

IN RE: PETITION TO JOIN THE MASS OATH-TAKING AND ROLL-SIGNING CEREMONIES,

B.M. No. 4520, July 08, 2025

Ponente: CAGUIOA, J.

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CAGUIOA, J.:

Before the Court is the May 3, 2023 Petition[1] filed by petitioner Angeli Newin C. Agraam (petitioner), praying that her civil status be corrected from "married" to "single" in her 2022 Bar Application Form due to an honest mistake, and that she be consequently allowed to take the Lawyer's Oath and sign the Roll of Attorneys.

Facts

Petitioner applied to take the 2022 Bar Examinations and indicated, in the pertinent Application Form, her status as "married," but later failed to submit her Certificate of Marriage issued by the Philippine Statistics Authority (PSA), as required by Bar Bulletin No. 3, Series of 2022.[2]

In the August 16, 2022 Resolution in Bar Matter No. 3967 (In Re: 2022 Bar Examinations), petitioner was allowed to take the 2022 Bar Examinations subject to the condition that she would submit to the Office of the Bar Confidant (OBC) the documents as the latter may require.[3]

Petitioner later passed the 2022 Bar Examinations but was not allowed to take the Lawyer's Oath nor sign in the Roll of Attorneys due to the pending submission of her Certificate of Marriage.[4]

In her subsequent Manifestation[5] dated April 17, 2023, petitioner submitted:

(i)

that she was married in Canada to a naturalized Canadian Citizen, as shown by the Certificate of Marriage[6] issued by the Vital Statistics Office of Edmonton, Alberta, Canada;

(ii)

that while her husband contracted a previous marriage to a Filipino citizen prior to their marriage, such previous marriage was already dissolved[7] by the Court of Queen's Bench of Alberta in the Judicial Centre of Edmonton;

(iii)

that said foreign divorce of her husband with his previous marriage has yet to be recognized by a Philippine Court;

(iv)

that due to said pending recognition of foreign divorce, petitioner could not as yet obtain the required Certificate of Marriage as issued by the PSA, since the latter's records still showed that the previous marriage of her husband with another was still valid.[8]

In its Resolution[9] dated June 13, 2023, the Court noted petitioner's Manifestation but nevertheless resolved to hold in abeyance her taking of the Lawyer's Oath and her signing in the Roll of Attorneys pending the updating of her civil status in the PSA and the subsequent submission of the Certificate of Marriage as required.

In her instant Petition, petitioner avers that she does not currently have the legal capacity to obtain the PSA Certificate of Marriage since her marriage celebrated in Canada cannot yet be recognized in Philippine Law given that the process for recognizing her husband's divorce decree over his first marriage has not yet begun, and is therefore still considered valid and subsisting in the Philippines.[10]

She ultimately prays that her civil status as declared be changed to "single" and that her taking of the Lawyer's Oath and her signing in the Roll of Attorneys no longer be held in abeyance.[11]

In its March 24, 2025 Report and Recommendation,[12] the OBC recommended that the Petition be denied and that petitioner's taking of the Lawyer's Oath and signing in the Roll of Attorneys continue to be held in abeyance.[13]

In support of its recommendation, the OBC first found that there was no evidence submitted to show that the divorce decree of her husband was obtained when the latter was already a naturalized Canadian citizen,[14] and that petitioner must submit an original or a certified true copy of her husband's Certificate of Naturalization.[15] It also recommended that petitioner's legal status cannot be corrected from "married" to "single" since she admitted that she contracted a marriage with her husband in 2022.[16] Finally, the OBC expressed doubt as to petitioner's moral fitness, viz.:

Petitioner being a law graduate and a Bar examinations passer should have known better about the laws in marriage and the consequences of entering a second marriage with a former Filipino who was previously married in the Philippines and who has obtained a divorce decree abroad but failed to have it recognized in the Philippines. Due to her failure to ascertain these necessary steps before contracting a subsequent marriage with her partner/spouse, this gives rise to doubt on her moral fitness to be admitted as a member of the Philippine Bar.[17]

Issue

Whether petitioner's taking of the Lawyer's Oath and her signing in the Roll of Attorneys must be held in abeyance until submission of her PSA- issued Certificate of Marriage.

The Court's Ruling

The Court resolves to grant the Petition and allows petitioner to take the Lawyer's Oath and sign in the Roll of Attorneys with the civil status "single," and further directs petitioner to promptly update her OBC records relevant to her civil status as soon as the requisite recognition of her spouse's previous foreign divorce is concluded.

Underlying petitioner's matter of concern is the question of the pertinence of one's civil status as reflected in the OBC records vis-à-vis petitioner's ability to fulfill the duties and obligations ascribed to a lawyer who is a member of the Philippine legal profession.

On this baseline question, the Court finds, as thoroughly studied in the specific circumstances of petitioner's case, that the accurate reflection of her married civil status, and the predicate predicament of her current inability to obtain the PSA Certificate of Marriage that proves the same, do not sufficiently bear upon her ability to fulfill her role as a member of the Bar which would, in turn, merit the holding in abeyance of her full assumption into such role.

To be clear, the predicament that renders petitioner unable to obtain the requisite PSA Certificate of Marriage is not because such marriage of petitioner is bigamous or invalid, but merely for the reason that a recognition of her

husband's prior foreign divorce of his previous marriage has not yet been initiated. Stated differently, once her husband's foreign divorce is recognized in our jurisdiction, there would be no remaining impediment, substantive or procedural, to petitioner's full assumption of the role of a Philippine lawyer.

To impute malice, therefore, on petitioner's inability to accurately reflect her married status in view of the nonrecognition of her husband's foreign divorce, is to penalize petitioner on account of a requirement that, in the larger context of the facts of this case, is but a remediable technical requirement. Worse, to use that imputed malice and cast a cloud on petitioner's moral fitness is severely speculative and assumes bad faith where the petitioner clearly came clean with her understandable reasons for the same. To be sure, this does not appear to be a matter where a person admitted to the Bar was caught in a lie. On the contrary, petitioner's candid and forthright attitude is discernible from the fact that while the complicated process of recognition of foreign divorce may come into play, she nevertheless declared the truthful "married" status in her Bar Application Form. Only after her truthful "married" status has become the sole hindrance for her full admission into the legal practice was she constrained to conclude that only indicating her previously "single" status, the status which is currently in the PSA records, would enable her to take the Lawyer's Oath and sign in the Roll of Attorneys.

The Court therefore finds that there is no sufficiently justified reason to withhold the taking of the Lawyer's Oath and the signing of the Roll Attorneys from petitioner any longer. Certainly, and for the clarity of petitioner's records, petitioner must be directed to update her civil status in the OBC records as soon as the foreign divorce decree is recognized in the Philippines and she is able to obtain the relevant PSA Certificate of Marriage as proof of her marital status.

In the meantime, however, the Court is hard-pressed to find any knowable benefit in preventing a Bar passer from completing her admission into the legal profession on the sole basis of an updating of records which is, while prudent, not entirely central to the requisites of admission to the Bar as to prevent a person from admission thereto.

Particularly, the prudence but noncentrality of the reflection of a Bar passer's civil status is further affirmed by the Court's own guidance in B.M. No. 3360,[18] where the Court emphasized that the choice of whether or not a female lawyer should reflect her married status in the OBC records and Roll of Attorneys remains entirely up to said female lawyer. Specifically, in a situation where the female lawyer marries subsequent to her admission into the Bar, she may freely opt not to reflect such change in her pertinent OBC records. In other words, a female lawyer's choice to reflect her married status or to withhold indication of the same subsequent to her admission will not produce any distinguishing point insofar as her ability to fulfill her role as a lawyer is concerned.

Proceeding from such premise and barring indications of outright falsehood which are absent in this peculiar case, the Court must not now use such a reflection of civil status as an impediment where neither the spirit of the rules on admission to the Bar nor the more farsighted duties and responsibilities of a Filipino lawyer have intended such.

ACCORDINGLY, the instant Petition is hereby GRANTED. Petitioner ANGELI NEWIN C. AGRAAM is hereby ALLOWED to take the Lawyer's Oath and sign in the Roll of Attorneys. Petitioner is also DIRECTED to update her civil status in the records of the Office of the Bar Confidant as soon as the requisite process of recognition of the pertinent foreign divorce is completed and the documentary requirements to prove her married civil status have been obtained.

SO ORDERED.

Gesmundo, C.J., Leonen, S.A.J., Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, J. Lopez, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Rosario,[*] J., on wellness leave.

Singh,**] J., on leave.

[*] On wellness leave.

**] On leave.

[1] Rollo, pp. 15-16.

[2] Id. at 22.

[3] Id. at 11.

[4] Id. at 22.

[5] Id. at 1-2.

[6] Id. at 5.

[7] Id. at 8.

[8] Id. at 1-2, 12, 22.

[9] Id. at 13-14.

[10] Id. at 15, 23.

[11] Id. at 16, 23.

[12] Id. at 22-25.

[13] Id. at 24.

[14] Id. at 23.

[15] Id.

[16] Id. at 24.

[17] Id.

[18] Re: Female Members of the Philippine Bar Who Marry, Subsequent to Their Admission, and Choose to Use Their Husband's Surname Are Advised to File a Petition for Change of Name and Appear Before the Office of the Bar Confidant for Updating of Records and Signing Anew in the Roll of Attorneys, December 9, 2020.

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