



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4765

Introduced by Hon. Jonathan Keith T. Flores

EXPLANATORY NOTE

The practice of law is a privilege granted only to those duly admitted to the bar and subject to the exclusive regulatory authority of the Supreme Court under Article VIII, Section 5(5) of the 1987 Constitution. Despite this, cases of unauthorized practice of law persist, where unqualified individuals misrepresent themselves as lawyers, prepare legal documents, or give legal advice for compensation—acts which expose the public to fraud, incompetence, and denial of justice.

Jurisprudence has consistently defined and prohibited the unauthorized practice of law. In *Cayetano v. Monsod* (G.R. No. 100113, September 3, 1991), the Court ruled that practice of law is not confined to litigation but also includes legal advice and document preparation. In *Petition of Al Argosino to Take the Lawyers' Oath* (B.M. No. 712, Mar 19, 1997), it held that no one may engage in the practice of law without admission to the bar, while *Ulep v. The Legal Clinic, Inc.* (B.M. No. 553, June 17, 1993) declared that legal counseling and document preparation for a fee constitute practice of law. Rule 138 of the Rules of Court further limits legal practice to licensed attorneys.

However, there is still no comprehensive statutory framework penalizing unauthorized practice. This bill thus seeks to prohibit and penalize such acts, clearly defining what constitutes unauthorized practice, prescribing sanctions, and safeguarding the public against misrepresentation and fraud. Its passage will strengthen the integrity of the legal profession and uphold public confidence in the justice system.

In view of the foregoing, the immediate approval of this measure is earnestly sought.

JONATHAN KEITH T. FLORES
2nd District, Bukidnon



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AN ACT
PROHIBITING AND PENALIZING 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. The penalty of *prision mayor* in its minimum period to *prision mayor* in its medium period, or a fine of at least One hundred thousand pesos (P100,000.00) but not more than Five million pesos (P5,000,000.00), or both, shall be imposed on any person who has engaged or is engaging in the unauthorized practice of law as defined in this Act.

For purposes of this Act, the following acts are considered as unauthorized practice of law if committed by a person who is not a member of the Philippine Bar:

- (a) Representing oneself as, or holding oneself out to be, a member of the Philippine Bar, to the public or to another person, whether or not for profit, or for any other purpose;
- (b) Except in the instances allowed by law or the Rules of Court, entering an appearance in court or signing any pleading, motion entry of appearance, manifestation, letter, or any other paper filed before any court, tribunal, quasi-judicial body, or any agency or instrumentality of the government, thereby representing oneself as a member of the Philippine Bar;
- (c) Advertising or representing oneself as a member of the Philippine Bar by means of signs, cards, billboards, advertisements, written or printed matter, or through radio, television, social media platforms, websites, or any other means of publication, or otherwise publicizing or advertising oneself in any other manner to be a member of the Philippine Bar, including using the title "Attorney", or "Attorney-at-law", or "Atty." attached to one's name, or attaching one's name as a partner, associate, or member of a law firm or law office; and
- (d) Representing oneself, by the same means or in the same manner enumerated in the immediately preceding paragraph, to be capable of facilitating petitions, actions, or remedies, including actions for annulment or nullity of marriages, or declaration of presumptive death.

Any person bearing a fake, counterfeit, or tampered identification card purportedly issued by the Supreme Court, or the Integrated Bar of the Philippines exclusively for the members of the Philippine Bar shall be *prima facie* evidence that such person is engaged

in the unauthorized practice of law.

SECTION 2. The penalty of prision correccional in its medium period to prision correccional in its maximum period, or a fine of at least One hundred thousand pesos (₱100,000.00) but not more than Five million pesos (₱5,000,000.00), or both, shall be imposed upon any person who, not being a member of the Philippine Bar and not having a valid notarial commission duly granted in accordance with law and the Rules of Notarial Practice promulgated by the Supreme Court, shall perform any act as a Notary Public as defined in the Rules on Notarial Practice, or shall represent, advertise, or otherwise hold oneself out as a Notary Public.

SECTION 3. Any person found guilty of the acts punishable under this Act shall likewise suffer the accessory penalty of perpetual absolute disqualification to hold public office.

SECTION 4. The same penalties provided in this Act shall also be imposed on persons who commit the same acts punishable herein after being disbarred or after their names are otherwise stricken off the roll of attorneys by order of the Supreme Court.

SECTION 5. The prosecution of any person pursuant to this Act shall not be a bar against prosecution under any law or against any criminal, civil, or administrative liability arising from the commission of the acts provided herein.

SECTION 6. If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 7. All laws, rules, regulations, orders and circulars and other issuances or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 8. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved.