

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9295



Introduced by:

HON. CHRISTOPHERSON "COCO" M. YAP

AN ACT
PROHIBITING AND PENALIZING THE UNAUTHORIZED PRACTICE OF LAW, THE
HOLDING OUT AS A LAWYER, AND OTHER RELATED ACTS

EXPLANATORY NOTE

The practice of law in the Philippines is reserved only for licensed lawyers because it directly affects people's rights, property, and freedom. This rule exists to protect the public from unqualified or dishonest individuals who may give wrong advice or mishandle legal matters. The Supreme Court has emphasized that only those who are properly trained, tested, and regulated should be allowed to provide legal services.

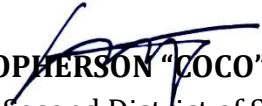
However, many people are still being misled by individuals or groups who pretend to be lawyers. Some offer legal advice, prepare documents, or even handle cases, sometimes through social media or online platforms, despite having no authority to do so. This can result in wasted money, invalid filings, missed deadlines, and serious harm to a person's legal rights. It also creates problems for courts and government agencies that must deal with improper or unauthorized submissions.

This bill seeks to stop these harmful practices by clearly defining and penalizing the unauthorized practice of law. It covers acts such as pretending to be a lawyer, giving legal advice without a license, preparing or filing legal documents for others, and appearing in legal proceedings without authority. It also punishes those who use fake lawyer credentials or knowingly support and profit from these illegal activities, while still allowing properly supervised law students to assist under existing rules.

By setting clear rules and stronger penalties, this measure aims to protect the public from fraud, ensure that only qualified professionals provide legal services, and uphold

the integrity of the justice system. It reinforces trust in the legal profession and helps ensure that every person receives proper and competent legal assistance.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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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 “*Anti-Unauthorized Practice of Law Act*.”

SECTION 2. Declaration of Policy. — It is the policy of the State to protect the public, the courts, and the integrity of the legal profession by penalizing the unauthorized practice of law, the holding out as a lawyer, and related fraudulent acts, consistent with the Supreme Court’s constitutional authority to regulate admission to the practice of law and the ethical conduct of those authorized to practice.

SECTION 3. Definition of Terms. — As used in this Act:

- (a) “**Member of the Philippine Bar**” refers to a person admitted by the Supreme Court to the practice of law and whose name appears in the Roll of Attorneys.
- (b) “**Good standing**” refers to eligibility to practice law as a member of the Philippine Bar under the Code of Professional Responsibility and Accountability and applicable Supreme Court rules.

(c) ***“Practice of law”*** includes, when done for or on behalf of another and for compensation or otherwise, any act requiring the application of legal knowledge, training, or skill, such as:

- (1) giving legal advice or legal opinion;
- (2) preparing, drafting, completing, or causing the preparation of pleadings, motions, petitions, affidavits, complaints, answers, briefs, contracts, or other legal instruments intended to secure legal rights or remedies;
- (3) representing, appearing for, or negotiating on behalf of another before any court, tribunal, quasi-judicial body, or government agency in a manner that affects the legal rights or obligations of such person; and
- (4) holding oneself out to the public as authorized to practice law.

(d) ***“Holding out as a lawyer”*** means representing oneself, directly or indirectly, as a member of the Philippine Bar or as authorized to perform acts constituting the practice of law, including the use of the titles *“Attorney,” “Attorney-at-law,” “Atty.,” “Abogado/Abogada,”* or their equivalents, in any medium, where such representation is false.

SECTION 4. Acts Constituting Unauthorized Practice of Law. — The following acts, when committed by a person who is not a member of the Philippine Bar in good standing, constitute unauthorized practice of law:

- (a) Holding out as a lawyer;
- (b) Appearing as counsel or representative, or entering an appearance, before any court, tribunal, quasi-judicial body, or government agency, except when expressly allowed by law or Supreme Court rules;
- (c) Signing, filing, or submitting any pleading, motion, petition, entry of appearance, manifestation, position paper, or similar paper on behalf of another in any court, tribunal, quasi-judicial body, or government agency, except when expressly allowed by law or Supreme Court rules;
- (d) For compensation or otherwise, giving legal advice or legal opinion to another, whether in person or through any platform including social media, websites, messaging applications, or other electronic means;
- (e) Advertising, soliciting, or offering legal services to the public despite not being a member of the Philippine Bar in good standing, including claims that one can “facilitate” or “process” court petitions or remedies, such as annulment, nullity

of marriage, or declaration of presumptive death, when such claims amount to the practice of law or holding out as a lawyer.

SECTION 5. Prima Facie Evidence; Fake or Tampered Identification. —

Possession, use, or presentation of a fake, counterfeit, altered, or tampered identification card or document purporting to be issued by the Supreme Court or the Integrated Bar of the Philippines for members of the Philippine Bar shall be prima facie evidence of holding out as a lawyer and unauthorized practice of law.

SECTION 6. Aiding or Abetting Unauthorized Practice of Law. — Any person who knowingly aids, abets, employs, engages, or profits from the unauthorized practice of law, including by permitting the use of the person's name, office, letterhead, or law office to enable a non-lawyer to perform acts constituting the practice of law, shall be liable under this Act, without prejudice to administrative, civil, or other criminal liability. If the offender is a lawyer, such act shall be without prejudice to disciplinary action under applicable Supreme Court rules.

SECTION 7. Penalties. —

- (a) For violations of Section 4(a) and Section 4(e) (holding out/advertising/solicitation): *prision correccional* in its medium to maximum period, or a fine of not less than One Hundred Thousand Pesos (Php100,000.00) but not more than One Million Pesos (Php1,000,000.00), or both.
- (b) For violations of Section 4(b), 4(c), or 4(d) (appearance, signing/filing pleadings, legal advice/opinion): *prision mayor* in its minimum to medium period, or a fine of not less than One Hundred Thousand Pesos (Php100,000.00) but not more than Five Million Pesos (Php5,000,000.00), or both.
- (c) Aggravated circumstances. — The maximum penalty under the applicable subsection shall be imposed when any of the following is present:
 - (1) use of fake or tampered identification under Section 5;
 - (2) the offender is a repeat offender;
 - (3) the act is committed through fraud, deceit, or as part of a syndicate;
 - (4) the victim is a minor, senior citizen, or a person under disability; or
 - (5) the act results in substantial prejudice, including loss of money or dismissal/impairment of legal rights.

SECTION 8. Unauthorized Notarial Acts by Non-Lawyers. — Any person who, not being a lawyer in good standing and not having a valid notarial commission granted in accordance with the Rules on Notarial Practice promulgated by the Supreme Court, performs any act of notarization or holds oneself out as a notary public shall suffer *prision correccional* in its medium to maximum period, or a fine of not less than One Hundred Thousand Pesos (Php100,000.00) but not more than Five Million Pesos (Php5,000,000.00), or both.

SECTION 9. Accessory Penalty; Public Officers. — When the offender is a public officer or employee, or when the offense is committed by taking advantage of public position, the penalty shall include perpetual disqualification from public office.

SECTION 10. Disbarred or Stricken-Off Lawyers. — The penalties under this Act shall likewise apply to persons who commit acts punished herein after they have been disbarred or after their names are stricken off the Roll of Attorneys by order of the Supreme Court.

SECTION 11. Non-Exclusivity Clause. — Prosecution under this Act shall not bar prosecution under other laws, nor shall it bar civil or administrative actions arising from the same acts.

SECTION 12. Implementing Clause; Coordination. — The Department of Justice, in coordination with the Supreme Court, the Integrated Bar of the Philippines, and relevant agencies, shall formulate guidelines for referral, investigation, and prosecution of violations of this Act, consistent with judicial independence and existing Supreme Court rules.

SECTION 13. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, other provisions not affected shall remain in full force and effect.

SECTION 14. Repealing Clause. — All laws, rules, and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

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

Approved,