

IN RE: PETITION OF ARTURO EFREN GARCIA FOR ADMISSION TO THE PHILIPPINE BAR WITHOUT TAKING THE EXAMINATION. ARTURO EFREN GARCIA, PETITIONER.

. August 15, 1961

Ponente: BARRERA, J.

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BARRERA, J.:

Arturo E. Garcia has applied for admission to the practice of law in the Philippines without submitting to the required bar examinations. In Ms verified petition, he avers, among others, that he is a Filipino citizen born in Bacolod City, Province of Negros Occidental, of Filipino parentage; that he had taken and finished in Spain, the course of "Bachillerato Superior"; that he was approved, selected and qualified by the "Institute de Cervantes" for admission to the Central University of Madrid where he studied and finished the law course graduating there as "Licenciado En Derecho"; that thereafter he was allowed to practice the law profession in Spain; and that under the provisions of the Treaty on Academic Degrees and the Exercise of Profession between the Republic of the Philippines and the Spanish State, he is entitled to practice the law profession in the Philippines without submitting to the required bar examinations.

After due considerations, the Court resolved to deny the petition on the following grounds:

(1) The provisions of the Treaty on Academic Degrees and the Exercise of Profession between the Republic of the Philippines and the Spanish State can not be invoked by applicant. Under Article III thereof,

"The National of each of the two countries who shall have obtained recognition of the validity of their academic degrees by virtue of the stipulations of this Treaty, can practice their professions within the territory of the Other,* * *." (Italic supplied) B from which it could clearly be discerned that said Treaty was intended to govern Filipino citizens desiring to practice their profession in Spain, and the citizens of Spain desiring to practice their profession in the Philippines. Applicant is a Filipino Citizen desiring to practice the legal profession in the Philippines. He is therefore subject to the laws of his own country and is not entitled to the privileges extended to Spanish nationals desiring to practice in the Philippines. (2) Article I of the Treaty, in its pertinent part, provides:

"The nationals of both countries who shall have obtained degrees or diplomas to practice the legal profession in either of the Contracting States, issued by competent national authorities, shall be deemed competent to exercise said profession in the territory of the Other, subject to the laws and regulations of the latter.

It is clear, therefore, that the privileges provided in the Treaty invoked by the applicant are made expressly subject to the laws and regulations of the contracting State in whose territory it is desired to exercise the legal profession; and Section 1 of Rule 127, in connection with Sections 2, 9, and 16 thereof, which have the force of law, require that before anyone can practice the legal profession in the Philippines he must first successfully pass the required bar examinations and

(3) The aforementioned Treaty, concluded between the Republic of the Philippines 'and the Spanish State could

not have been intended to modify the laws and regulations governing admission to the practice of law in the Philippines, for the reason that the Executive Department may not encroach upon the constitutional prerogative of the Supreme Court to promulgate rules for admission to the practice of law in the Philippines, the power to repeal, alter or supplement such rules being reserved only to the Congress of the Philippines. (See Sec. 13, Art. VIII, Phil. Constitution).

Bengzon, C. J., Padilla, Labrador, Reyes, J. B. L., Paredes, Dizon, De Leon, Natividad, JJ., concur.

Petition denied.

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