

Recent Legislation

FIRST CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Second Session

H. No. 1027—S. No. 207
[REPUBLIC ACT NO. 134]

AN ACT TO AMEND SECTIONS ONE, TWO AND TWO-A OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND EIGHT, ENTITLED "AN ACT TO PUNISH ACTS OF EVASION OF THE LAWS ON THE NATIONALIZATION OF CERTAIN RIGHTS, FRANCHISES OR PRIVILEGES," AS AMENDED, AND TO INSERT BETWEEN SECTIONS THREE AND FOUR THEREOF A NEW SECTION TO BE KNOWN AS SECTION THREE-A.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Sections one and two of Commonwealth Act Numbered One hundred and eight are amended to read as follows:

"SECTION 1. In all cases in which any constitutional or legal provision requires Philippine or any other specific citizenship as a requisite for the exercise or enjoyment of a right, franchise or privilege, any citizen of the Philippines or of any other specific country who allows his name or citizenship to be used for the purpose of evading such provision, and any

alien or foreigner profiting thereby, shall be punished by imprisonment for not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise or privilege, which is enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos.

"The fact that the citizen of the Philippines or of any specific country charged with a violation of this Act had, at the time of the acquisition of his holdings in the corporations or associations referred to in Section Two of this Act, no real or personal property, credit or other assets the value of which shall at least be equivalent to said holdings, shall be evidence of a violation of this Act."

"SEC. 2. In all cases in which a constitutional or legal provision requires that, in order that a corporation or association may exercise or enjoy a right franchise or privilege, not less than a certain *per centum* of its capital must be owned by citizens of the Philippines or of any other specific country, it shall be unlawful to falsely simulate the existence of such minimum of stock or capital as owned by such citizens, for the purpose of evading said provision. The president or managers and directors or trustees of corporations or associations convicted of a violation of this section shall be punished by

imprisonment of not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise or privilege, enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos."

SEC. 2. Section Two-A of Commonwealth Act Numbered One hundred and eight, as inserted by Commonwealth Act Numbered Four hundred and twenty-one, is amended to read as follows:

"SEC. 2-A. Any person, corporation, or association which, having in its name or under its control, a right, franchise, privilege, property or business, the exercise or enjoyment of which is expressly reserved by the Constitution or the laws to citizens of the Philippines or of any other specific country, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, permits or allows the use, exploitation or enjoyment thereof by a person, corporation or association not possessing the requisites prescribed by the Constitution or the laws of the Philippines; or leases, or in any other way transfers or conveys said right, franchise, privilege, property or business to a person, corporation or association not otherwise qualified under the Constitution, or the provisions of the existing laws; or in any manner permits or allows any person, not possessing the qualifications required by the Constitution or existing laws to acquire, use, exploit or enjoy a right, franchise, privilege, property or business, the exercise and enjoyment of which are expressly reserved by the Constitution or existing laws to citizens of the Philippines

or of any other specific country, to intervene in the management, operation, administration or control thereof, whether as an officer, employee or laborer therein, with or without remuneration except technical personnel whose employment may be specifically authorized by the President of the Philippines upon recommendation of the Department Head concerned, if any, and any person who knowingly aids, assists, or abets in the planning, consummation or perpetration of any of the acts herein above enumerated shall be punished by imprisonment for not less than five nor more than fifteen years, and by a fine of not less than the value of the right, franchise, or privilege enjoyed or acquired in violation of the provisions hereof but in no case less than five thousand pesos: *Provided, however,* That the president, managers, or persons in charge of corporations, associations, or partnerships violating the provisions of this section shall be criminally liable in lieu thereof: *Provided, further,* That any person, corporation or association shall, in addition to the penalty imposed herein, forfeit such right, franchise, privilege, and the property or business enjoyed or acquired in violation of the provisions of this Act."

SEC. 3. Commonwealth Act Numbered One hundred and eight, as amended, is further amended by inserting between Sections Three and Four thereof, a new section to be known as Section Three-A, which shall read as follows:

SEC. 3-A. In case of conviction under the provisions of this Act, twenty-five *per centum* of any fine imposed shall accrue to the benefit of the in-

former who furnishes to the Government original information leading to said conviction and who shall be ascertained and named in the judgment of the court. If the informer is a dummy, who shall voluntarily take the initiative of reporting to the proper authorities any violation of the provisions of this Act and assist in the prosecution, resulting in the conviction of any person or corporation profiting thereby or involved therein, he shall be entitled to the reward hereof in the sum equivalent to twenty-five *per centum* of the fine actually paid to or received by the Government, and shall be exempted from the penal liabilities provided for in this Act."

SEC. 4. This Act shall take effect upon its approval. ,

Approved, June 14, 1947.

FIRST NATIONAL ASSEMBLY
First Session
 B. No. 551

Commonwealth Act No. 108

AN ACT TO PUNISH ACTS OF EVASION OF THE LAWS ON THE NATIONALIZATION OF CERTAIN RIGHTS, FRANCHISES OR PRIVILEGES.

Be it enacted by the National Assembly of the Philippines:

(Provisions which are still in force)

SEC. 3. Any corporation or association violating any of the provisions of this Act shall, upon proper court proceedings, be dissolved.

SEC. 4. This Act shall take effect upon its approval.

Approved, October 30, 1936.

FIRST CONGRESS OF THE REPUBLIC
 OF THE PHILIPPINES
 H. No. 892

[REPUBLIC ACT NO. 106]

AN ACT TO AMEND SECTION ONE OF COMMONWEALTH ACT NUMBERED SIXTY-THREE, ENTITLED "AN ACT PROVIDING FOR THE WAYS IN WHICH PHILIPPINE CITIZENSHIP MAY BE LOST OR REACQUIRED."

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section one of Commonwealth Act Numbered Sixty-three is amended to read as follows:

"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 Philip-

pines, 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."

SEC. 2. 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.

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