



Republic of the Philippines
Supreme Court
Manila

EN BANC

**IN RE: PETITION TO RE-ACQUIRE
THE PRIVILEGE TO PRACTICE LAW
IN THE PHILIPPINES,**

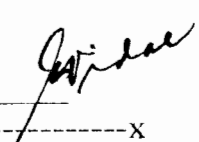
EPIFANIO B. MUNESSES,
Petitioner.

B.M. No. 2112

Present:

CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,*
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,**
SERENO,
REYES, and
PERLAS-BERNABE, JJ.

Promulgated:

JULY 24, 2012 

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RESOLUTION

REYES, J.:

On June 8, 2009, a petition was filed by Epifanio B. Muneses (petitioner) with the Office of the Bar Confidant (OBC) praying that he be granted the privilege to practice law in the Philippines.

* On Leave per Special Order No. 1257 dated July 19, 2012.
** On Leave.

The petitioner alleged that he became a member of the Integrated Bar of the Philippines (IBP) on March 21, 1966; that he lost his privilege to practice law when he became a citizen of the United States of America (USA) on August 28, 1981; that on September 15, 2006, he re-acquired his Philippine citizenship pursuant to Republic Act (R.A.) No. 9225 or the “Citizenship Retention and Re-Acquisition Act of 2003” by taking his oath of allegiance as a Filipino citizen before the Philippine Consulate General in Washington, D.C., USA; that he intends to retire in the Philippines and if granted, to resume the practice of law. Attached to the petition were several documents in support of his petition, albeit mere photocopies thereof, to wit:

1. Oath of Allegiance dated September 15, 2006 before Consul General Domingo P. Nolasco;
2. Petition for Re-Acquisition of Philippine Citizenship of same date;
3. Order for Re-Acquisition of Philippine Citizenship also of same date;
4. Letter dated March 13, 2008 evidencing payment of membership dues with the IBP;
5. Attendance Forms from the Mandatory Continuing Legal Education (MCLE).

In Bar Matter No. 1678, dated December 17, 2007, the Court was confronted with a similar petition filed by Benjamin M. Dacanay (Dacanay) who requested leave to resume his practice of law after availing the benefits of R.A. No. 9225. Dacanay was admitted to the Philippine Bar in March 1960. In December 1998, he migrated to Canada to seek medical attention for his ailments and eventually became a Canadian citizen in May 2004. On July 14, 2006, Dacanay re-acquired his Philippine citizenship pursuant to R.A. No. 9225 after taking his oath of allegiance before the Philippine Consulate General in Toronto, Canada. He returned to the Philippines and intended to resume his practice of law.

The Court reiterates that Filipino citizenship is a requirement for admission to the bar and is, in fact, a continuing requirement for the practice of law. The loss thereof means termination of the petitioner's membership in the bar; *ipso jure* the privilege to engage in the practice of law. Under R.A. No. 9225, natural-born citizens who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are deemed to have re-acquired their Philippine citizenship upon taking the oath of allegiance to the Republic.¹ Thus, a Filipino lawyer who becomes a citizen of another country and later re-acquires his Philippine citizenship under R.A. No. 9225, remains to be a member of the Philippine Bar. However, as stated in *Dacanay*, the right to resume the practice of law is not automatic.² R.A. No. 9225 provides that a person who intends to practice his profession in the Philippines must apply with the proper authority for a license or permit to engage in such practice.³

It can not be overstressed that:

The practice of law is a privilege burdened with conditions. It is so delicately affected with public interest that it is both the power and duty of the State (through this Court) to control and regulate it in order to protect and promote the public welfare.

Adherence to rigid standards of mental fitness, maintenance of the highest degree of morality, faithful observance of the legal profession, compliance with the mandatory continuing legal education requirement and payment of membership fees to the Integrated Bar of the Philippines (IBP) are the conditions required for membership in good standing in the bar and for enjoying the privilege to practice law. Any breach by a lawyer

¹ Section 3. *Retention of Philippine Citizenship* - Any provision of law to the contrary notwithstanding, natural born citizens of the Philippines by reason of their naturalization as citizens of a foreign country are hereby deemed to have re-acquired Philippine citizenship upon taking the following oath of allegiance to the Republic:

"I _____, solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and legal orders promulgated by the duly constituted authorities of the Philippines and I hereby declare that I recognize and accept the supreme authority of the Philippines and will maintain true faith and allegiance thereto; and that I imposed this obligation upon myself voluntarily without mental reservation or purpose of evasion."

Natural-born citizens of the Philippines who, after the effectivity of this Act, become citizens of a foreign country shall retain their Philippine citizenship upon taking the aforesaid oath.

² *Petition for Leave to Resume Practice of Law, Benjamin Dacanay, Petitioner*, B.M. No. 1678, December 17, 2007.

³ R.A. No. 9225, Section 5.

of any of these conditions makes him unworthy of the trust and confidence which the courts and clients repose in him for the continued exercise of his professional privilege.⁴

Thus, in pursuance to the qualifications laid down by the Court for the practice of law, the OBC required the herein petitioner to submit the original or certified true copies of the following documents in relation to his petition:

1. Petition for Re-Acquisition of Philippine Citizenship;
2. Order (for Re-Acquisition of Philippine citizenship);
3. Oath of Allegiance to the Republic of the Philippines;
4. Identification Certificate (IC) issued by the Bureau of Immigration;
5. Certificate of Good Standing issued by the IBP;
6. Certification from the IBP indicating updated payments of annual membership dues;
7. Proof of payment of professional tax; and
8. Certificate of compliance issued by the MCLE Office.

In compliance thereof, the petitioner submitted the following:

1. Petition for Re-Acquisition of Philippine Citizenship;
2. Order (for Re-Acquisition of Philippine citizenship);
3. Oath of Allegiance to the Republic of the Philippines;
4. Certificate of Re-Acquisition/Retention of Philippine Citizenship issued by the Bureau of Immigration, in lieu of the IC;
5. Certification dated May 19, 2010 of the IBP-Surigao City Chapter attesting to his good moral character as well as his updated payment of annual membership dues;
6. Professional Tax Receipt (PTR) for the year 2010;

⁴

Supra note 2.

7. Certificate of Compliance with the MCLE for the 2nd compliance period; and
8. Certification dated December 5, 2008 of Atty. Gloria Estenzo-Ramos, Coordinator, UC-MCLE Program, University of Cebu, College of Law attesting to his compliance with the MCLE.

The OBC further required the petitioner to update his compliance, particularly with the MCLE. After all the requirements were satisfactorily complied with and finding that the petitioner has met all the qualifications and none of the disqualifications for membership in the bar, the OBC recommended that the petitioner be allowed to resume his practice of law.

Upon this favorable recommendation of the OBC, the Court adopts the same and sees no bar to the petitioner's resumption to the practice of law in the Philippines.

WHEREFORE, the petition of Attorney Epifanio B. Muneses is hereby **GRANTED**, subject to the condition that he shall re-take the Lawyer's Oath on a date to be set by the Court and subject to the payment of appropriate fees.

Furthermore, the Office of the Bar Confidant is directed to draft the necessary guidelines for the re-acquisition of the privilege to resume the practice of law for the guidance of the Bench and Bar.

SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

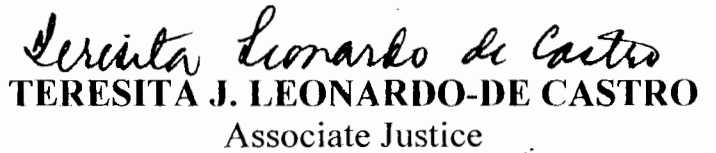
WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)

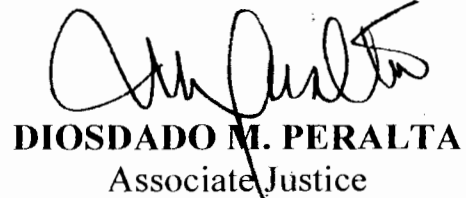


PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice

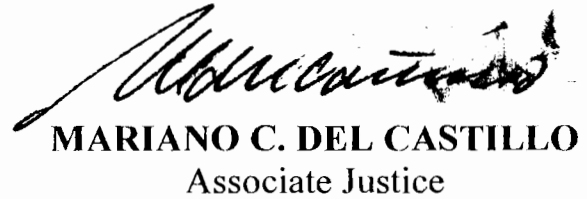
(On Leave)
ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice

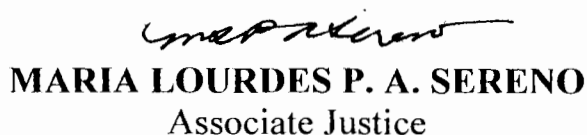


MARTIN S. VILLARAMA, JR.
Associate Justice

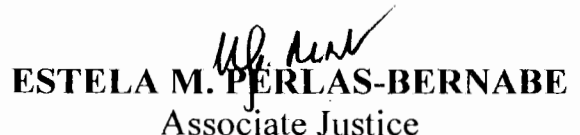


JOSE PORTUGAL PEREZ
Associate Justice

(On Leave)
JOSE CATRAL MENDOZA
Associate Justice



MARIA LOURDES P. A. SERENO
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice