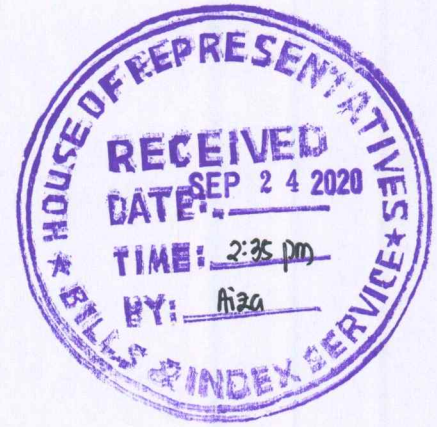


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7750

Introduced by: REPRESENTATIVES JONATHAN KEITH T. FLORES,
CARLOS ISAGANI T. ZARATE, CLAUDINE DIANA D. BAUTISTA,

EXPLANATORY NOTE

The Supreme Court in the landmark case of **Cayetano vs. Monsod (G.R. No. 100113, September 3, 1991)**, defines the “practice of law” as any activity, in or out of court which requires the application of law, legal procedure, knowledge, training and experience. To engage in the practice of law is to perform acts which are usually performed by members of the legal profession. Generally, to practice law is to render any kind of service which requires the use of legal knowledge or skill.

Conversely, the Unauthorized Practice of Law is engaging in the practice of law by persons or entities not authorized to practice law pursuant to state law or using the designations “lawyer,” “attorney at law,” counselor at law,” “law,” “law office,” “J.D.,” “Esq.,” or other equivalent words by any person or entity not authorized to practice, the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in the Philippines.

Unfortunately, the legal profession is one of the most commonly faked profession in the country. This is especially true in this day and age of information technology when everyone can just go on the internet, read up on a legal subject, copy and paste a sample document, pleading or contract and pass themselves up as lawyers to mostly unsuspecting or sometimes even willing “clients.” This

practice no doubt erodes the nobility of the legal profession. It undermines the administration of proper justice. Worse and most importantly, it makes the law as a tool by which to deceive and defraud the court and the public.

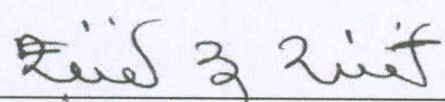
Regrettably, the punishment for unauthorized practice of law does not afford enough deterrence for would be transgressors. A person practicing law without authority is liable for indirect contempt under Section 3 (e) Rule 71 of the 1997 Rules of Civil Procedure, which provides, a person assuming to be an attorney or an officer of the court, and acting as such without authority, is liable for indirect contempt of court. Under Section 7 of the same rules, a respondent adjudged guilty of indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank "may be punished by a fine not exceeding thirty thousand pesos or imprisonment not exceeding six (6) months, or both." If a respondent is adjudged guilty of contempt committed against a lower court, he "may be punished by a fine not exceeding five thousand pesos or imprisonment not exceeding one (1) month, or both." This is not enough. The Rules of Court is not comprehensive enough.

This bill seeks to prohibit and penalize unauthorized practice of law. This bill comprehensively enumerates instances of unauthorized practice of law and other related acts and provides for a fitting and substantial punishment for any violations thereof. With the passage of this bill, it is hoped that the instances of fraud, misrepresentation, and deceit in the name of the legal profession will be significantly be abated.

In view hereof, the immediate approval of this bill is earnestly encouraged.



JONATHAN KEITH T. FLORES
2nd District, Bukidnon



CARLOS ISAGANI T. ZARATE
Party List - BAYAN MUNA



CLAUDINE DIANA D. BAUTISTA
*DUMPER PTDA (Dumper Philippine
Taxi Drivers Association, Inc.)*

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HOUSE BILL NO. 7750

**Introduced by: REPRESENTATIVES JONATHAN KEITH T. FLORES,
CARLOS ISAGANI T. ZARATE, CLAUDINE DIANA D. BAUTISTA**

**AN ACT
TO PROHIBIT AND PENALIZE THE UNAUTHORIZED PRACTICE
OF LAW AND OTHER RELATED ACTS**

*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

SECTION 1. *Short Title.* This act shall be known as the Unauthorized Practice of Law Act of 2015.

SECTION 2. *Unauthorized Practice of Law.* Any person found guilty of the unauthorized practice of law shall be punished by imprisonment of *prision correccional medium* to *prision correccional maximum* or a fine of One Hundred Thousand (P100,000.00.) Pesos, or both, in the discretion of the court.

For this purpose, a person shall be considered to be engaged in the unauthorized practice of law if such person, not being a member of the Philippine bar, does any of the following acts:

- a. Represents himself, or holds himself out to be, a member of the Philippine bar, whether for profit or not, to any other person;
- b. Except only in the instances where the law or the Rules of Court allow a non-lawyer to appear in court, appears in or files any pleading, motion, entry of appearance or any other paper, with any court, tribunal or quasi-judicial body, or any agency or instrumentality of the

government, thereby representing himself to be a member of the Philippine bar;

- c. By means of signs, cards, advertisements, written or printed matter, through the radio, television or any other means of publication, advertise or represent himself to be a member of the Philippine bar, including, but not limited to, using the prefix "Attorney" or "Atty." before his name, including his name as a partner, associate or list of lawyers of a law firm, or otherwise publicizing or advertising himself in any other manner to be a member of the Philippine bar.

SECTION 3. *Unauthorized Notarial Acts.* Except only in the instances allowed by law and the Rules of Court, any person who, not being a member of the Philippine bar, and/or not having a valid notarial commission duly granted in accordance with the law and the Rules of Notarial Practice, shall perform any act as a Notary Public, as defined in the Rules on Notarial Practice promulgated by the Supreme Court, or who shall advertise, represent or otherwise hold himself out to be a Notary Public, shall be punished by imprisonment of *prision correccional medium* to *prision correccional maximum* or a fine of One Hundred Thousand (P100,000.00.) Pesos, or both, in the discretion of the court.

SECTION 4. *Knowingly Allowing Unauthorized Notarial Acts.* Any commissioned Notary Public who knowingly allows any other person to perform any act as a Notary Public by using or signing such notary public's name and/or his notarial commission shall be punished by imprisonment of *prision correccional medium* to *prision mayor medium* or a fine of Two Hundred Thousand (P200,000.00.) Pesos, or both, in the discretion the court. For this purpose, the existence of any of the following circumstances shall constitute a *prima facie* presumption that a Notary Public is knowingly allowing the use of his notarial commission by another person or persons, to wit:

- a. When such other person, or persons, issues an official receipt registered in the name of the Notary Public as evidence of the receipt of fees for the performance of a notarial act;
- b. When such other person, or persons, is/are in possession of the Official Seal or Notarial Register of the Notary Public;
- c. When any document notarized by such other person, or persons, is included in the Notarial Register submitted by the Notary Public to the court/s;

- d. When it is shown that a signature purporting to be that of the Notary Public appears in any document included in his Notarial Register was signed by another person;
- e. Any other circumstances which sufficiently show that the Notary Public knew, or must have known, that his notarial commission was being used by another person.

SECTION 5. *Prosecution under this law not a bar to other penalties.*

The prosecution of any person under this law shall not be a bar against his prosecution under any other law nor against any civil, administrative, or criminal liability that his actions may result to.

SECTION 6. *Separability Clause.* If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 7. *Effectivity.* This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved.

