

EN BANC

[B.M. No. 2112, July 24, 2012]

IN RE: PETITION TO RE-ACQUIRE THE PRIVILEGE TO PRACTICE LAW IN THE PHILIPPINES, EPIFANJO B. MUNESSES, PETITIONER.

R E S O L U T I O N

REYES, J.:

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

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 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;