

IN RE: PETITION TO RETAIN/REACQUIRE THE PRIVILEGE TO RESUME THE PRACTICE OF LAW IN THE PHILIPPINES, REGINA STELLA P. JACINTO, PETITIONER.

Bar Matter No. 4720. January 30, 2024

Ponente: KHO, JR., J.

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KHO, JR., J.:

Before the Court is a Petition^[1] dated September 8, 2023 to formalize the Privilege to Practice Law in the Philippines filed by petitioner Regina Stella P. Jacinto* (Jacinto) before the Office of the Bar Confidant (OBC) praying that she be allowed to formalize her privilege to practice law in the Philippines.

The Facts

Jacinto alleged that she was admitted as a member of the Philippine Bar on April 11, 1996 with Roll of Attorneys No. 40547. However, on May 29, 2023, she received her Maltese citizenship. She alleged that according to the Maltese Citizenship Act, it is lawful for any person to be a citizen of Malta and at the same time a citizen of another country. Thus, she alleged that she was not required to renounce her Philippine citizenship under the said law. She likewise posits that pursuant to Republic Act (RA) 9225, otherwise known as the "Citizenship Retention and Re-acquisition Act of 2003," she is deemed not to have lost her Philippine citizenship, considering that she became a Maltese citizen after the effectivity of the law.^[2]

Thus, on June 29, 2023, Jacinto filed a Petition for Retention/Re--Acquisition of Philippine Citizenship under RA 9225^[3] with the Bureau of Immigration (BI) to formalize the retention of her Philippine citizenship. Accordingly, the BI granted her Petition in an Order^[4] dated July 14, 2023 leading to the issuance of a Certificate of Re-acquisition/Retention of Philippine Citizenship/Identification Certificate^[5] similarly dated July 14, 2023. Thereafter, Jacinto, on August 7, 2023, took her Oath of Allegiance^[6] to the Republic of the Philippines before a solemnizing officer of the BI in the City of Manila, Philippines.^[7]

Considering the foregoing, Jacinto filed the present Petition with the OBC. Following the documents previously required by the OBC as indicated in In Re: Muneses,^[8] she submitted the following documents:

(a)

A copy of her Certificate of Naturalization^[9] dated May 29, 2023;

(b)

A certified true copy of the Petition for Retention/Re-Acquisition of Philippine Citizenship^[10] dated June 26, 2023;

(c)

A certified true copy of the BI Order^[11] dated July 14, 2023;

(d)

A certified true copy of the Certificate of Re--acquisition/Retention of Philippine Citizenship[12] dated July 14, 2023;

(e)

A certified true copy of the Oath of Allegiance[13] to the Republic of the Philippines dated August 7, 2023;

(f)

An original copy of a Certification[14] of Good Standing from the OBC dated August 30, 2023;

(g)

An original copy of a Certification[15] of Good Standing from the Integrated Bar of the Philippines (IBP) dated July 13, 2023;

(h)

An original copy of a Certification[16] from the IBP dated July 13, 2023 indicating that she is a bona fide lifetime member having paid the required lifetime dues to the IBP;

(i)

A Letter of Recommendation[17] dated August 30, 2023 from Atty. Ben Dominic R. Yap in support of the Petition;

(j)

A Certification[18] dated August 29, 2023 issued by Senator Juan Edgardo "Sonny" Angara;

(k)

A Certification[19] dated August 29, 2023 issued by Dean Jose Maria G. Hofileña of the Ateneo de Manila University School of Law;

(l)

A Multi-Purpose Clearance[20] from the National Bureau of Investigation dated September 4, 2023;

(m)

A photocopy of the Official Receipt[21] dated January 4, 2023 as proof of payment of her professional tax for year 2023;

(n)

A copy of her Certificate of Compliance[22] dated February 2, 2023 issued by the Mandatory Continuing Legal Education Office stating that she has complied with the required units for the 7[th] Compliance Period under Bar Matter No. 850.

The OBC Report and Recommendation

In its Report and Recommendation[23] dated October 2, 2023, the OBC recommended that Jacinto be allowed to retake the Lawyer's Oath and sign the Roll of Attorneys. According to the OBC, she was able to comply with all the requirements found in the case of In Re: Muneses.[24]

The Issue Before the Court

The lone issue for the Court's resolution is whether Jacinto's privilege to practice law should be formalized.

The Court's Ruling

The Court adopts the Report and Recommendation of the OBC with modification.

Time and time again, this Court has emphasized that any person who is privileged to practice law in the Philippines is required to strictly adhere to certain conditions:

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.[25]

In this relation, Rule 138, Section 2 of the Rules of Court dictates that one of the requirements for admission to the Philippine Bar is a Philippine citizenship:

Section 2. Requirements for all applicants for admission to the bar. - Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and a resident of the Philippines; and must produce before the Supreme Court satisfactory evidence of good moral character, and that no charges against him, involving moral turpitude, have been filed or are pending in any court in the Philippines. (Emphasis supplied)

In *In Re: Muneses*, the Court En Banc categorically held that one's Philippine citizenship is a continuing requirement for the practice of law in the Philippines.[26] Thus, the loss of one's Philippine citizenship results in the termination of their membership in the Philippine Bar; ergo, one loses the privilege to engage in the practice of law in the Philippines. [27]

Nonetheless, in the cases of *In Re: Dacanay*[28] and *In Re: Muneses*,[29] the Court has consistently held that a Filipino who loses their citizenship by reason of naturalization is considered to have reacquired the same by taking an oath of allegiance to the Republic. The reacquisition of Philippine citizenship thereby allows a person to again be qualified for membership of the Philippine Bar since the reacquisition of Philippine citizenship is not an automatic grant to resume the practice of law. Thus, a person who has reacquired one's citizenship still needs to apply with the proper authority for the license or permit to engage in the practice of a profession pursuant to Section 5 of RA No. 9225.[30]

Here, Jacinto became a Maltese citizen after the effectivity of RA No. 9225. Under Section 3 of said law, a natural-born Philippine citizen shall be allowed to retain their Philippine citizenship despite having become a citizen of a foreign country provided that they have taken their oath of allegiance to the Republic. In comparison to the lawyers who are subjects of *In Re: Dacanay* and *In Re: Muneses*, Jacinto did not lose her Philippine citizenship. She did not undertake the process of reacquisition of Philippine citizenship; rather, she instituted the necessary proceedings before the BI to retain her Philippine citizenship.

While Jacinto had retained her Philippine citizenship by virtue of RA No. 9225, the law does not make any distinction between persons who have either reacquired or retained their Philippine citizenship when it comes to the practice of a profession. Thus, she is still required to institute proceedings before the Supreme Court for her to

formalize her privilege to practice law. Considering the lack of distinction between reacquired and retained Philippine citizenship found in Section 5 of RA No. 9225 and its application to engage the practice of a profession, the Court thus adopts the requirements set forth in *In Re: Muneses* for purposes of determining whether Jacinto's privilege to practice law may be formalized.

Upon the favorable recommendation of the OBC, and considering the documents supporting the present Petition, the Court adopts the OBC's recommendation and allows Jacinto to resume her privilege of the practice of law.

ACCORDINGLY, the Petition of Attorney Regina Stella P. Jacinto is GRANTED, subject to the condition that she shall re-take the Lawyer's Oath, sign the Roll of Attorneys, and subject to the payment of appropriate fees.

SO ORDERED.

Gesmundo, C.J., Leonen, S.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, and Singh, JJ., concur.

* Also referred to as "Regina Stella Jacinto" and "Regina Stella Jacinto-Barrientos" in some parts of the rollo.

[1] Rollo, pp. 1-5.

[2] *Id.* at 1-2.

[3] *Id.* at 8.

[4] *Id.* at 9-10.

[5] *Id.* at 12.

[6] *Id.* at 11.

[7] *Id.* at 2.

[8] 691 Phil. 583 (2012) [Per J. Reyes, En Banc].

[9] Rollo, p. 7.

[10] *Id.* at 8.

[11] *Id.* at 9-10.

[12] *Id.* at 12.

[13] *Id.* at 11.

[14] *Id.* at 13.

[15] *Id.* at 14.

[16] *Id.* at 15.

[17] *Id.* at 16-17.

[18] *Id.* at 18.

[19] *Id.* at 19.

[20] *Id.* at 20.

[21] Id. at 21.

[22] Id. at 22.

[23] Id. at 25-27. Approved by Amor P. Entilla, Officer-In-Charge of the Office of the Bar Confidant.

[24] Id. at 25.

[25] See *In Re: Muneses*, 691 Phil. 583, 586 (2012) [Per J. Reyes, En Banc], citing *In Re: Dacanay*, 565 Phil. 165, 168 (2007) [Per J. Corona, En Banc].

[26] Id. at 585.

[27] Id.

[28] 565 Phil. 165 (2007) [Per J. Corona, En Banc].

[29] 691 Phil. 583 [Per J. Reyes, En Banc].

[30] Id. at 586. Republic Act No. 9225 (2003), sec. 5 reads:

Section 5. Civil and Political Rights and Liabilities. - Those who retain or re-acquire Philippine citizenship under this Act shall enjoy full civil and political rights and be subject to all attendant liabilities and responsibilities under existing laws of the Philippines and the following conditions:

(1) Those intending to exercise their right of suffrage must meet the requirements under Section 1, Article V of the Constitution, Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003" and other existing laws;

(2) Those seeking elective public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath;

(3) Those appointed to any public office shall subscribe and swear to an oath of allegiance to the Republic of the Philippines and its duly constituted authorities prior to their assumption of office: Provided, That they renounce their oath of allegiance to the country where they took that oath;

(4) Those intending to practice their profession in the Philippines shall apply with the proper authority for a license or permit to engage in such practice; and

(5) That right to vote or be elected or appointed to any public office in the Philippines cannot be exercised by, or extended to, those who:

(a) are candidates for or are occupying any public office in the country of which they are naturalized citizens; and/or

(b) are in active service as commissioned or non-commissioned officers in the armed forces of the country which they are naturalized citizens.

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