

Title: IN THE MATTER OF THE PETITION OF J. GARCIA BOSQUE FOR ADMISSION TO THE PRACTICE OF LAW IN THE PHILIPPINE ISLANDS

Facts:

- The Treaty of Paris was signed on December 10, 1898, ending the Spanish-American War and ceding the Philippine Archipelago from Spain to the United States.
- Under Article IX of the treaty, Spanish subjects residing in the ceded territory were given 18 months from the ratification date (April 11, 1899) to declare their intent to retain Spanish nationality, failing which they would be considered subjects of the new sovereign power.
- The petitioner, J. Garcia Bosque, left the Philippines on May 30, 1899, and remained absent during the entire 18-month period, only returning in January 1901.
- Upon his return, Bosque petitioned for admission to the practice of law in the Philippines.

Procedural Posture:

- Upon returning, Bosque filed a petition for admission to the bar in the Supreme Court of the Philippine Islands.
- The case was brought before the Supreme Court for a decision on whether Bosque could be considered a Filipino national under the Treaty of Paris and admitted to the practice of law.

Issues:

1. Whether J. Garcia Bosque preserved his Spanish nationality by leaving the Philippines within the specified period under Article IX of the Treaty of Paris.
2. If Bosque retained his Spanish nationality, whether he can legally practice law in the Philippines.
3. Whether Spanish subjects residing in the Philippines constitute a special intermediate class between native Filipinos and other foreigners.

Court's Decision:

Issue 1:

The Court held that Bosque, by leaving the Philippines before the expiration of the 18-month period without declaring his intention to retain Spanish nationality, opted to preserve his Spanish citizenship. Thus, he remained a Spanish subject.

Issue 2:

The Court ruled that, having preserved his Spanish nationality, Bosque is treated as any other foreign national. According to the Law of Foreigners for the Ultramarine Provinces of July 4, 1870, and the prevailing Civil Code, foreigners could not practice law without a diploma of proficiency granted by Spanish authorities. Since Bosque held no such diploma from the United States or the Philippines, he was ineligible to practice law.

Issue 3:

The Court found no support for the contention that Spanish subjects residing in the Philippines formed an intermediate class warranting special privileges different from other foreigners. Thus, they must adhere to the same regulations applicable to all foreign nationals residing in the Philippines.

Doctrine:

- The case established the principle that residency alone without fulfillment of other treaty conditions (express declaration or lawful naturalization) could not alter one's nationality status under international agreements.
- The decision reinforced the understanding that the legal profession's regulatory framework, especially concerning the practice rights of foreigners, would adhere strictly to legislative provisions without special exceptions.

Class Notes:

1. **Treaty of Paris, Article IX** - This article allows subjects of ceded territories a right of option regarding their nationality.
2. **Nationality by Residence and Declaration** - Under international treaty provisions, mere residence without express declaration within specified periods does not change one's nationality.
3. **Recognition of Foreign Professional Qualifications** - Foreign nationals must possess relevant local qualifications or diplomas to practice certain professions (e.g., law) under local jurisdiction.
4. **International Treaty Law vs. Local Regulations** - Specific treaty provisions may override local laws regarding qualifications and certifications necessary for professional practice.

Historical Background:

- The background involves the transition of sovereignty from Spain to the United States

following the Spanish-American War, which affected the legal and national status of residents in the ceded territories like the Philippine Islands.

- This case reflects the complexities of nationality changes post-colonial transitions and the legal implications for residents under new governance structures.