in both cases are so incredible that students of law must have felt that they were reading the screenplay of a bad movie. In fact, had these cases not come before the Supreme Court, no one would have believed they actually happened.

In this Article, I suggest that students of law may have an easier time understanding long important Supreme Court decisions if they reimagine them as a play.

II. LAW, FILM, AND STORYTELLING

There is a body of work that discusses the connection between law and storytelling, particularly through movies. There appear to be two prongs in the literature. The first prong discusses how law schools can use movies to teach law. The second prong discusses how lawyers can use screenplay writing techniques to be more effective lawyers.⁴

The first prong includes works that cite movies with the potential to teach law students about law. According to Professor David Caudill:

[F]ilms about law and lawyers can sometimes be used as effective teaching tools in law schools, whether to illustrate good or bad trial advocacy skills, to serve as hypotheticals for legal education ethics training, or to reflect on justice and fairness in contemporary or past society (including issues of gender, race, and power).⁵

Some authors suggest “viewing and thinking critically about a range of Hollywood films so as to better illuminate some of the more shadowy corners of our own discipline.”⁶ “Treasure of Sierra Madre” has been examined as “a primer on the principles of business law,”⁷ while films like

⁴ There are more nuanced discussions of this interplay between “law and film.” For a history of the discipline, see Orit Kamir, *Why ‘Law-and-Film’ and What Does it Actually Mean? A Perspective*, 19 CONTINUUM: J. MEDIA & CULTURAL STUD. 255 (2005). One may also study the role of film in legal disputes and social life, see also Jessica Silbey & Meghan Slack, *The Semiotics of Film in US Supreme Court Cases*, in LAW, CULTURE, AND VISUAL STUDIES 179 (2014).

⁵ David Caudill, *Idealized Images of Science in Law: The Expert Witness in Trial Movies*, 82 ST. JOHN’S L. REV. 921, 923 (2008).

⁶ Ruth Buchanan & Rebecca Johnson, *Getting the Insider’s Story Out: What Popular Film Can Tell Us about Legal Method’s Dirty Secrets*, 20 WINDSOR Y.B. ACCESS JUST. 87, 88 (2001).

⁷ Sharlene A. McEvoy, *Teaching Legal Principles By Using The Movie ‘Treasure of Sierra Madre,’* 37 N.E. J. LEGAL STUD. 117, 119 (2018).

“To Kill a Mockingbird” or “The Devil’s Advocate” have been used to educate students about the role of lawyers.⁸

Another example is the classic Japanese movie “Rashomon,” which has been frequently used for teaching. Professor Orit Kamir used Rashomon to show that “some popular feature films offer unique cinematic insight into our understanding of the relationship between law, society, and culture.”⁹ Rashomon “offers complex, powerful insights on the human condition, the meaning of truth, and the nature of the legal process in its socio-cultural context.”¹⁰ Similarly, “Philadelphia,” a Denzel Washington/Tom Hanks story about AIDS, is used to illustrate employment discrimination.¹¹ Likewise, the Stanley Kubrick film, “A Clockwork Orange,” is used to discuss the political and social realities of punishment.¹²

The second prong focuses on how movie-making techniques can be used by law schools to prepare their students for legal practice. Scholars under this prong suggest that law schools should produce legal writers who can convey their clients’ stories in a compelling and sympathetic way. Professor Elyse Pepper argues that incorporating movies as teaching tools within the Legal Writing curriculum may be a way to do so.¹³ In line with this, Professor Teresa Bruce suggests that lawyers use “the screenwriters’ method” to be more effective in telling their clients’ stories.¹⁴ She argues that “lawyers should build their stories in the same way that Hollywood writers do, and that doing

⁸ Victoria S. Salzmann, *Here’s Hulu: How Popular Culture Helps Teach the New Generation of Lawyers*, 42 MCGEORGE L. REV. 297, 297 (2011).

⁹ Orit Kamir, *Judgment by Film: Socio-Legal Functions of Rashomon*, 12 YALE J.L. & HUMAN. 39, 39 (2000).

¹⁰ *Id.* at 40.

¹¹ Brian Levey, *Using Film Clips in the Classroom: Something Old, Something New?*, 4 J. TEACHING & LEARNING TECH. 41, 43 (2015).

¹² Ilya Lichtenberg, Howard Lune, & Patrick McManimon Jr., “*Darker than any prison, hotter than any human flame*”: Punishment, choice, and culpability in *A Clockwork Orange*, 15 J. CRIM. JUST. EDUC. 429, 430 (2004).

¹³ Elyse Pepper, *The Case for “Thinking Like a Filmmaker”: Using Lars von Trier’s Dogville as a Model for Writing a Statement of Facts*, 14 J. LEGAL WRITING INST. 171, 172 (2008). Many films raise universal themes inherent in the analysis of law and society. Many movies address the issues that underlie lawsuits. Films that tell stories about human rights, civil rights, racial discrimination, sexual harassment, divorce, murder, capital punishment, insider trading, corporate misfeasance, product liability, freedom of speech, freedom of religion, and fraud, help students connect law to life.

¹⁴ Teresa M. Bruce, *The Architecture of Drama: How Lawyers Can Use Screenwriting Techniques to Tell More Compelling Stories*, 23 J. LEGAL WRITING INST. 47, 48 (2019).

so will make for better, more understandable, more memorable, and more persuasive stories.”¹⁵

Aside from the storytelling and enjoyment aspects, there are other intended benefits of using film in the classroom, including: “promoting creative thinking, modeling different lawyering styles, highlighting ethical dilemmas, and instructing on the history and development of law.”¹⁶ Students today are accustomed to the visual stimulation of electronic devices, making movies a perfect vehicle to maintain their interest and to provoke their thoughts. Filmmaking also embodies the use of narrative and character development, which is the hallmark of any good litigator. Further, given the highly emotional and personal nature of most family law issues, films are especially useful and satisfactory in supplementing classroom education.¹⁷

The use of good storytelling techniques has also been adopted for writing law review articles.¹⁸ Using exposition, confrontation, and resolution, Professor Shari Motro claims that thinking of arguments as stories “might make us not only more interesting writers but more honest and compassionate human beings.”¹⁹ Moreover, these prongs may even intersect. For example, the popular series “Breaking Bad” has been cited as a means of using shows to prepare students for practice.²⁰

Now, imagine this: what if the case *can* be made into a movie? In the United States, landmark rulings of the Supreme Court are made into movies.²¹ If the facts are so compelling, might students want to write their own screenplay?

¹⁵ *Id.* Her article takes a structural approach to narrative theory. It is concerned with the architecture of stories, not their content. It focuses, in particular, on coherence—the relationship between the parts of a story. It drills down deeper into the familiar but also fundamental concept of the three-act story, explaining how screenwriters punctuate those acts with story milestones that could apply equally well to fictional tales told in motion pictures as to real, human dramas told in the context of lawsuits. Ultimately, it takes the position that lawyers who use standard screenwriting methods to tell their clients’ stories will be better advocates. *Id.* at 56.

¹⁶ Mary Kay O’Malley, *Through a Different Lens: Using Film to Teach Family Law*, 49 FAM. CT. REV. 715, 716 (2011).

¹⁷ *Id.*

¹⁸ Shari Motro, *At the Lectern, The Three-Act Argument: How to Write a Law Article That Reads Like a Good Story*, 64 J. LEGAL EDUC. 707, 707 (2015).

¹⁹ *Id.* at 710.

²⁰ Max Minzner, *Breaking Bad in the Classroom*, 45 N. M. L. REV. 397, 399 (2015).

²¹ *Loving v. Virginia*, 388 U.S. 1 (1967) was made into the movie, *Loving*, released in 2016.

Even better—what if the facts of a case are so unbelievable that no one will want to make it into a movie? Can we make *that* into a movie?

III. PLAYS AND PLAYING

The current literature speaks of using filmmaking techniques or products as part of the law school's pedagogy. After having taught law for more than 20 years, my own experience suggests that Supreme Court rulings may also be appreciated or reimagined *as* plays, movies, or even perhaps plays about movies. The facts of a case as it is sifted through litigation produce an outline of a story: crude and incomplete, but occasionally funny.²² Thus, viewing cases as plays may help students appreciate the complex legal issues and be entertained along the way. It may also constitute “playing.”

Playing in law school is also generating a foundation in research. The concept of play as applied in a law school setting is a combination of (1) a set of external conditions, (2) certain types of activities, and (3) an internal attitude, termed “playfulness” or “playful disposition.”²³

[F]or law students in training, this means preparation to be creative problem-solvers, who at the same time always have the tools of careful analysis at hand. For the academic, this means developing the capacity to re-envision the nature of law and legal relationships, whether local or global, while at the same time bringing critical analysis to the task. Some of the best scholarship offers creative problem-solving, not only in advancing creative solutions to established problems (for the scholar with intellectual curiosity consistently looks upon problems with a “what if we...” attitude), but in the identification, framing, and confirmation of the very existence of the problem as well. Legal training excels at refining the capacity of critical analysis, with law professors being among the highest practitioners of this skill.²⁴

Important decisions can be very difficult to read especially if they are extremely long. The cases involving FPJ and Grace Poe (“Candidates Poe”) total 1,347 pages. Reading these technical documents may be excruciating,

²² This is not unique in the Philippines. The mere recitation of the facts in some cases may provoke laughter from the opinion author's audience. Lucas Hori, *Bons Mots, Buffoonery, and the Bench: The Role of Humor in Judicial Opinions*, 60 UCLA L. REV. DISC. 16, 23 (2012).

²³ Bryan Adamson et al., *Can the Professor Come Out and Play?—Scholarship, Teaching, and Theories of Play*, 10 SEATTLE J. SOC. JUST. 273, 278 (2011).

²⁴ *Id.* at 276–77.

unless the reader can appreciate the facts as an attempt at filmmaking or can adopt a playful attitude when reading them.

Some of these cases may be even tragic because they involve death or failed relationships, yet the absurdity of these cases makes them a candidate for reimagination. It makes them less tragic and more tragicomic.²⁵ In other words, some tragedies are just begging to be parodied.

Let us see, for example, the facts of *Fernando v. Court of Appeals*:²⁶

[O]n November 7, 1975, Bibiano Morta, market master of the Agdao Public Market filed a requisition request with the Chief of Property of the City Treasurer's Office for the re-emptying of the septic tank in Agdao. An invitation to bid was issued to Aurelio Bertulano, Lito Catarsa, Feliciano Bascon, Federico Bolo[,] and Antonio Suñer, Jr. Bascon won the bid. On November 26, 1975[,] Bascon was notified and he signed the purchase order. However, before such date, specifically on *November 22, 1975*, bidder Bertulano with four other companions namely Joselito Garcia, William Liagoso, Alberto Fernando and Jose Fajardo, Jr. were found dead inside the septic tank. The bodies were removed by a fireman. One body, that of Joselito Garcia, was taken out by his uncle, Danilo Garcia and taken to the Regional Hospital but he expired there. The City Engineer's office investigated the case and learned that the five victims entered the septic tank without clearance from it nor with the knowledge and consent of the market master. In fact, the septic tank was found to be almost empty and the victims were presumed to be the ones who did the re-emptying. Dr. Juan Abear of the City Health Office autopsied the bodies and in his reports, put the cause of death of all five victims as 'asphyxia' caused by the diminution of oxygen supply in the body working below normal conditions. The lungs of the five victims burst, swelled in hemorrhagic areas and this was due to their intake of toxic gas, which, in this case, was sulfide gas produced from the waste matter inside the septic tank.²⁷

²⁵ I think it is human nature to laugh at tragedy (even death) if the death was caused by the decedent's own reckless conduct. This accounts for the following of The Darwin Awards. The Darwin Awards "are a mock-serious annual compilation of anecdotes of hapless individual humans hurting themselves foolishly, usually fatally, in settings demonstrating that humanity's gene stock may well be improved by their departure." Zygmunt J.B. Plater, *Dealing with Dumb and Dumber: The Continuing Mission of Citizen Environmentalism*, 20 J. OF ENVTL L. & LITIG. 9, 11 n.3 (2006).

²⁶ G.R. No. 92087, 208 SCRA 714 (1992).

²⁷ *Id.* at 715–16.

The Supreme Court's decision did not say why Bertulano's team was in the septic tank. Perhaps the losing bidders sneaked into the septic tank at night and cleaned it to spite the winning bidders. Perhaps they were misinformed about the results of the public bidding. In any case, the story becomes fascinating and entertaining without failing to impress upon students the lessons on local government liability.

Humor has its place in law. Judicial humor in the form of parody, ridicule, and satire "can act to sanction counsel and/or litigants who take flatly unsupportable positions, inflicting punishment on the offenders and deterring similar conduct."²⁸ Justices crack jokes.

[W]hen the Justices make jokes and quips, they do so with serious intent, and the humor that results often stems from the barbed or pointed nature of their remarks. Indeed, it is often the serious point wrapped within the joke that makes it humorous. That does not mean that the laughter is incidental: humor is one of the weapons in the Justices' arsenals of rhetorical persuasion."²⁹

I make a humble contribution to the literature. I suggest that occasionally, the statement of facts in Supreme Court decisions lend themselves to a reimagination or a re-write. My contribution is an invitation to play in the classroom: to write or perform case law to complement traditional teaching techniques in law schools.

In the following sections, I present the cases of the Candidates Poe as a screenplay about a WRITER pitching the story to a PRODUCER. But the facts of the case are so absurdly comical that the ideas are rejected.³⁰

IV. THE PITCH

SCENE: 9:07 a.m. The PRODUCER is on her cell phone, talking shop with a movie director about her latest project. She is in a good mood. There is a pile of scripts on her desk, and one in her hand. She's enjoying her first cup of coffee that morning. Jaime, her

²⁸ Pamela Hobbs, *Judges' use of humor as a social corrective*, 39 J. PRAGMATICS 50, 66 (2007).

²⁹ Tonja Jacobi & Mathew Sag, *Taking Laughter Seriously at the Supreme Court*, 72 VAND. L. REV. 1423, 1428-29 (2019). For a discussion on the place of humor in opinion writing, see Adalberto Jordan, *Imagery, Humor, and the Judicial Opinion*, 41 U. MIAMI L. REV. 693 (1987).

³⁰ I take inspiration from other creative works such as Andrew McClurg, *A Day in the Life of Justice Antonin Scalia*, 1997 ARK. TRIAL L. ASS'N DOCKET 1, 7; Derrick Wang, *Scalia/Ginsburg: A (Gentle) Parody of Operatic Proportions*, 38 COLUM. J. L. & ARTS 239 (2015).

secretary, opens the door smiles at the “PRODUCER” and introduces her at 9 o’clock—“The WRITER.”

They exchange pleasantries. They know each other well. The audience can tell that they’ve worked together before.

PRODUCER

(Smiling widely at her guest) I’m sorry about that. Quentin just can’t stop talking once you get him on the phone (Both laugh).

I just started to read your script. I heard you’re in town so I asked you to come in. (Jaime comes in with coffee for the WRITER). This is a political-legal thriller! I’m liking it so far.

WRITER

(Excitedly) I can already see an Oscar on your desk. An actor, the King of Philippine Movies³¹ wants to become President of the Philippines!³²

PRODUCER

But anyone can be President. The Philippines *already had* an actor as President.³³ How is this different?

WRITER

Joseph Estrada was an actor *but* became mayor of San Juan, then a municipality in Metro

³¹ Poe starred in more than 200 films and was popular among impoverished Filipinos for his portrayals of “fast-punching, underdog champions of the poor.” He presented a formidable challenge to Gloria Macapagal-Arroyo even though his campaign suffered from disorganization and questions over his citizenship. Associated Press, *Fernando Poe Jr., 65, Philippine Actor-Politician, Dies*, N.Y. TIMES, Dec. 14, 2004, available at <https://www.nytimes.com/2004/12/14/world/asia/501ernando-poe-jr-65-philippine-actorpolitician-dies.html>.

³² On Dec. 31, 2003, Ronald Allan Kelly Poe, also known as Fernando Poe, Jr. filed his certificate of candidacy for President of the Philippines under the Koalisyon ng Nagkakaisang Pilipino (KNP) Party. In his certificate of candidacy, FPJ, representing himself to be a natural-born citizen of the Philippines, stated his name to be ‘Fernando Jr.,’ or ‘Ronald Allan’ Poe, his date of birth to be Aug. 20, 1939 and his place of birth to be Manila. *See Tecson*, 424 SCRA 277, 356.

³³ For a background on Joseph Estrada’s political career, see Eva-Lotta Hedman, *The Spectre of Populism in Philippine Politics and Society: Artista, Masa, Eruption!*, 9 SE. ASIA RES. 5 (2001); Mark Thompson, *The Politics Philippine Presidents Make: Presidential-style, Patronage-based, or Regime Relational?*, 46 CRITICAL ASIAN STUD. 433, 452–53 (2014).

Manila, and was a Senator, before he became President.³⁴

PRODUCER

He was a politician.

WRITER

Yes, and Estrada was a Filipino, without a doubt. Under the Philippine Constitution,³⁵ national elective offices are reserved for natural born³⁶ citizens of the Philippines.

PRODUCER

“The King of Philippine Movies” is not a Filipino?

WRITER

It’s unclear.³⁷

³⁴ “Poe was a political neophyte who tried to emulate his friend [former President] Joseph Estrada’s 1998 presidential win by banking on his popularity among impoverished Filipinos for his portrayals of punch-throwing, horse-riding underdog champions of the poor.” *Fernando Poe Jr. Dies*, WASHINGTON POST, Dec. 14, 2004, available at <https://www.washingtonpost.com/archive/local/2004/12/14/fernando-poe-jr-dies/d6139f8b-3dde-4af3-8e48-04f944644968/>. When FPJ ran for President in 2004, he was regarded as Estrada’s proxy and the election was a test of Estrada’s continuing political power. Poe had no political experience, but he lost narrowly to Gloria Macapagal-Arroyo in an election marred with allegations of voter fraud. This is another potential movie as other scholars observed: “As if viewing from a plotline of a political drama, Estrada himself ran and won as Manila Mayor and placed (a distant) second in the 2010 presidential race against Benigno S. Aquino.” Adele Webb & Nicole Curato, *Populism in the Philippines*, in POPULISM AROUND THE WORLD 49 (Daniel Stockemer ed., 2019).

³⁵ CONST. art. VII, §2: “No person may be elected President unless he is a *natural-born citizen of the Philippines*, a registered voter, able to read and write, at least forty years of age on the day of the election, and a resident of the Philippines for at least ten years immediately preceding such election.” (Emphasis supplied.)

³⁶ Art. IV, §2: Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens.”

³⁷ “Documentary evidence adduced by petitioner would tend to indicate that the earliest established direct ascendant of FPJ was his paternal grandfather Lorenzo Pou, married to Marta Reyes, the father of Allan F. Poe. While the record of birth of Lorenzo Pou had not been presented in evidence, his death certificate, however, identified him to be a Filipino, a resident of San Carlos, Pangasinan, and 84 years old at the time of his death on 11 September 1954. The certificate of birth of the father of FPJ, Allan F. Poe, showed that he was born on 17 May 1915 to an Español father, Lorenzo Pou, and a mestiza Español mother, Marta Reyes.” *Tecson*, 424 SCRA at 334.

PRODUCER

Walk me through it.

WRITER

On January 9, 2004, Victorino X. Fornier, filed a petition before the Commission on Elections (COMELEC) to disqualify FPJ...

PRODUCER

FPJ is the actor?

WRITER

The actor, yes. Fernando Poe, Jr.—FPJ.

PRODUCER

(Looks intently at the WRITER while sipping her coffee). Go on.

WRITER

...to disqualify FPJ and to deny due course or to cancel his certificate of candidacy upon the theory that FPJ made a material misrepresentation³⁸ in his certificate of candidacy by claiming to be a natural-born Filipino citizen when in truth, his parents were foreigners. Yes, his mother, Bessie Kelley Poe, was an American, and his father, Allan F. Poe, was a Spanish national, being the son of Lorenzo Pou, a Spanish subject.³⁹

Even if Allan was a Filipino citizen, he could not have transmitted his Filipino citizenship to FPJ, the latter being an illegitimate child of an alien mother.

³⁸ “For the petition to deny due course or cancel the COC of one candidate to prosper, the candidate must have made a material misrepresentation involving his eligibility or qualification for the office to which he seeks election, requisite residency, age, citizenship or any other legal qualification necessary to run for local elective office as provided in the Local Government Code.” *Villafuerte v. COMELEC*, G.R. No. 206698, 717 SCRA 312, 323, Feb. 25, 2014. (Citations omitted.)

³⁹ For a background on the Spanish occupation of the Philippines, see Pute Rahimah Makol-Abdul, *Colonialism and change: The case of Muslims in the Philippines*, 17 J. MUSLIM MINORITY AFF. 311 (1997); Ethan Hawkey, *Reviving the Reconquista in Southeast Asia: Moros and the Making of the Philippines, 1565–1662*, 25 J. WORLD HIST. 285 (2014).

PRODUCER

Wait. His father might have been a Spanish citizen because his grandfather was a Spanish subject?

WRITER

Yes. The Philippines was a colony of Spain.

PRODUCER

And his mother was an American citizen?

WRITER

Yes, American.

PRODUCER

And he was illegitimate?

WRITER

Yes.

Yes, because FPJ's father, Allan, was married to a Paulita Gomez before his marriage to Bessie Kelley and...and... even if no such prior marriage had existed, Allan married Bessie Kelly only a year after FPJ was born!

PRODUCER

So a child conceived by foreigners and born out of wedlock wanted to become President of the Philippines, but no one was sure if he was a Filipino? Really?

WRITER

It's an incredible story! The case reached the Supreme Court—and the Court had to determine if FPJ was a Filipino. It was a landmark ruling!

PRODUCER

(Puts her coffee down and rubs her temples).
Let's talk about the grandfather...

WRITER

Documentary evidence indicated that the earliest established direct ascendant of FPJ was his paternal grandfather Lorenzo Pou, married to Marta Reyes, the father of Allan F. Poe. The

following documents were presented in evidence:

1. Lorenzo Pou's death certificate;⁴⁰
2. The certificate of birth of Allan F. Poe;
3. An "uncertified" copy of a supposed certificate of the alleged marriage of Allan F. Poe and Paulita Gomez on July 5, 1936;
4. The marriage certificate of Allan F. Poe and Bessie Kelley; and
5. FPJ's birth certificate, which showed that he was born on August 20, 1939 to Allan F. Poe, a Filipino, married to Bessie Kelly.⁴¹

PRODUCER

(Interrupting) What does all this mean?

WRITER

The only conclusions that could be drawn with some degree of certainty from the documents were:

1. The parents of FPJ were Allan F. Poe and Bessie Kelley;
2. FPJ was born to them on August 20, 1939;
3. Allan F. Poe and Bessie Kelley were married to each other on September 16, 1940;
4. The father of Allan F. Poe was Lorenzo Pou; and
5. At the time of his death on September 11, 1954, Lorenzo Pou was 84 years old.

PRODUCER

Would these documents be sufficient to establish the fact that FPJ was a natural-born Filipino citizen?⁴²

WRITER

The marriage certificate of Allan F. Poe and Bessie Kelley, the birth certificate of FPJ, and the death certificate of Lorenzo Pou were documents of public record in the custody of a public officer. All three documents were

⁴⁰ *Tecson*, 424 SCRA at 334.

⁴¹ *Id.* at 335.

⁴² *Id.*

certified true copies of the originals. They were trustworthy.⁴³

Being public documents, the death certificate of Lorenzo Pou, the marriage certificate of Allan F. Poe and Bessie Kelly, and the birth certificate of FPJ, constituted *prima facie* proof of their contents.⁴⁴

PRODUCER

So was the grandfather a Filipino?

WRITER

Well, the Court said that it could be assumed that Lorenzo Pou was born sometime in the year 1870 when the Philippines was still a colony of Spain.

According to his death certificate, Lorenzo Pou was a resident of San Carlos, Pangasinan. In the absence of any evidence to the contrary, it should be sound to conclude, or at least to presume, that the place of residence of a person at the time of his death was also his residence before death.⁴⁵

PRODUCER

Really?

WRITER

That's what the Supreme Court said. It's the law.⁴⁶

To be clear, the Supreme Court held that any conclusion on the Filipino citizenship of Lorenzo Pou could only be drawn from the presumption that:

⁴³ "The trustworthiness of public documents and the value given to the entries made therein could be grounded on 1) the sense of official duty in the preparation of the statement made, 2) the penalty which is usually affixed to a breach of that duty, 3) the routine and disinterested origin of most such statements, and 4) the publicity of record which makes more likely the prior exposure of such errors as might have occurred." *Id.* at 336. (Citations omitted.)

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ "[J]udicial decisions of the Supreme Court assume the same authority as the statute itself." *Floresca v. Philex Mining Corp.*, G.R. No. 30642, 136 SCRA 141, 164, Apr. 30, 1985. (Citations omitted.)

1. Having died in 1954 at 84 years old, Lorenzo would have been born sometime in the year 1870, when the Philippines was under Spanish rule[;]
2. San Carlos, Pangasinan, his place of residence upon his death in 1954 [...] could have well been his place of residence before death[;]
3. Lorenzo Pou would have benefited from the “en masse Filipinization” that the Philippine Bill had effected in 1902[;]⁴⁷
4. The citizenship (of Lorenzo Pou), if acquired, would thereby extend to his son, Allan F. Poe, the father of [...] FPJ[; and,]
5. The 1935 Constitution, during which regime respondent FPJ has seen first light, confers citizenship to all persons whose fathers are Filipino citizens regardless of whether such children are legitimate or illegitimate.⁴⁸

PRODUCER

So under the Philippine Bill of 1902, Lorenzo became a Filipino citizen. But FPJ was ~~a bastard, born out of wedlock~~, “nonmarital.”⁴⁹ Did Allan acknowledge FPJ as his son? How about FPJ’s birth certificate?

WRITER

Nowhere in FPJ’s birth certificate was the signature of Allan F. Poe found.⁵⁰

PRODUCER

(Wryly) You’re kidding. What about a will?

⁴⁷ *Tecson*, 424 SCRA at 349. “The term ‘citizens of the Philippine Islands’ appeared for the first time in the Philippine Bill of 1902, also commonly referred to as the Philippine Organic Act of 1902, the first comprehensive legislation of the Congress of the United States on the Philippines —

[T]hat all inhabitants of the Philippine Islands continuing to reside therein, who were Spanish subjects on the 11th day of April, 1891, and then resided in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris, December tenth eighteen hundred and ninety eight.

Under the organic act, a ‘citizen of the Philippines’ was one who was an inhabitant of the Philippines, and a Spanish subject on the 11th day of April 1899. The term ‘inhabitant’ was taken to include 1) a native-born inhabitant, 2) an inhabitant who was a native of Peninsular Spain, and 3) an inhabitant who obtained Spanish papers on or before 11 April 1899.” *Id.* at 330–31. (Emphasis supplied, citations omitted.)

⁴⁸ *Id.* at 349.

⁴⁹ This term is used to obviate the derogatory connotations of the term “illegitimate.” *See Gocolay v. Gocolay*, G.R. No. 220606, Jan. 11, 2021.

⁵⁰ *Tecson*, 424 SCRA at 338.

WRITER

There was none. Can you believe it?⁵¹

PRODUCER

(Wryly) I really don't. So he's screwed.

WRITER

The only other proof of voluntary recognition remained to be "some other public document."⁵²

PRODUCER

He's screwed.

WRITER

I know, right? It looks like the end of the campaign is near. But cut to the scene where we see someone running along a hallway... he's wearing a suit, a lawyer (maybe), then bursting into a room full of sulking sullen people. It's FPJ's legal team—wallowing in self-pity, thinking about throwing in the towel. Everyone looks up to see this lawyer (maybe) who's gasping for breath, saying "We found her! We found her!"

PRODUCER

Found who?

WRITER

Ruby. Kelly. Mangahas.

PRODUCER

Who is Ruby Kelly Mangahas?

⁵¹ *Id.*

⁵² *Id.* "In *Pareja v. Pareja*, this Court defined what would constitute a document as proof of voluntary acknowledgement:

Under the Spanish Civil Code there are two classes of public documents, those executed by private individuals which must be authenticated by notaries, and those issued by competent public officials by reason of their office. The public document pointed out in Article 131 as one of the means by which recognition may be made belongs to the first class." (Emphasis in the original, citations omitted.)

WRITER

Ruby Kelley Mangahas is the sister...wait for
it...of Bessie Kelley Poe!

PRODUCER

No way! She's still alive?

WRITER

Yes,⁵³ they found her in California! Ruby submitted a duly notarized declaration before the COMELEC, that might be accepted to prove the facts of Allan F. Poe, recognizing his own paternal relationship with FPJ! She declared that Allan F. Poe was living together with Bessie Kelly and his children (including FPJ) in one house, and as one family!⁵⁴

⁵³ Ruby Kelly Mangahas passed away in Feb. 2006. Her online obituary reads in part: “She was preceded in death by sister, Bessie Kelley Poe; nephews, Fernando Poe Jr. and Ronald Allan Poe.” *Ruby Kelley Mangahas Obituary*, Legacy.com, available at <https://www.legacy.com/obituaries/name/ruby-mangahas-obituary?pid=16645359> (last visited Feb. 16, 2020).

⁵⁴ *Tecson*, 424 SCRA at 535. The document stated the following:

I, Ruby Kelly Mangahas, of legal age and sound mind, presently residing in Stockton, California, U.S.A., after being sworn in accordance with law do hereby declare that:

1. I am the sister of the late Bessie Kelly Poe.
2. Bessie Kelley Poe was the wife of Fernando Poe, Sr.
3. Fernando and Bessie Poe had a son by the name of Ronald Allan Poe, more popularly known in the Philippines as “Fernando Poe, Jr., or FPJ”.
4. Ronald Allan Poe “FPJ” was born on August 20, 1939 at St. Luke’s Hospital, Magdalena Street, Manila.

xxx xxx xxx

7. Fernando Poe Sr., and my sister Bessie, met and became engaged while they were students at the University of the Philippines in 1936. I was also introduced to Fernando Poe Sr., by my sister that same year.

8. Fernando Poe, Sr., and my sister Bessie had their first child in 1938.

9. Fernando Poe, Sr., my sister Bessie and their first three children, Elizabeth, Ronald, Allan and Fernando II, and myself lived together with our mother at our family’s house on Dakota St. (now Jorge Bocobo St.), Malate until the liberation of Manila in 1945, except for some months between 1943-1944.

10. Fernando Poe, Sr., and my sister, Bessie, were blessed with four (4) more children after Ronald Allan Poe

xxx xxx xxx .

18. I am executing this Declaration to attest to the fact that my nephew, Ronald Allan Poe is a natural born Filipino, and that he is the legitimate child of Fernando Poe, Sr.

Cut to the scene where an elderly lady, exquisitely dressed (surrounded by a bunch of excited lawyers) is signing the bottom of legal papers. The camera pans up to see the face of Ruby Kelly Mangahas. She smiles at the lawyers.

PRODUCER

So...so...FPJ *was* the son of Allan!

WRITER

There's one more problem. Birth to unmarried parents would make FPJ an illegitimate child. As an illegitimate child, FPJ followed the citizenship of his mother, Bessie Kelly, an American citizen, based on the Supreme Court's ruling in *Morano vs. Vivo*.⁵⁵

PRODUCER

So he's American?

WRITER

When the Supreme Court has promulgated a decision the same ruling should apply to similar cases. So *Morano* should apply in this case.⁵⁶

PRODUCER

So he *was* an American citizen! And there's the twist!

WRITER

But the *amicus curiae*⁵⁷—and these are big names in constitutional and civil law—all agreed that

Done in City of Stockton, California, U.S.A., this 12th day of January 2004. Ruby Kelly Mangahas Declarant. *Id.* at 535–36.

⁵⁵ 126 Phil. 928 (1967).

⁵⁶ The doctrine of *stare decisis et non quieta movere*, means “to adhere to precedents, and not to unsettle things which are established.” Under the doctrine, when this Court has once laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle, and apply it to all future cases, where facts are substantially the same; regardless of whether the parties and property are the same. The doctrine of *stare decisis* is based upon the legal principle or rule involved and not upon the judgment, which results therefrom. *Ty v. Banco Filipino Savings and Mortgage Bank*, G.R. No. 188302, 675 SCRA 339, 349, June 27, 2012.

⁵⁷ The use of the *amicus curiae* had Roman beginnings “as a learned, respected, independent appointee of the court.” His role was to gratuitously advise and assist the court in arriving at a just decision. In some jurisdictions, particularly in the Commonwealth, the

the citizenship of a child born out of wedlock
was *not* the issue in *Morano*.⁵⁸

PRODUCER

Which means?

WRITER

The *Morano* case was not controlling, it was not
precedent.⁵⁹ We can ignore it.

PRODUCER

So FPJ's citizenship as a child born out of
wedlock did not follow his mother's? Yes!

PRODUCER

(Pacing excitedly) So this Poe, the King of
Philippine Movies, alleged to be an alien,
became President, right? It's Obama-esque!⁶⁰
It's the Kamala Harris story.⁶¹ It's Kamala-
esque! I'm loving it!

WRITER

Wait. No. He died.⁶²

amicus has largely retained that function. In others, as in the United States, he has assumed varied roles including that of a litigating amicus curiae, a lobbyist, an intervenor and an advocate. S. Chandra Mohan, *The Amicus Curiae: Friends no More?*, SING. J. OF LEGAL STUD. 352, 373 (2010).

⁵⁸ The Supreme Court in *Morano v. Vivo* decided whether a Chinese national becomes a Filipino upon marriage to a Filipino citizen. The Court also decided on the constitutionality of Section 37 (a) of the Immigration Act of 1940. The confusion as to the doctrine of the case arose because Petitioners argued that her minor child is a Filipino citizen because Philippine law provides that a foreign-born minor follows the citizenship of the mother. But as the Court explained, the Petitioner is not a Filipino citizen. Therefore, her minor child was not a Filipino. *Morano*, in short, simply held that the rule that a foreign-born minor follows the citizenship of the mother, did not apply to the case.

⁵⁹ "A legal precedent is a principle or rule established in a previous case that is either binding on or persuasive for a court or other tribunal when deciding subsequent cases with similar issues or facts." Univ. of the East v. Masangkay, G.R. No. 226727, 862 SCRA 772, 780 Apr. 25, 2018. If a case is not on all fours with the present dispute, the principle of *stare decisis* will not apply.

⁶⁰ Former U.S. President Barack Obama's father was from Kenya. Jeff Wallenfeldt, *Barack Obama*, ENCYCLOPEDIA BRITANNICA (2004), at <https://www.britannica.com/biography/Barack-Obama>.

⁶¹ U.S. Vice-President Kamala Harris' parents were both foreigners. Her father was Jamaican and her mother was Indian. Ellen Barry, *How Kamala Harris's Immigrant Parents Found a Home, and Each Other, in a Black Study Group*, N.Y. TIMES, Sept. 13, 2020, available at <https://www.nytimes.com/2020/09/13/us/kamala-harris-parents.html>.

⁶² Associated Press, *supra* note 31.

PRODUCER

(Icily) What?

WRITER

He died. He lost the election, challenged the election results...then he died.

PRODUCER

(Coldly) Get out.

WRITER

It's the truth.

PRODUCER

(Raising her voice) Get out!

WRITER

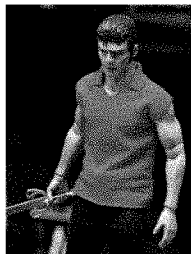
Wait! It's a potential franchise. Just think of the merch.⁶³

PRODUCER

The merch?

WRITER

Imagine an Action figure of the King of action movies! Like this!⁶⁴



You can't make this stuff up!

⁶³ “Merch” is an informal word for merchandise, especially items related to a band, movie, sports team, etc. *Merch*, MACMILLAN ENGLISH DICTIONARY ONLINE, <https://www.macmillandictionary.com/us/dictionary/american/merch> (last accessed June 16, 2021).

⁶⁴ OvermanXAN, Photograph of Ang Panday – the action figure, DEVIANTART, June 20, 2010, at <https://www.deviantart.com/overmanxan/art/Ang-Panday-the-action-figure-168281826> (last accessed Feb. 18, 2021).

PRODUCER

Get out. I'm calling security. (Presses a button on her phone and turns to Jaime as she comes in) Jaime, get security in here. (Security rushes in).

WRITER

"You're throwing away a fortune here. Don't be a fool!"⁶⁵ (The WRITER is escorted off the building by Security).

PRODUCER.

(To Jaime) I don't ever want to see her face again.

V. THE SEQUEL

FPJ's death thrust his daughter Grace in the spotlight.⁶⁶ Her father's "cult status" and failed presidential bid gave her instant popularity and an unfinished cause.⁶⁷ She ran for a seat in the Senate in 2013 and finished with the highest number of votes admitting that "I won because of my dad's legacy. [And] I intend to keep it that way."⁶⁸ Until a few weeks before the presidential election in 2016, Senator Poe was the clear frontrunner. Despite the short record of public service, she was popular among "a Filipino electorate hungry for an inspirational leader."⁶⁹ She campaigned on a "government with a heart" tagline that resonated with the youth as well as middle-class Filipinos. Her campaign capitalized on her clean image and her moderate policy positions.⁷⁰

⁶⁵ STAR WARS: EPISODE V – THE EMPIRE STRIKES BACK (Lucas film Ltd. 1980).

⁶⁶ Maria Elissa Jayme Lao, *The Philippines in 2015: Slowly, on the Straight and Narrow*, in SE. ASIAN AFFAIRS 267 (2016).

⁶⁷ *Id.* Poe had little experience in government before she ran for public office. President Benigno Aquino III appointed her as the head of the Movie and Television Review and Classification Board (MTRCB). Cris Odronia, *Daughter of Fernando Poe Jr. appointed as head of MTRCB*, MANILA TIMES, Oct. 11, 2010, available at <https://www.pressreader.com/philippines/manila-times/20101011/282806417663436>.

⁶⁸ *Philippines: "I'm doing this to honor my dad," says Poe.*, ASIA NEWS MONITOR, July 26, 2013.

⁶⁹ Aries Arugay, *The Philippines in 2016: The Electoral Earthquake and its Aftershocks*, in SE. ASIAN AFFAIRS 281-83 (2017).

⁷⁰ *Id.* Poe did not just bank on populism, but attempted to reach out to reform-minded constituencies. She presented herself as a populist and a reformist, a strategy that worked until she reached the peak of her polling numbers at 27% two months before the elections. Nicole Curato, *Flirting with Authoritarian Fantasies? Rodrigo Duterte and the New Terms of Philippine Populism*, 47 J. CONTEMP. ASIA 142, 146 (2016).

In short, the groundwork for a sequel to the FPJ movie was set: the adopted daughter of Philippine movie stars who succeeded in her bid to become a senator roiled the country's presidential race by declaring her candidacy.⁷¹ She faced four cases of disqualification as a senator⁷² and as a presidential candidate for alleged violations of the country's election laws that require residency and citizenship for elected officials.⁷³

Here is the pitch:

Scene: The PRODUCER is in her office having her first cup of coffee. There is a pile of scripts on her table. She's about to read the one on top when she hears a faint knocking on her door. She looks up to see that she left her door open, and is looking straight at "The WRITER."

WRITER

(Softly) Hi!

PRODUCER

(To the phone) I'll have to call you back, Spike. (Calls for her secretary) Jaime!

JAIME

(Rushing in) I'm sorry ma'am. She ran right by. I tried to stop her...

WRITER

(To the PRODUCER) I'll only be a moment. I have an idea for a movie that's going to rock your world.

⁷¹ Cris Larano, *Movie Stars' Daughter Roils Philippine Presidential Race*, WALL STREET J., Sept. 16 2015, available at <https://www.wsj.com/articles/movie-stars-daughter-roils-philippine-presidential-race-1442403694>.

⁷² This issue was resolved separately in the case of *David*. See text accompanying note 2.

⁷³ Barbara Mae Dacanay, *Presidential candidate Senator Poe besieged by four cases of disqualification*, GULF NEWS, Oct. 23, 2015, available at <https://gulfnews.com/world/asia/philippines/presidential-candidate-sen-poe-besieged-by-four-cases-of-disqualification-1.1605707>.

PRODUCER

It's alright. (Waves Jaime away).

(To the WRITER) Five minutes. (Looks out the window while sipping her coffee).

WRITER

(Excitedly) OK. Remember the idea I had about the actor who wanted to be President?

PRODUCER

Don't even.

WRITER

No. This is better! A sequel.

PRODUCER

FPJ died, remember?

WRITER

It's his daughter.

PRODUCER

What about her?

WRITER

She wants to be President.

PRODUCER

Oh, for the love of...

WRITER

Remember, you have to be a natural-born citizen to run for President.

PRODUCER

She's not a natural-born Filipino?

WRITER

It's unclear.

PRODUCER

I thought the father was a
natural-born citizen?

WRITER

(Stammering) Yes, but. It's not
that simple.

PRODUCER

Why not?

WRITER

She's a...wait for it...a
foundling!

PRODUCER

(After 2 minutes of stunned
silence) She's a foundling.

WRITER

Yes, a foundling is a...

PRODUCER

I KNOW WHAT A
FOUNDLING IS!⁷⁴

WRITER

They found her. In a church.⁷⁵
It's classic.

PRODUCER

Cliché.

⁷⁴ A foundling is a young child who is left by its parents and then found and cared for by someone else. See *Foundling*, CAMBRIDGE ADVANCED LEARNER'S DICTIONARY (4th ed. 2013), available at <https://dictionary.cambridge.org/us/dictionary/english/foundling>.

⁷⁵ *David*, 803 SCRA 435, 450. Actually, Mary Grace Natividad S. Poe-Llamanzares was found as a newborn infant in the Parish Church of Jaro, Iloilo by Edgardo Militar (not by nuns) on Sept. 3, 1968. Parental care and custody over Poe was passed on by Edgardo to his relatives, Emiliano Militar and his wife. Three days after, Sept. 6, 1968, Emiliano reported and registered Poe as a foundling with the Office of the Civil Registrar of Iloilo City (OCR-Iloilo). In her Foundling Certificate and Certificate of Live Birth, Poe was given the name "Mary Grace Natividad Contreras Militar." *Id.* at 451. Poe is a foundling, as evidenced by a Foundling Certificate issued in her favor. *Id.* at 532. The Decree of Adoption issued on May 13, 1974, which approved her adoption by Jesusa Sonora Poe and Ronald Allan Kelley Poe, expressly refers to Emiliano and his wife, Rosario Militar, as her "foundling parents," affirming Poe's status as a foundling. *Id.* at 451.

WRITER

It was the 1960s—people left babies at Church doorsteps. Imagine nuns lifting a veil to find a beautiful baby...like Moses...

PRODUCER

Moses was found in a basket floating down a river.⁷⁶

WRITER

Right.

PRODUCER

A foundling is not natural-born?

WRITER

There's a choir singing in the background ...I'm getting chills just talking about it...

PRODUCER

A foundling *is not* natural-born?

WRITER

It's an incredible story! The case reached the Supreme Court—and the Court had to determine if foundlings are natural born citizens. It was a landmark ruling!

PRODUCER

No one knew if she was a Filipino?

WRITER

No. But get this: she was an American citizen.

PRODUCER

What are you talking about?

⁷⁶ *Exodus* 2:1-10.

WRITER

It's a love story. This one's got it all! She changes her citizenship to be with the one she loves. They left the Philippines to start a new life in America!

PRODUCER

What the hell are you talking about?

WRITER

On July 27, 1991, Poe married Teodoro Misael Daniel V. Llamanzares, a citizen of both the Philippines and the United States, at Santuario de San Jose Parish in San Juan City. The couple flew back to the United States two days after the wedding ceremony.⁷⁷ On October 18, 2001, she became a naturalized American citizen.⁷⁸

PRODUCER

So she's an American. She was disqualified to run for President.

WRITER

But wait! On December 13, 2004, Grace rushed back to the Philippines upon learning of her father's deteriorating medical condition. After her father died, she stayed in the Philippines until February 3, 2005 to take care of her father's funeral arrangements

⁷⁷ *Poe-Llamanzares*, 786 SCRA 1, 115. "While in the U.S., she gave birth to her eldest child Brian Daniel (Brian) on 16 April 1992. Her two daughters Hanna MacKenzie (Hanna) and Jesusa Anika (Anika) were both born in the Philippines on 10 July 1998 and 5 June 2004, respectively." *Id.*

⁷⁸ *Id.*

as well as to assist in the settlement of his estate.⁷⁹

PRODUCER

She was disqualified. You're pitching a soap. (Rolls her eyes).

WRITER

After the death of her father, Poe and her husband decided to move and reside permanently in the Philippines sometime in the first quarter of 2005.⁸⁰ As early as 2004, Poe had already quit her job in the United States.

PRODUCER

She's still a US citizen.

WRITER

Wait! On July 7, 2006, Poe took her Oath of Allegiance to the Republic of the Philippines pursuant to the Citizenship Retention and Re-acquisition Act of 2003.⁸¹ On July 10, 2006, pursuant to the provisions of that law, she filed a sworn petition to reacquire Philippine citizenship with the Bureau of Immigration (BI). She also filed petitions for derivative citizenship on behalf of her three minor children. In a July 18, 2006 Order, the BI declared that she was deemed

⁷⁹ *Id.* at 116.

⁸⁰ *Id.* "The couple began preparing for their resettlement including notification of their children's schools that they will be transferring to Philippine schools for the next semester; coordination with property movers for the relocation of their household goods, furniture and cars from the U.S. to the Philippines; and inquiry with Philippine authorities as to the proper procedure to be followed in bringing their pet dog into the country." *Id.*

⁸¹ Rep. Act No. 9225 (2003).

to have reacquired her Philippine citizenship while her children are considered as citizens of the Philippines. Consequently, the BI issued Identification Certificates (ICs) in her name and in the names of her three children.⁸²

PRODUCER

So she's a Filipino.

WRITER

But is she a natural-born Filipino citizen?

PRODUCER

Is she?

WRITER

Not clear.

PRODUCER

Was she found in another country?

WRITER

In the Philippines. Please keep up.

PRODUCER

For the love of God. . . So?

⁸² *Poe-Llamanzares*, 786 SCRA at 117–18. “On 12 July 2011, the petitioner executed before the Vice Consul of the U.S. Embassy in Manila an ‘Oath/Affirmation of Renunciation of Nationality of the United States.’ On that day, she accomplished a sworn questionnaire before the U.S. Vice Consul wherein she stated that she had taken her oath as MTRCB Chairperson on 21 October 2010 with the intent, among others, of relinquishing her American citizenship. In the same questionnaire, the Poe stated that she had resided outside of the U.S., specifically in the Philippines, from 3 September 1968 to 29 July 1991 and from May 2005 to present. On 9 December 2011, the U.S. Vice Consul issued to petitioner a ‘Certificate of Loss of Nationality of the United States’ effective 21 October 2010.” *Id.* at 118–19. She “registered as a voter of *Barangay* Santa Lucia, San Juan City on 31 August 2006. She also secured a new Philippine Passport from the DFA bearing the No. XX4731999. This passport was renewed on 18 March 2014 and she was issued Philippine Passport No. EC0588861 by the DFA.” *Id.* at 118 (Citation omitted, emphasis in the original.)

WRITER

It was argued that Poe cannot be considered as a natural-born Filipino because she was a foundling. It was argued that international law does not confer natural-born status and Filipino citizenship on foundlings. Following this line of reasoning, Poe is not qualified to apply for reacquisition of Filipino citizenship under R.A. No. 9225 because she is not a natural-born Filipino citizen to begin with. Even assuming [...] that Poe was a natural-born Filipino, she is deemed to have lost that status when she became a naturalized American citizen. The argument goes: natural-born citizenship must be continuous from birth.⁸³ The COMELEC ruled that Poe is not natural-born and not qualified to run for President.⁸⁴ Of course, she filed a Motion for Reconsideration. But on December 23, 2015, the COMELEC *En Banc* denied her motion for reconsideration.⁸⁵

⁸³ *Id.* at 120.

⁸⁴ *Id.* at 127-28. “In a Resolution promulgated on 11 December 2015, the COMELEC First Division ruled that petitioner is not a natural-born citizen, that she failed to complete the ten (10)-year residency requirement, and that she committed material misrepresentation in her COC when she declared therein that she has been a resident of the Philippines for a period of ten (10) years and eleven (11) months as of the day of the elections on 9 May 2016. The COMELEC First Division concluded that she is not qualified for the elective position of President of the Republic of the Philippines.”

⁸⁵ *Id.*

PRODUCER

(Pours another cup of coffee).
2 minutes.

WRITER

Long story short—the case goes to the Supreme Court and she wins! She wins! As a matter of law, foundlings are natural-born citizens. While the 1935 Constitution’s enumeration is silent as to foundlings, there is no restrictive language which would definitely exclude foundlings either.⁸⁶ There’s a celebration! While on the campaign trail, she tells her supporters the final decision of the Supreme Court “unlocks the chains in our campaign.”⁸⁷ The drama...it’s so...

PRODUCER

It seems to me that a person with typical Filipino features who is abandoned in a Catholic Church in a municipality where the population of the Philippines is overwhelmingly Filipino such that there would be more than a 99% chance that a child born in the province would be

⁸⁶ *Id.* “During the debates on this provision, Delegate Rafols presented an amendment to include as Filipino citizens the illegitimate children with a foreign father of a mother who was a citizen of the Philippines, and also *foundlings*, but this amendment was defeated primarily because the Convention believed that the cases, being *too few to warrant the inclusion of a provision in the Constitution to apply to them*, should be governed by statutory legislation. Moreover, it was believed that the rules of international law were already clear to the effect that illegitimate children followed the citizenship of the mother, and *that foundlings followed the nationality of the place where they were found, thereby making unnecessary the inclusion in the Constitution of the proposed amendment.*” *Id.* at 141. (Emphasis in the original.)

⁸⁷ Jelly F. Musico, *SC final ruling unlocks the chains in our campaign – Poe*, PHIL. NEWS AGENCY, Apr. 9, 2016, at <https://www.update.ph/2016/04/sc-final-ruling-unlocks-the-chains-in-our-campaign-poe/4102>.

a Filipino, would indicate more than ample probability if not statistical certainty, that Poe's parents are Filipinos. To assume otherwise is to accept the absurd, if not the virtually impossible, as the norm.⁸⁸

WRITER

That's...that's exactly what the Supreme Court said!

PRODUCER

So she becomes President?
She accomplishes what her father could not accomplish
(She manages a smile for the first time).

WRITER.

Wait, no.

PRODUCER

If you tell me she died, I will kill you right here.

WRITER

She loses in the election.⁸⁹

PRODUCER

F██ you.

WRITER

You can't say that. *Can* you say that?

⁸⁸ *Poe-Llamanzares*, 786 SCRA at 137.

⁸⁹ *Poe concedes defeat to Duterte in Philippine presidential contest*, REUTERS, May 10, 2016, at <https://www.reuters.com/article/uk-philippines-election-poe/poe-concedes-defeat-to-duterte-in-philippine-presidential-contest-idUKKCN0Y01XS>. Poe tried to combine the pro-poor populist appeal of her adoptive father, with her image as a competent and serious-minded reformer. But her message failed to take root. Her campaign was also hobbled by her decision to become a U.S. citizen before returning to the Philippines. Many voters worried that she was out of touch with the average Filipino. Julio Teehanke & Mark Thompson, *The Vote in the Philippines: Electing a Strongman*, 27 J. DEMOCRACY 125, 128–29 (2016).

PRODUCER

███k you.

WRITER

She came in...third.⁹⁰

PRODUCER

So she's not the President.

WRITER

(Says nothing)

PRODUCER

Security!

WRITER

You haven't even heard the arguments on residency.⁹¹ She has to have resided in the Philippines for ten years before May 9, 2016.⁹²

PRODUCER

Did she?

WRITER

(Sheepishly) Yes.⁹³

⁹⁰ The results of the May 9, 2016 presidential election in the Philippines were as follows: Davao City mayor Rodrigo Duterte of the Philippine Democratic Party-People's Power (PDP-Laban) won 39%. Manuel Roxas of the Liberal Party received 23%; Senator Grace Poe, who ran as an independent, 22%; Vice-President Jejomar Binay of the United Nationalist Alliance, 13%; and Miriam Defensor-Santiago of the People's Reform Party, 3%. *Election Watch*, 27 J. DEMOCRACY 184 (2016).

⁹¹ "The Constitution requires presidential candidates to have ten (10) years residence in the Philippines before the day of the elections. Since the elections were scheduled on 9 May 2016, Poe must have been a resident of the Philippines prior to 9 May 2016 for ten (10) years. In answer to the requested information of 'Period of Residence in the Philippines up to the day before May 09, 2016,' she put in '10 years 11 months' which according to her pleadings corresponds to a beginning date of 25 May 2005 when she returned for good from the U.S." *Poe-Llamangares*, 786 SCRA at 152.

⁹² CONST. art. VII, §2: "No person may be elected President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty years of age on the day of the election, and a resident of the Philippines for at least ten years immediately preceding such election."

⁹³ "[Poe] presented voluminous evidence showing that she and her family abandoned their U.S. domicile and relocated to the Philippines for good. These include her former U.S. passport showing her arrival on 24 May 2005 and her return to the Philippines every time she travelled abroad; e-mail correspondences starting in March 2005 to September 2006 with a

But...the COMELEC
 “virtually ignored a good
 number of evidenced dates all
 of which can evince *animus
 manendi* to the Philippines
 and *animus non revertendi* to the
 United States of America.”⁹⁴

PRODUCER

What did you just call me?

WRITER

It means the evidence showed
 she intended to make the
 Philippines her domicile.⁹⁵

PRODUCER

Security!

freight company to arrange for the shipment of their household items weighing about 28,000 pounds to the Philippines; e-mail with the Philippine Bureau of Animal Industry inquiring how to ship their dog to the Philippines; school records of her children showing enrollment in Philippine schools starting June 2005 and for succeeding years; tax identification card for petitioner issued on July 2005; titles for condominium and parking slot issued in February 2006 and their corresponding tax declarations issued in April 2006; receipts dated 23 February 2005 from the Salvation Army in the U.S. acknowledging donation of items from petitioner’s family; March 2006 e-mail to the U.S. Postal Service confirming request for change of address; final statement from the First American Title Insurance Company showing sale of their U.S. home on 27 April 2006; 12 July 2011 filled-up questionnaire submitted to the U.S. Embassy where petitioner indicated that she had been a Philippine resident since May 2005; affidavit from Jesusa Sonora Poe (attesting to the return of petitioner on 24 May 2005 and that she and her family stayed with affiant until the condominium was purchased); and Affidavit from petitioner’s husband (confirming that the spouses jointly decided to relocate to the Philippines in 2005 and that he stayed behind in the U.S. only to finish some work and to sell the family home).” *Poe-Llamanzares*, 786 SCRA at 153–54.

⁹⁴ *Id.*

⁹⁵ “The definition of ‘residence’ for purposes of election law is more stringent in that it is equated with the term ‘domicile.’ Hence, for the said purpose, the term ‘residence’ imports ‘not only an intention to reside in a fixed place but also personal presence in that place, coupled with conduct indicative of such intention.’ The term ‘residence’ requires two elements: (1) intention to reside in the particular place; and (2) personal or physical presence in that place, coupled with conduct indicative of such intention. [...] [T]he place where a party actually or constructively has a permanent home, where he, no matter where he may be found at any given time, eventually intends to return and remain, *i.e.*, his domicile, is that to which the Constitution refers when it speaks of residence for the purposes of election law.” *Saludo v. American Express Intl, Inc.*, G.R. No. 159507, 487 SCRA 462, 480, Apr. 19, 2006. (Citations omitted.)

WRITER

It is still a landmark ruling!
 The Supreme Court was
 clearly miffed. It said that,
 “[a]ll put together, in the
 matter of the citizenship and
 residence of petitioner for her
 candidacy as President of the
 Republic, the questioned
 Resolutions of the
 COMELEC in Division
 and *En Banc* are, one and all,
 deadly diseased with grave
 abuse of discretion from root
 to fruits.”⁹⁶

PRODUCER

Security! (Security rushes in
 and they usher the WRITER
 away).

VI. DISCUSSION

The odds of having twin cases involving a father and daughter whose citizenships are questioned while running for President, who both win in Court, but fail to become President, are astronomical. FPJ, was allegedly the child of aliens (Spanish and American) and was a nonmarital child. On the other hand, his daughter Grace was a foundling, who became an American, and then a Filipino citizen. These stories—with the incredible facts and the legal doctrines they implicate—are candidates for reimagination. As I explained at the beginning of this Article, screenwriting techniques can be used to complement standard teaching approaches in law schools.

Most law students initially find the Socratic method intimidating, if not potentially humiliating. Their professors are perceived to be condescending. The competitiveness of law school and the fear of failure can create debilitating anxieties. Students are sometimes terrified by the possibility of getting poor grades.⁹⁷ Humor can relieve some of these tensions. It reminds

⁹⁶ *Poe-Llamanzares*, 786 SCRA at 161.

⁹⁷ James Gordon III, *Introduction: Humor in Legal Education and Scholarship*, 1992 BYU L. REV. 313, 314.

students not to take everything (including themselves) so seriously, and helps them find more enjoyment in what they are doing.⁹⁸

As shown in this Article, reimagining cases may have some advantages:

- 1) Cases can be pared down to a few pages. The cases of the Candidates Poe had 1,347 pages. This project reduced it to a mere seven pages of dialogue without sacrificing the importance of the lessons in political law.
- 2) Cases can be stripped of excess verbiage—the author/playwright can simplify words to make the cases comprehensible to first year students or lay persons.
- 3) Footnotes can be used as space for a more technical discussion of the law. In this example, long-drawn explanations were relegated to footnotes where the reader can turn to for details.
- 4) Footnotes can also be used to include materials from other disciplines that can help the reader understand the context of the story. In this example, footnotes were used to explain Joseph Estrada’s career as movie star to politician and Grace Poe’s loss at the polls in 2016.
- 5) Footnotes can be used to enlighten the reader or actors regarding legal doctrines that are cited in the cases such as *stare decisis* or the use of *amicus curiae*, concepts that may be new to first-year law students.
6. Screenplay versions of cases make long cases available to students when emergencies (like pandemics) limit access to print or digital versions of the cases. This will benefit students from developing countries where internet access is intermittent or non-existent.
7. The reimagined version of the story of the Candidates Poe is more entertaining.⁹⁹

⁹⁸ *Id.* at 315.

⁹⁹ On this point, it has been pointed out that: “Humor allows a professor to reveal his or her humanity to the students, which can improve teacher-student relations. It helps

Most students do not learn well under the Socratic method, “and would learn better if they were engaged in truly active learning.”¹⁰⁰ Even if the Socratic method qualifies as an active learning approach for some students, empirical research shows that law professors may want to expand their repertoire of active learning vehicles beyond the Socratic dialogue.¹⁰¹

So we write screenplays.

However, playfulness should never be used to substitute but rather to augment or supplement reading cases. Playfulness should never be used to supplant the intellectual rigor demanded by legal scholarship or litigation. Playfulness is a tool for learning. I doubt scholars can dispense with reading the 1,347 pages about the Poes’ presidential ambitions when writing a treatise on Philippine law on citizenship or when litigating the citizenship of the next Poe who will run for President. Grace Poe’s eldest child Brian Daniel, it will be recalled, was born in the United States in 1992. If Brian Daniel Poe decides to run for President in the future, I predict that there will be another case on citizenship and the story of the Candidates Poe may yet turn out to be trilogy.¹⁰²

reduce tension and stress that can interfere with learning. It improves the students’ receptivity and increases their alertness in class. Humor’s playful juxtapositioning of ideas engages the intellect and draws the mind into the subject. In addition, as a form of pointed, provocative, and occasionally even outrageous discourse, humor can stimulate thinking in imaginative and creative ways.” *Id.* at 323.

¹⁰⁰ Kate Bloch, *Cognition and Star Trek: Learning and Legal Education*, 42 J. MARSHALL L. REV. 959, 980 (2009).

¹⁰¹ *Id.*

¹⁰² If Brian Daniel runs for President in the future, his candidacy will likely encounter legal challenges. Brian Daniel has both U.S and Philippine citizenship. As the facts of the case shows, his father was a citizen of both the Philippines and the U.S., and his mother, Grace Poe was a U.S. citizen between October 18, 2001 and July 7, 2006, or at the time of his birth. Dual citizenship arises when, as a result of the concurrent application of the different laws of two or more states, a person is simultaneously considered a national by both states. *Cordora v. Commission on Elections*, G.R. No. 176947, 580 SCRA 12, Feb. 19, 2009. A person of dual citizenship is disqualified from running for a public office in the Philippines. *Agustin v. Commission on Elections*, G.R. No. 207105, 774 SCRA 353, Nov. 10, 2015. A person with dual citizenship does not renounce alien citizenship by simply filing a certificate of candidacy for an elective post. Republic Act No. 9225 provides for the additional requirement of a personal and sworn renunciation of foreign citizenship. *Sobejana-Condon v. Commission on Elections*, G.R. No. 198742, 678 SCRA 267, Aug. 10, 2012.

VII. CONCLUSION

Speaking about the documentary “Searching for Sugar Man,” Cass Sunstein wrote “[t]he film is easily taken as real-world fairy tale, barely believable, a story so extraordinary that it gives new meaning to the phrase ‘you couldn’t make it up.’”¹⁰³ The Candidates Poe’s story is also barely believable—simply telling the story becomes a story by itself.

Philippine law on citizenship expressed through the cases of the Candidates Poe is a long laborious read. They are important cases not because of the personalities involved but because they resolved important issues about the citizenship of people under peculiar circumstances. Professors and law students can reimagine such cases as movies or attempts at movie-making.

As demonstrated in this Article, the study of law can be playfully done. The case of Candidates Poe, was begging to be parodied. I hope similar cases are also reimaged for their instructional and entertainment value.

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¹⁰³ CASS R. SUNSTEIN, *THE WORLD ACCORDING TO STAR WARS* 45 (2019).