



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. **6387**



Introduced by Representative LORDAN G. SUAN

AN ACT
PROHIBITING AND PENALIZING THE UNAUTHORIZED PRACTICE OF
LAW AND OTHER RELATED ACTS

EXPLANATORY NOTE

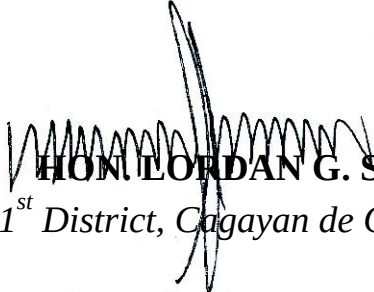
In a landmark case entitled, “Cayetano vs. Monsod,” the Supreme Court held that “practice of law” means activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience. To engage in the practice of law is to perform acts which are usually performed by members of the legal 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 professions 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 the mostly unsuspecting or something even willing “clients”. This practice no doubt erodes the nobility of the legal profession. It undermines the administration of the 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 to 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. *Likewise*, 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 (P30,000.00) 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”. The Rules of Court is not comprehensive enough.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


HON. LORDAN G. SUAN
1st District, Cagayan de Oro City



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

1 **Section 1.** The penalty of *prision mayor* in its minimum period to *prision*
2 *Mayor* in its medium period, or a fine of at least One hundred thousand pesos
3 (₱100,000.00) but not more than Five million pesos (₱5,000,000.00), or both, shall be
4 imposed on any person who has engaged or is engaging in the unauthorized practice
5 of law as defined in this Act.

6
7 For purposes of this Act, the following acts are considered as unauthorized practice of
8 law if committed by a person who is not a member of the Philippine Bar:

9
10 (a) Representing one self as, or holding oneself out to be, a member
11 of the Philippine Bar, to the public or to another person, whether or not
12 for profit, or for any other purpose;

13
14 (b) Except in the instances allowed by law or the Rules of Court,
15 entering an appearance in court or signing any
16 pleading, motion, entry of appearance, manifestation, letter,
17 or any other paper filed before any court, tribunal, quasi-judicial
18 body, or any agency or instrumentality of the government, thereby
19 representing oneself as a member of the Philippine Bar;

(c) Advertising or representing one self 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”, “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 members of the Philippine Bar shall be *prima facie* evidence that such person is engaged in the unauthorized practice of law.

Sec. 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.

Sec. 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.

Sec. 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.

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

Sec. 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.

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

1 amended or modified accordingly.

2

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

Approved,