

I MARRIED AN ALIEN (WHO OWNS WHAT?)

Last month, the Department of Tourism reported that 4,681,307 international visitors arrived in the Philippines in 2013.¹ Although falling slightly short of its goal of 5M visitors, this statistic surely gives the impression that the slogan “More Fun in the Philippines” has been relatively successful in attracting tourists to come and join the fun bandwagon in the Philippines, in spite of the calamities that also visited the country.

However, while we welcome foreigners to visit, spend and even consider staying in our country for good, some of our laws are not quite as inviting.

One of the more controversial and unrelenting policies is the prohibition against aliens from owning land in the Philippines. Under our Constitution, only citizens may own land. And except in the case of hereditary succession from a Filipino citizen, this rule is as absolute as it can get and foreigners are even *presumed* to know it.

Time and again, the Supreme Court reinforced and drove home the point that “*There is no rule more settled than this constitutional prohibition*”. One case in particular best represents this.

Alfred is an Australian national who met and fell in love with Ederlina, a Filipina, in a massage parlor. Less than a year later, the two got married. Alfred was so enamored by her that he practically gave and bought her anything and everything that his money could buy – including a couple of houses and lots as well as a beach property for good measure – even going so far as selling his own properties in his home country just so he could fund her happiness.

Unfortunately, the two had a falling out and eventually separated. The issue as to whether Alfred had a share in the lots and beach property that he bought for Ederlina came up. Alfred maintained that since it was his money that was used to purchase the properties, at the very least, he should have 50% share in those properties.

However, the Supreme Court saw it differently.

It ruled that Alfred could not feign ignorance to the constitutional prohibition. Thus, all the contracts he entered into that would violate this provision were void as to him. Therefore, all the money he put into the purchase of the properties cannot be returned or reimbursed to him. Ederlina cannot even be declared to have unjustly enriched herself.

¹ <http://tourism.gov.ph/Pages/IndustryPerformance.aspx>

This is how the rule operates...inflexible and merciless. It cannot be circumvented and it cannot be reasoned with. The constitutional prohibition is *absolute*.

Given this setting, it becomes crucial to know who are considered to be *citizens* of the Philippines. And as we shall see in the next few articles, the answer is not as simple as it may seem.

(Based on G.R. No. 143958, July 11, 2003).