

**PETITION FOR LEAVE TO RESUME PRACTICE OF LAW BENJAMIN M.  
DACANAY  
B.M. No. 1678, 17 December 2007, Corona, J. (En Banc)**

*As a rule, the loss of Filipino citizenship ipso jure terminates the privilege to practice law in the Philippines for it is a privilege denied to foreigners. The exception is when Filipino citizenship is lost by reason of naturalization as a citizen of another country but subsequently reacquired pursuant to Republic Act 9225. A Filipino lawyer who becomes a citizen of another country is deemed never to have lost his Philippine citizenship if he reacquires it in accordance with Republic Act 9225. Although he is also deemed never to have terminated his membership in the Philippine bar, no automatic right to resume law practice accrues.*

Benjamin M. Dacanay practiced law in the Philippines until he migrated to Canada in 1998 to seek medical attention to his ailments. He subsequently applied for Canadian citizenship to avail of Canada's free medical aid program. His application was approved and he became a Canadian citizen. Dacanay later on reacquired his Philippine citizenship via Republic Act (R.A.) 9225, otherwise known as the Citizenship Retention and Re-Acquisition Act of 2003. Upon returning to the Philippines, he intended to resume his law practice.

**ISSUE:**

Whether or not Dacanay lost his membership in the Philippine bar when he gave up his Philippine citizenship in 2004

**HELD:**

Petition GRANTED.

Subject to compliance with the conditions set forth in this case and submission of proof of such compliance to the Bar Confidant, after which he may retake his oath as a member of the Philippine bar.

The Constitution provides that the practice of all professions in the Philippines shall be limited to Filipino citizens save in cases prescribed by law. Since Filipino citizenship is a requirement for admission to the bar, loss thereof, as rule, terminates membership in the Philippine bar and, consequently, the privilege to engage in the practice of law. In other words, the loss of Filipino citizenship *ipso jure* terminates the privilege to practice law in the Philippines. The practice of law is a privilege denied to foreigners.

The exception is when Filipino citizenship is lost by reason of naturalization as a citizen of another country but subsequently reacquired pursuant to R.A. 9225. This is because under the law all Philippine citizens who become citizens of another country shall be *deemed not to have lost their Philippine citizenship* under the conditions of R.A. 9225. Therefore, a Filipino lawyer who becomes a citizen of another country is deemed never to have lost his Philippine citizenship if he reacquires it in accordance with R.A. 9225. Although he is also deemed never to have terminated his membership in the Philippine bar, no automatic right to resume law practice accrues.

Under R.A. 9225, if a person intends to practice the legal profession in the Philippines and he reacquires his Filipino citizenship pursuant to its provisions “he shall apply with the proper authority for a license or permit to engage in such practice.” Stated otherwise, before a lawyer who reacquires Filipino citizenship pursuant to R.A. 9225 can resume his law practice, he must first secure from the Supreme Court the authority to do so, conditioned on:

- (a) the updating and payment in full of the annual membership dues in the IBP;
- (b) the payment of professional tax;
- (c) the completion of at least 36 credit hours of mandatory continuing legal education; this is specially significant to refresh the applicant/petitioner’s knowledge of Philippine laws and update him of legal developments and
- (d) the retaking of the lawyer’s oath which will not only remind him of his duties and responsibilities as a lawyer and as an officer of the Court, but also renew his pledge to maintain allegiance to the Republic of the Philippines.