

Title: In the Matter of the Petition for Leave to Resume Practice of Law, Benjamin M. Dacanay, Petitioner

Facts:

Benjamin M. Dacanay, a member of the Philippine Bar since March 1960, migrated to Canada in December 1998 for medical reasons and subsequently acquired Canadian citizenship in May 2004 to avail of Canada's healthcare benefits. Upon reacquiring his Philippine citizenship under the Citizenship Retention and Re-Acquisition Act of 2003 (RA 9225) on July 14, 2006, Dacanay expressed his intention to resume practicing law in the Philippines. A query arose whether Dacanay's loss of Philippine citizenship had affected his membership in the Philippine Bar. The Office of the Bar Confidant, after reviewing the case, recommended that Dacanay be allowed to resume his legal practice conditional upon retaking the lawyer's oath. Dacanay's petition reached the Supreme Court, which deliberated on whether a lawyer who has lost and then reacquired Philippine citizenship can resume legal practice without automatic reinstatement.

Issues:

1. Whether the loss of Philippine citizenship ipso facto terminates membership in the Philippine Bar, thus disqualifying an individual from engaging in legal practice.
2. Whether reacquisition of Philippine citizenship under RA 9225 allows an individual to automatically resume legal practice without fulfilling additional requirements.
3. The conditions under which a lawyer who has reacquired Philippine citizenship may be granted the privilege to resume legal practice.

Court's Decision:

The Supreme Court granted Benjamin M. Dacanay's petition to resume the practice of law, subject to several conditions aimed at ensuring his good standing and up-to-date knowledge of Philippine law. The Court emphasized the constitutional provision limiting the practice of professions in the Philippines to Filipino citizens, except as allowed by law. It clarified that while the loss of Philippine citizenship automatically terminates the privilege to practice law, reacquisition of citizenship under RA 9225 offers a pathway to resume legal practice. However, it does not guarantee automatic reinstatement. Dacanay was required to update and pay his IBP dues, pay professional tax, complete at least 36 hours of mandatory continuing legal education, and retake the lawyer's oath as conditions for resuming his practice.

Doctrine:

The practice of law in the Philippines is limited to individuals who are Filipino citizens. Loss of Philippine citizenship ipso jure terminates the right to engage in legal practice. However, reacquisition of Philippine citizenship under RA 9225 permits an individual to apply for reinstatement to the practice of law, provided they comply with conditions set by the Supreme Court designed to ensure their competence and adherence to professional ethical standards.

Class Notes:

1. Legal Profession Membership Requirements: Filipino citizenship, at least twenty-one years of age, good moral character, and residency in the Philippines.
2. Continuous Requirements for the Practice of Law: Ongoing IBP membership, professional tax payment, compliance with the continuing legal education requirement, adherence to legal profession ethics, and subjectivity to judicial disciplinary control.
3. Reacquisition of Philippine Citizenship and Legal Practice: Reacquisition of Philippine citizenship under RA 9225 does not automatically allow resuming legal practice. Conditions include updating IBP dues, professional tax payment, mandatory continuing legal education, and retaking the lawyer's oath.
4. "The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law." (Constitutional Basis)

Historical Background:

The case highlights the intersection between citizenship law and the regulation of legal practice in the Philippines. It underscores the adaptation of legal professions to evolving citizenship statuses, especially in cases of dual citizenship facilitated by RA 9225. This law and the Supreme Court's decisions reflect the balance between national sovereignty in regulating professions and recognizing the global movements of Filipinos, adjusting traditional legal frameworks accordingly.