

****Title:**** In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon, IBP Administrative Case No. MDD-1

****Facts:****

1. Marcial A. Edillon, a licensed practicing attorney in the Philippines, was recommended for removal from the Roll of Attorneys by the Integrated Bar of the Philippines (IBP) Board of Governors for consistently refusing to pay his IBP membership dues.
2. On November 29, 1975, the IBP Board of Governors adopted Resolution No. 75-65 recommending Edillon's removal due to his refusal to pay dues since the IBP's constitution.
3. On January 21, 1976, the IBP President submitted this resolution to the Supreme Court for consideration and approval pursuant to Section 24, Article III of the IBP By-Laws.
4. January 27, 1976, the Supreme Court required Edillon to comment on the resolution. Edillon reiterated his refusal and submitted his comment on February 23, 1976.
5. March 2, 1976, the IBP President and Board of Governors were required to reply to Edillon's comment. They submitted their joint reply on March 24, 1976.
6. A hearing was conducted on June 3, 1976, and the parties were required to submit memoranda amplifying their oral arguments. The matter was subsequently submitted for resolution.

****Issues:****

1. Whether the Supreme Court has the authority to compel Edillon to remain a member of the Integrated Bar of the Philippines (IBP).
2. Whether the requirement to pay IBP membership dues infringes upon Edillon's constitutional rights, specifically the right to freedom of association and the right to due process.
3. Whether the enforcement of penalties for non-payment of dues amounts to a deprivation of property without due process of law.
4. Whether the Supreme Court has the jurisdiction to strike an attorney's name from the Roll of Attorneys.

****Court's Decision:****

1. The Supreme Court confirmed it has the power to mandate all lawyers to be members of the Integrated Bar. This compulsion does not violate the freedom of association, as integration imposes association with an organization of which all lawyers are inherently members by virtue of being part of the legal profession.
2. The requirement to pay membership dues was found constitutionally valid as a legitimate exercise of police power. The dues are a regulatory fee to further the state's legitimate

interest in elevating the quality of legal services and are shared by all members who benefit from such regulation.

3. The enforcement of penalties is also valid under the police power. The practice of law is a privilege subject to regulation, including the payment of fees and facing penalties for non-compliance.

4. The Supreme Court's power to strike a lawyer's name from the Roll of Attorneys is inherent and explicitly supported by the 1973 Constitution and Republic Act No. 6397, giving it authority over the admission to and supervision of the practice of law.

****Doctrine:****

- The practice of law is a privilege clothed with public interest and subject to state regulation under police power.
- The integration of the bar and imposition of dues on lawyers is constitutionally valid.
- Non-payment of mandatory dues can result in the suspension or removal from the Roll of Attorneys.
- The Supreme Court holds inherent and constitutional authority to regulate the practice, including striking names off the Roll of Attorneys for non-compliance with regulations.

****Class Notes:****

- ****Integrated Bar of the Philippines (IBP)**:** All practicing lawyers must be IBP members.
- ****Police Power**:** The State's authority to regulate professions including law.
- ****Constitutional Provisions**:** Section 5, Article X of the 1973 Constitution; Republic Act No. 6397.
- ****Due Process**:** Non-payment penalties do not violate due process as long as compliance avoids penalties.
- ****Practice of Law**:** A privilege, not a property right, subject to regulations imposed by the Supreme Court.

****Historical Background:****

- The case occurs in the context of the integration of the Philippine Bar under the 1973 Constitution.
- The Supreme Court had previously addressed bar integration issues in "Administrative Case No. 526" where it deemed the integration constitutional.
- The integration aimed at raising legal standards, improving justice administration, and enabling better discharge of public responsibilities by the Bar.
- Edillon's challenge brings to light the constitutional balance between individual rights and regulatory measures essential for public interest and professional integrity.